**ADAMS TOWNSHIP**

**ZONING ORDINANCE**

**2020**

**ADAMS TOWNSHIP BOARD OF SUPERVISORS**

**ADAMS TOWNSHIP PLANNING COMMISSION**

**EFFECTIVE ON: 15th Day of the August 2020**

**THE ZONING ORDINANCE**

**OF**

**ADAMS TOWNSHIP, CAMBRIA COUNTY**

**DULY ENACTED AND ORDAINED ON: 10th Day of August 2020**

**This ORINANCE shall become effective five (5) days after its adoption.**

**ORDINANCE NUMBER: # 119**

**ADAMS TOWNSHIP ZONING ORDINANCE 2020**

**ADAMS TOWNSHIP OFFICIALS**

**ADAMS TOWNSHIP BOARD OF SUPERVISORS:**

**Dennis Richards – Chairman**

**Mark Bucci - Vice Chairman**

**Dennis Gdula**

**J. Brian Schrader**

**Daniel Senft**

**ADAMS TOWNSHIP PLANNING COMMISSION:**

**Ronald Young – Chairman**

**Richard Webb – Vice Chairman**

**Jackie Ritko - Secretary**

**Edward Pentrack**

**John Nibert**

**Percey Helsel**

**Randy Cortese**

**Patrick Webb – Recording Secretary**

**ZONING OFFICER:**

**CCBCEA d/b/a Laurel Municipal Inspection Agency**

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**ARTICLE 1 - PRELIMINARY PROVISIONS**

**SECTION 101: ENACTING CLAUSE**

**10101** The Supervisors of Adams Township hereby ordain and enact as follows:

**SECTION 102: SHORT TITLE**

**10201** This ORDINANCE shall be known as the Adams Township Zoning Ordinance and the map

referred to herein and made a part of this ORDINANCE shall be known as the Adams Township Zoning District Map.

**SECTION 103: EFFECTIVE DATE**

**10301** The effective date of this ORDINANCE shall be ten (10) days after the advertisement of the adoption of this ORDINANCE by the Adams Township Supervisors under the authority granted by Title 53, Chapter 30, Article VI, of the Pennsylvania Municipalities Planning Code.

**SECTION 104: VALIDITY AND CONFLICT**

**10401** Should any section or provision of this ORDINANCE be declared invalid, the same shall not affect the validity of the ORDINANCE as a whole nor any part thereof other than the part so declared to be invalid.

**10402** Where a provision of this ORDINANCE is found to be in conflict with a provision of any building or housing code, or in any applicable health regulations, or in any other ordinance of the Township existing on the effective date of this ORDINANCE, or in any regulation issued under the authority of such code or ordinance, the provisions which established the higher standard for the protection of health, safety, and welfare shall prevail.

**SECTION 105: PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES**

**10501** This Zoning ORDINANCE has been made in accordance with an overall program, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

**10502** The purpose of this zoning ORDINANCE shall be to:

1. Promote, protect and facilitate any or all of the following: the public health, safety, morals, general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations disaster evacuations, airports and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage disposal, public schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

ARTICLE 1 - PRELIMINARY PROVISIONS

1. Prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
2. Preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
3. 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, mobile homes, manufacture homes, mobile home parks, and manufactured home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.
4. Facilitate the development of Adams Township while preserving it’s of natural beauty and resources, by careful planning of its residential development and dispersing supplemental non-residential development and operating the Township using sound fiscal policy.
5. Accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
6. Encourage the development of light industry in appropriate locations capable of sustaining light industrial growth while having a minimal potential for causing or contributing to land use conflicts with adjacent districts.

ARTICLE 1 - PRELIMINARY PROVISIONS

**ARTICLE 2 -RULES and DEFINITIONS**

**SECTION 201: RULES**

**20101** The following rules of construction shall apply to this ORDINANCE.

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this ORDINANCE and any caption or illustration, the text shall control.
3. The word “shall” is **mandatory** and not discretionary.
4. The word “may” is **permissive** and discretionary.
5. Words used in the present tense shall include the future, words in the singular number shall include the plural, and the plural the singular unless the context clearly indicated the contrary.
6. The phrase “used for” includes “arranged for,” “intended for,” maintained for,” and/or “occupied for.”

**SECTION 202: Definitions**

**20201 The following words and phrases when used in this ORDINANCE shall have the meanings given to them in this section unless the context clearly indicates otherwise:**

**“****Accessory building,”**

A building customarily incidental and subordinate to the principal building and

located on the same lot with the principal building or use. Any Accessory

building less than 160 square feet can be erected within 5 feet of the property line

or right-of-way line on the side and rear yard. No Accessory building can be

erected beyond the front face of structure. This definition applies to all districts.

**“Accessory use,”**

A use customarily incidental and subordinate to the principal use and located on

the same lot with the principal use.

**“Agricultural Detached Accessory Structure,”**

Used to store farm implements, hay, feed, grain or other agricultural or

horticultural products or to house poultry, livestock or other farm animals. This

term shall not include habitable space or spaces in which agricultural products

are processed, treated or packaged and shall not be construed to mean a place of

occupancy by the general public.

**"Alley,”**

A service way at least fifteen (15) feet wide, providing a secondary public means

of access to abutting properties.

**"Alterations,”**

Any change in the supporting members of a building such as bearing walls, columns,

beams, girders, or foundations, as applied to that building or structure, 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 to another, or any change in use from that of one zoning district classification

to another.

ARTICLE 2 -RULES AND DEFINITIONS

**"Apartment,"**

A room or suite of rooms in a multi-family structure which is used as a single

housekeeping unit, and which contains complete kitchen, bath, and toilet facilities,

permanently installed.

**"Apartment building,"**

A building used by three (3) or more families living independently of each other and

continuing dwelling units. (See dwelling.)

**"Applicant,"**

A landowner or developer, as hereinafter defined, who has filed an application for

development including his heirs, successors and assigns.

**"Application for development,"**

Every application, whether preliminary, tentative or final, required to be filed

and approved prior to start of construction or development including but not

limited to an application for a building permit, for the approval of a

subdivision plat or plan or for the approval of a development plan.

**"Appointing authority,"**

The mayor in cities; the board of commissioners in counties; the council in incorporated towns and boroughs; the board of commissioners in townships of the first class; and the board of supervisors in townships of the second class; or as may be designated in the law providing for the form of government.

**"Area, Building,"**

The total of areas taken on a horizontal plane at ground level the main grade level of the principal building exclusive of including uncovered porches, terraces, steps, garages, and other accessory buildings.

**"Authority,"**

A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

**Board,"**

The Zoning Hearing Board of Adams Township.

**"Boarding House,"**

Any dwelling or building in which three or more persons or families reside individually of one another and are housed or lodged for compensation with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

**"Buffer area,"**

A strip of land which is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material so as to prevent view from adjoining properties and within which no structure is permitted except a wall or fence. Live buffer plants can be planned to have their full effect in no more than five (5) years.

ARTICLE 2 -RULES AND DEFINITIONS

**"Building,"**

A structure having a roof supported by columns or walls, for the shelter of persons,

animals, chattels, or property. When separated by walls which are common with the

walls of adjoining dwellings, each portion of such a structure shall be considered as

a separate building.

**"Building area,"**

The aggregate of the maximum cross section areas of all buildings on the lot above ground level, measured at the greatest outside dimensions, excluding cornices, eaves, gutters, or chimneys projecting not more than eighteen (18) inches, bay windows not extending through more than one story and not projecting more than five (5) feet, one story open porches projecting nor more than ten (10) feet, steps, and balconies.

**"Building line,"**

See Set Back Line.

**"Building Height,"**

The vertical distance as measured from the average elevation of the proposed

finished grade at the front of the building to the highest point of the roof for flat

roofs, to the deck line of mansard roofs, and to the mean height of the ridge.

**"Cellar,"**

An unfinished story partly underground and having more than one-half of its clear

height below the average level of the ground surrounding the structure. A cellar is

not to be counted as a story in computing the number of stories of a structure or

building unless it is used for business or dwelling purposes.

**"Child,"**

For the purposes of this ORDINANCE, a child is a person under the age of sixteen

(16) years.

**"City" or "cities,"**

Cities of the second class A and third class.

**"Common open space,"**

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

**"Communications tower,"**

A structure taller than its diameter that can stand alone or be attached to a larger building on which antenna are fastened for the purpose of sending and receiving electromagnetic waves that carry information such as data, voice, sound, or video images.

ARTICLE 2 -RULES AND DEFINITIONS

**“Commercial enterprise,”**

Any building or structure whose primary use is intended for the selling of goods or

services, or the leasing of such a structure, to the public by the owner.

**"Commercial vehicle,"**

Any motor vehicle registered with the Pennsylvania Department of Transportation

or any other state or federal department of transportation which is used to transport

people or material on public highways.

**"Conditional use,"**

A use permitted in a particular zoning district pursuant to the provisions of Article

VI of the Pennsylvania Municipalities Planning Code of January 1, 1969, as

amended.

**“Convenience Store,”**

Any retail business which provides quick goods and services to the public on a daily

basis, such as gasoline purchases for cars and trucks, coffee or other beverages,

sandwiches, dairy products, common household items, etc.

**"County,"**

Any county of the second class through eighth class; Cambria County.

**"Coverage,"**

That percentage of the lot area covered by the building area.

**"Daycare center, child,"**

Any premises other than the child's own home operated for profit or not for profit, in

which child daycare is provided at any one time to seven or more children who are not

relatives of the caregiver.

**"Daycare, elderly,"**

Care given in home or in a public structure to elderly persons who need supervision for

personal needs in which meals and nursing care may or may not be directly available.

**"Daycare, family home,"**

Any premises other than the child's own home operated for profit or not for profit, in

which child daycare is provided at any one time to four, five, or six children who are

not relatives of the caregiver.

**"Daycare, group home,"**

A facility in which care is provided for more than six but less than twelve children, at

one time, where the child care areas are being used as family residence. Such a facility

may be licensed/approved as a day care center only if care is provided in a facility

where the child care areas are not being used as a family residence and the provider

meets the requirements of a day care center as specified in Section 8A of the Day Care

Service for Children, Regulations.

ARTICLE 2 -RULES AND DEFINITIONS

**"Decision,"**

Final adjudication of any board or other body granted jurisdiction under any land use

ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or

by reason of appeals from determinations. all decisions shall be appealable to the court

of common pleas of the county and judicial district wherein the municipality lies.

**“****Demising Wall,”**

A boundary that separates one tenant’s space from that of the other, and from the

common corridor.

**"DEP,"**

Pennsylvania Department of Environmental Protection.

**"Determination,"**

Final action by an officer, body or agency charged with the administration of any land

ordinance or applications thereunder except the following:

1. The governing body;
2. The zoning hearing board;
3. The planning agency, only if and to the extent that planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions;
4. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

**“Developer,"**

Any landowner, agent of such landowner, or tenant with the permission of such

landowner, who makes or causes to be made, a subdivision of land or a land

development.

**"Development plan,"**

The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this act shall mean the written and graphic materials referred to in this definition.

**"District, zoning,"**

A section of Adams Township for which uniform regulations governing use, height, area, and intensity of use of buildings and land and open spaces about buildings are herein established.

**"Driveway,"**

A private or common right-of-way used by vehicles and pedestrians for an individual or multiple land, lot, or facility.

ARTICLE 2 -RULES AND DEFINITIONS

**"Dwelling,"**

Any structure or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

1. Detached dwelling: a dwelling unit occupying the whole of a freestanding residential structure.
2. Twin or Semi-detached house: a residential structure occupied by two (2) dwelling units with a common wall.
3. Duplex: a residential structure divided into two (2) dwelling units.
4. Row house or town house: A structure with two (2) or more party walls of three or more units not having and horizontal division between units.
5. Apartment: a dwelling unit separated horizontally and/or vertically from one or more other units in a structure.
6. Apartment house: a residential structure containing three (3) or more apartments.
7. Garden apartment: an apartment house not exceeding three (3) stories in height.
8. High-rise apartment: an apartment house exceeding three (3) stories in height.

**"Engineer,"**

A professional engineer licensed as such by the Commonwealth of Pennsylvania,

duly appointed as the engineer of a municipality, planning agency, or joint

planning commission.

ARTICLE 2 -RULES AND DEFINITIONS

**"Family,"**

One or more persons related by blood, marriage, or adoption, or three (3)

unrelated persons living as a household in a dwelling. May also include

domestic servants and gratuitous guests.

**"Farming or farm use,"**

The use of land for raising and harvesting crops or feeding, breeding and

management of livestock or for dairying or any other agricultural or

horticultural use including raising and harvesting timber and timber products

or tree farming or any combination thereof and includes the preparation of the

products raised therein for human use and disposal by marketing or otherwise.

It includes the construction and use of dwellings and other buildings

customarily provided in conjunction with farm use.

**“Fence Residential,"**

A fence intended to identify residential property lines, provide for privacy,

or protects unauthorized entry such as a swimming pool and/or to protect

members of household. Residential fences are usually four to six feet in height.

Residential fences are often picket, rail stockade, board-on-board & batten,

basket weave, or louvered type and may include chain link fences. Side and

rear residential fences are permitted in the side and rear yards of residential

districts shall not exceed six feet in height, and shall not extend into

the front yard or street yard (side yard abutting a street). No fence shall be

located closer than two (2) ft to any alley right-of-way. Facing a street, fences

are permitted in any district and any yard, but shall not exceed a height of four

(4) ft when located in the front yard or street yard (side yard abutting a street).

Any farm-type fences or portable fences such as snow fences shall not be used

as a permanent fence. No fence shall be erected of barbed wire, topped with

metal spikes or constructed of any material or in any manner which may be

dangerous to persons except that this provision shall not apply to farms or

industrial districts.

**"Floor area,"**

The sum of the gross horizontal areas of the several floors of a building or

buildings measured from the exterior faces of exterior walls, or from the

centerline of common walls separating buildings.

1. For the purpose of determining parking and loading space requirements for the several zoning districts herein, the "floor area' of a building or buildings shall include: basement space, penthouses, attic space providing structural headroom of seven and one half (7 1/2) feet or more, interior balconies and mezzanines, enclosed porches accessory uses other than accessory off street parking, lobbies, and hallways.
2. For determination of parking and loading space requirements, the following areas shall not be included: cellar space, elevator shafts and stairwells, floor space for mechanical equipment as necessary to service the needs of the building, uncovered steps, terraces, breezeways, open spaces unroofed unless specifically required in the parking regulations herein, and fitting and dressing rooms.

ARTICLE 2 -RULES AND DEFINITIONS

1. For the purpose of determining minimum floor area as applied to a dwelling unit, floor area shall mean the habitable living area of the dwelling as measured by exterior dimensions and shall not include attached garages, unfinished basements, laundry or furnace rooms or carports. Neither are porches included unless completely enclosed and finished.

**"Forestry,"**

The management of forests and timberlands when practiced in accordance with

accepted silvicultural principles, through developing, cultivating, harvesting,

transporting and selling trees for commercial purposes, which does not involve any

land development.

**"Foundation,"**

Permanent base or substructure of a building that is totally or more than one half of its clear height below the average level of the surrounding ground. It is the basic support of the building or structure.

**"Garage, private,"**

An accessory building for non-commercial use, housing only motor driven vehicles, or the property of and for the use of the occupants of the lot on which the private garage is located.

**"Garage, public,"**

Any garage other than a private garage, available to the public, and which is used for storage or parking, repair, metal, greasing, washing, servicing, adjusting, or equipping of motor vehicles. (Does not include marshalling yard or storage or repair of earth-moving or construction vehicles.)

**"Garden apartment,"**

A multifamily dwelling of two or three stories in height, which by its name implies low land coverage, ample open space between buildings, and convenient on-site parking for tenant's cars. (See dwelling.)

**"Governing body,"**

The council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class through eighth class or as may be designated in the law providing for the form of government.

**"Health authority,"**

The State Department of Health or its authorized representative of Adams Township.

**"Hearing,"**

An administrative proceeding conducted by a board pursuant to Section 909.1 of the Pennsylvania Municipal Planning Code.

ARTICLE 2 -RULES AND DEFINITIONS

**“Home Occupation,"**

Any use customarily conducted entirely within a dwelling and carried on by the residents therein, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling and no goods are publicly displayed on the premises other than a sign.

**"Hospital,"**

The term "hospital" shall include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any place for the diagnosis, treatment, or other care of human ailments, and shall be deemed to be limited to such places.

**"Hotel,”**

A building in which temporary lodging is offered to the public or transients for compensation and in which ingress and egress to and from rooms is made from an inside lobby or office which is supervised by a person in charge at all hours. Access to onsite parking, restaurants, newsstands, and other commercial facilities may be provided for the occupants and only incidental to the public.

**"Institutional house,"**

A public or privately organized establishment in which children, elderly, or adults may receive services in order to maintain daily routines. Services may or may not include medical or educational services. This classification shall not include Daycare facilities or nursery schools.

**"Junk yard,"**

An area set aside for the accumulation of abandoned vehicles, appliances, or other used or scraps materials for the express purpose of resale.

**"Land development,"**

Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or,
2. A single nonresidential building on a lot or lots regardless of the number of occupants or tenants; or,
3. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
4. A subdivision of land.
5. Development in accordance with section 503(1.1) of the Pennsylvania Municipality Planning Code.

ARTICLE 2 -RULES AND DEFINITIONS

**"Landowner,"**

The legal or beneficial owner or owners of land including the holder of an option or

contract to purchase (whether or not such option or contract is subject to any

condition), a lessee if he is authorized under the lease to exercise the rights of the

landowner, or other person having a proprietary interest in land.

**"Landscaping,"**

To improve, arrange, ornament, or modify the effects of natural scenery over a tract

of land through development and decorative planting of gardens and grounds.

**"Land use ordinance,"**

Any ordinance or map adopted pursuant to the authority granted in Articles IV, VI,

and VII of the Pennsylvania Municipalities Planning Code.

**"Livestock,"**

Any animals such as cattle, pigs, horses, chickens, etc. or any animal to be deemed

farm-like other than common domesticated animals such as dogs, cats, and

domesticated birds.

**"Loading space,"**

A space within the main building or on the same lot therewith providing for the

standing, loading, or unloading of vehicles.

**"Lot,"**

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

**"Lot, corner,"**

A lot at the juncture of two or more intersecting streets and having frontage on two or more such streets.

**"Lot, depth of,"**

The mean horizontal distance between the front line and the rear lot line measured midway between the side lot lines.

**"Lot, interior,"**

A lot other than a corner lot or a through lot.

**"Lot, mobile home,"**

A parcel of land for the placement of a single mobile home and the exclusive use of its occupants. All other references of “Mobile Home” stated within this ORDINANCE also applies to the installation of a Manufactured Home.

**"Lot, record of,"**

Any lot which individually, or as part of a subdivision, has been recorded in the Office of the Cambria County Recorder of Deeds.

ARTICLE 2 -RULES AND DEFINITIONS

**"Lot, through,"**

A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

**"Lot, width,"**

The dimension of a lot, measuring between the side lot lines on the building line.

**"Lot line, front,"**

In the case of an interior lot, the line that is separating the lot from the street. In the case of a corner lot, the line that is separating the narrowest frontage of the lot from the street.

**“Manufactured Home (1976 and Newer),”**

A single family dwelling intended for permanent occupancy, contained in one or more units designed and built off site, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and which are then transported to the site by towing, and assembled on a permanent foundation. To be considered permanent single family dwelling both metal frame and wheel system, must be permanently removed from structure or site at time of construction and the structure must have minimum roof pitch of 4/12 with 12” over hangs minimum. Skirting beneath all Manufactured Homes is required. All skirting must be submitted to the Planning Commission’s review for approval prior to installation.

**"Mediation,"**

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

**"****Mobile Home"**

A pre – 1976 built large trailer or transportable prefabricated structure that is situated in one particular place and used as a permanent living accommodation are no longer permitted in Adams Township. All other references of “Mobile Home” stated within this ORDINANCE also applies to the installation of a Manufactured Home.

**"Mobile Home Lot,"**

A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. All other references of “Mobile Home Lot” stated within this ORDINANCE also applies to the installation of a Manufactured Home Lot.

**"Mobile Home Park,"**

A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. All other references of “Mobile Home Park” stated within this ORDINANCE also applies to the installation of a Manufactured Home Park.

**"Mobile Home Site,"**

That part of an individual lot which is reserved for the placement of one mobile home unit to be installed within the Agricultural (A) District only. All other references of “Mobile Home Site” stated within this ORDINANCE also applies to the installation of a Manufactured Home Site.

ARTICLE 2 -RULES AND DEFINITIONS

**"Modular Home,"**

A single family dwelling designed for transportation after fabrication in one or more units and arriving at a site where it is assembled on a permanent foundation and connected to utilities. To be considered permanent single family dwelling both metal frame and wheel system, must be permanently removed from structure or site at time of construction and the structure must have minimum roof pitch of 4/12 with 12” over hangs minimum.

**"Motel,"**

A building in which lodging is provided and offered to the transient public for compensation and in which egress and ingress to and from rooms may be made either directly from the exterior or through an inside lobby or office supervised by a person in charge at all times.

**"Municipal authority,"**

A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

**"Municipal engineer,"**

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

**"Municipality,"**

Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

**"Municipal or Public building,"**

Any building or structure erected, altered, and/or occupied by a governmental or public agency or organization providing services and facilities for the general public.

**"Nonconforming lot,"**

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

**"Nonconforming structure,"**

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

ARTICLE 2 -RULES AND DEFINITIONS

**"Nonconforming use,"**

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

**"Official map,"**

A map adopted by this ORDINANCE pursuant to Article IV of the Pennsylvania Municipalities Planning Code of January 1, 1969.

**"Office structure,"**

Any building whose primary use is the housing of commercial business offices.

**"Park street,"**

A private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

**"Parking lot,"**

Any lot, parcel, or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to or in conjunction with a one-family or two-family dwelling.

**"Parking space,"**

An off street space available for the parking of one motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passage ways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

**“Planned residential development,"**

An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

**"Planning agency,"**

A planning commission, planning department, or a planning committee of the governing body.

**“Planning commission,”**

The planning commission of the Township of Adams.

**"Plat,"**

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

**“Primary Use or Principal Use”**

Primary Use or Principal Use shall be the use of the property as permitted in the zoning district or as a result of the Zoning Hearing Board or an actual use predating the zoning ordinance.

ARTICLE 2 -RULES AND DEFINITIONS

**"Public grounds,”** includes:

Parks, playgrounds, trails, paths and other recreational areas and other public area sites for schools, sewage treatment, refuse disposal and other publicly owned and operated scenic and historic sites.

**"Public hearing,"**

A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to acting.

**"Public meeting,"**

A forum held pursuant to public notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

**"Public notice,"**

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

**"Recreation vehicle,"**

A vehicle of any size which is designed as a temporary dwelling for travel, recreational and vacation uses, and which is self-propelled or is designed to be towed or carried by another vehicle.

**"Renewable energy sources,"**

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

**"Recycling Center,"**

A business that collects, cans, metals, paper, magazines, tires and any other kind of material to bundle and sell for reprocessing products.

**"Self-service laundry,"**

A business that provides home type washing, drying or ironing machines, or dry-cleaning machines for hire to be used by customers on the premises.

**"Service building,"**

A structure housing toilet, lavatory, and such other facilities as may be required by this ORDINANCE.

**"Service station,"**

A building(s), premises, or portions thereof which are used, arranged, designed, or intended to be used for the retail sale of gasoline, or other fuel for motor vehicles, boats, or aircraft as well as for minor automobile repair including state inspection.

ARTICLE 2 -RULES AND DEFINITIONS

**"Shed,"**

A building or structure used as a storage place or workshop and should have a maximum square footage of 160 square feet and a maximum height of 12 feet.

**"Set back line,"**

The line within a property defining the required minimum distance between any building and the adjacent right-of-way or property line. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include walks, steps, paved areas or terraces. (Also referred to as the building line.)

**"Set back line, front,"**

The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

**"Set back line, rear,"**

The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

**"Set back line, side,"**

The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

**"Set back line, width,"**

The horizontal distance between side lot lines measured at the minimum prescribed front yard setback line as set forth in this ORDINANCE.

**“Shopping Center,”**

A group of retail and other commercial establishments that are planned, developed, owned and managed as a single property. On-site parking is provided. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. The two main configurations of shopping centers are malls and open-air strip centers. Malls typically are enclosed, with a climate-controlled walkway between two facing strips of stores. The term represents the most common design mode for regional and super-regional centers and has become an informal term for these types of centers. A strip center is an attached row of stores or service outlets managed as a coherent retail entity, with on-site parking usually located in front of the stores. Open canopies may connect the storefronts, but a strip center does not have enclosed walkways linking the stores. A strip center may be configured in a straight line or have an "L" or "U" shape.

**"Sign,"**

Any surface, fabric, display of merchandise, or vehicle device, bearing lettered, pictorial, sculptured, or other matter designed to convey information visually and exposed to public view; and structure designed to carry the above visual information, any structure or device designed or installed principally to direct or attract attention, except traffic signs or devices.

ARTICLE 2 -RULES AND DEFINITIONS

**"Special exception,"**

A use permitted subject to special conditions established by the zoning hearing board in a particular zoning district pursuant to the provisions of Articles VI and IX of Act 53, The Pennsylvania Municipalities Planning Code of 1969.

**"Story,"**

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**"Street,"**

A public or private way other than an alley which affords the principal means of access to abutting properties. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**"Structure,"**

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

**"Subdivision,"**

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

**"Substantially completed,"**

Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to section 509) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**"Temporary sign,"**

A sign which advertises community or civic projects, construction project, real estate for sale or lease, or other special events on a temporary basis.

**"Townhouse,"**

Single-family attached dwelling unit with walls; each house is a complete entity with its own utility connections.

**"Township,"**

Division of a county, Township of Adams, Cambria County, Pennsylvania.

ARTICLE 2 -RULES AND DEFINITIONS

**"Transferable development rights,"**

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

**"Travel trailer,"**

Any trailer usually drawn by a passenger automobile, used for occasional transport of personal effects.

**"Use,"**

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

**"Urban,"**

Historically, that part of a community that is city-like, consisting mostly of relatively small lots arranged together in blocks between intersecting streets, which have closely crowded buildings with mixed uses from single family dwellings to shops and other businesses, all co-mingled with churches, stores, theaters, hotels etc., and having public utilities available such as water, sewage, electricity, telephone and cable television. In Adams Township most urban areas date back to before the year 1900 AD.

**"Variance,"**

Permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code for an adjustment to some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the ORDINANCE.

**"Waste disposal,"**

The placement, burying, spreading or isolation in, under or on any property of any refuse, garbage, industrial by-product, sewage, sludge, scrap, municipal waste, or mine waste (mine waste whose disposal is allowed by a DEP mining permit as part of the normal mining process on a permitted site when the waste is generated on that site shall not be included in the definition.)

**"Waters of the Commonwealth,"**

Rivers, streams, creeks, riverlets, impoundment’s, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

**"Water survey,"**

An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

ARTICLE 2 -RULES AND DEFINITIONS

**"Yard,"**

A space on the same lot with a principal building, open, unoccupied, and unobstructed by structures, except as otherwise provided in this ORDINANCE.

**"Yard, front,"**

A yard extending across the full width of the lot, unoccupied other than by steps walks, terraces, driveways, lampposts, and similar structures, the depth of which is the least distance between the lot line and the building line.

**"Yard, rear,"**

A yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied by other than accessory buildings which do not occupy more than thirty (30) percent of the space, and steps, walls, terraces, driveways, lampposts, and similar structures the depth of which is the least distance between the rear lot line and the rear of such buildings.

**"Zoning administrator,"**

The administrative officer appointed by the elected officials to administer the zoning ordinance in accordance to its literal terms and requires the officer to identify and register nonconforming uses and structures. Any disagreement with the zoning officer's literal administration can be settled judicially through the appeals process.

**"Zoning appeals,"**

The Zoning Board hears and decides requests by landowners or persons aggrieved who believe that any officer or agency of the municipality decided or issued an order that is not authorized by or is contrary to this zoning ORDINANCE.

**"Zoning approval,"**

Requested by the government body, a local planning agency shall prepare a text of the proposed zoning ordinance. The planning agency shall hold at least one public meeting pursuant to public notice and may hold additional public meetings upon such notice as it shall determine to be advised. Then at least 45 days prior to the submission of the ordinance the local governing body shall submit the proposed ordinance to the county planning agency for review and recommendations.

**"Zoning Hearing Board,"**

A multiple member board appointed by the Adams Township Board of Supervisors, to hear and decide appeals from the variances and special exceptions and hear challenges to the validity of the Zoning Ordinance or Zoning Maps.

**“Zoning Officer,”**

See Zoning Administrator.

ARTICLE 2 -RULES AND DEFINITIONS

**ARTICLE 3 - ESTABLISHMENT OF DISTRICTS**

**SECTION 301: ESTABLISHMENT OF DISTRICTS AND THE ZONING DISTRICT MAP**

**30101** The Township of Adams, Cambria County, Pennsylvania is hereby classified and divided into twelve (12) districts designated as follows:

1. **A District:** Agricultural District
2. **A/R-1 District:** Agricultural/Residential District (Low Density), Single Family
3. **R-2 District:** Residential District (Medium Density), One/Two Family
4. **R-3 District:** Residential District (High Density), Multi-Family
5. **U** **District:** Urban District
6. **H District:** Historic District
7. **C** **District:** Commercial District
8. **L-1 District:** Light Industrial District
9. **O District:** Open Space and Recreation District
10. **C District:** Conservancy District
11. **FP District:** Flood Plain District
12. **W District** Municipal Watershed District

**30102** The Zoning and District Map which is attached hereto and made a part hereof shows the boundaries of the areas covered by the districts listed in this section.

**SECTION 302: INTERPRETATION OF DISTRICT BOUNDARIES**

**30201** Where the boundaries are indicated as approximately following the center lines of streets, highways, alleys, street lines, highway right-of-way lines, or streams, such centerlines shall be construed to be such boundaries.

**30202** Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.

**30203** Where district boundaries are so indicated that they approximately follow ~~or~~ and are parallel to the centerlines of streets, highways, or the right-of-way of same, such district boundaries shall be construed to be parallel thereto and at such distances therefrom as indicated on the Adams Township Zoning Map.

**30204** Where the boundary of a district follows a stream or other body of water, another municipality or municipal boundary, the boundary shall be deemed to be the limits of jurisdiction of Adams Township, unless otherwise indicated.

**30205** Where the boundary of a district follows a railroad right-of-way of same, such district boundaries shall be construed as the centerline of such right-of-way.

ARTICLE 3 - ESTABLISHMENT OF DISTRICTS

ARTICLE 3 - ESTABLISHMENT OF DISTRICTS

**ARTICLE 4 - GENERAL PROVISIONS**

**SECTION 401: CONFORMANCE AND PERMITS**

**40101** No building or land shall, after the effective date of this ORDINANCE, except for existing lawful nonconforming uses, be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located**.**

**40102** All permits (sewage enforcement, building, occupancy, etc.) and licenses required by all laws and ordinances must be applied for and secured prior to any such use, occupancy, movement, or the commencement of alterations or construction**.**

**40103** Completed copies of all such permits and licenses shall be provided to the Adams Township Board of Supervisors.

**SECTION 402: CONSTRUCTION AND ALTERATION**

**40201** No building or structure shall hereafter be erected or altered to exceed the height or to occupy a greater percentage of lot area specified for the district in which it is located.

**40202** No building or structure shall hereafter be erected or altered to accommodate (or house) a greater number of families than is herein specified for the district in which it is located.

**40203** No building or structure shall hereafter be erected or altered to have a narrower or smaller front yard, side yard, or rear yard than is herein specified for the district in which it is located.

**40204** If the building or structure exists as a lawful nonconforming use on a lot of record, all construction and/or alterations must comply with Section 407 of this ORDINANCE.

**SECTION 403: INCLUDING YARDS WITH BUILDINGS**

**40301** For the purpose of complying with the minimum yard and open space provisions of this ORDINANCE, no part of a yard or open space shall be allocated to more than one building. (I.e. two buildings cannot share the same yard or open space on a lot to meet the minimum requirements)

**SECTION 404: SUBSTANDARD DWELLINGS**

**40401** No building or structure shall be used or occupied as a dwelling if it is unsafe, unsanitary, or if the structure does not have a connection with an available municipal sewer system or alternative sanitary sewage facility approved by the Local Sewage Enforcement Officer (SEO).

ARTICLE 4 - GENERAL PROVISIONS

**SECTION 405: USE OF PROPERTY REQUIRES PLANNING, PERMIT, and APPROVAL**

**40501** All uses of property for one or two family dwellings **shall require a compliance and building permit** and shall conform to any and all regulations set forth in this ORDINANCE specifically regulating the zoning district or districts in which the property is located.

1. The application for a building permit shall be accompanied by a site plot plan of an appropriate scale.
2. The plot plan shall indicate the following:
   1. The size and shape of the property including property line dimensions, corners, easements, rights-of-ways, and names of adjacent properties.
   2. The size, shape, height, area, and location of all principal and accessory buildings.
   3. Dimensions from all buildings to adjacent property lines.

**40502** All uses of property other than one or two family dwellings shall require a building permit and a site plan and shall conform to any and all regulations set forth in this ORDINANCE specifically regulating the zoning district or districts in which the property is located. Before any site preparation, alteration, or construction on the property, a site plan shall be submitted and approved by the Adams Township Planning Commission. In addition to any specific requirements set forth in the zoning district regulations herein, the site plan shall indicate the following:

1. The location of principal and accessory buildings.
2. Traffic circulation features within the site.
3. The location of vehicular access onto the site.
4. Utility connections: water, electricity (show voltage), sewage, gas, telephone, cable TV.
5. The height and bulk of structures.
6. The provisions for off-street parking and loading facilities.
7. The provisions for open spaces.
8. Drainage Structures: culverts, catch basins, inlets and ditches, outlets, drain tile.
9. Drainage flow catch basin size, and location of any storm sewers and discharge points from the site.
10. Any and all landscaping, paving, fencing, walls and signs on the site.
11. Location, size, and content of all underground and above ground storage tanks.
12. Floor plans for all structures to be developed as part of this project.
13. Such additional information as may be required by other Adams Township.
14. Ordinances currently amended at the time of site plan submittal.
15. All public buildings, sub-division plans, and special exceptions shall be accomplished in accordance with a site plan approved by the Adams Township Planning Commission and/or Adams Township Zoning Hearing Board, as is necessary where exceptions are granted.
16. In considering any plan hereunder, the Adams Township Planning Commission will endeavor to assure the safety and convenience of traffic movement, a harmonious and beneficial relationship between buildings and uses on the site, as well as contiguous properties, and oversee the development of the township in a manner not detrimental to the public at large, and as such make appropriate recommendations to the Zoning Hearing Board where special exceptions are necessary.

ARTICLE 4 - GENERAL PROVISIONS

**SECTION 406: PUBLIC UTILITY STRUCTURES AND FACILITIES.**

**40601** An easement for the transportation, distribution, and control of water, gas, electricity, oil, steam, sewage, geothermal heating, telegraph, cable TV, communications towers, and telephone required to be located on a lot shall not be held to reduce yard dimensions for other buildings on a lot.

**SECTION 407: LOTS OF RECORD NOT MEETING LOT AREA REQUIREMENTS**

**40701** A one family dwelling, permitted uses and accessory uses, may be erected upon a lot on an approved plan of record, which lot has insufficient area and dimensions to meet the lot area and set back requirements, provided said lot, on the effective date of the previous ordinance, July 19, 1990, was held lawfully under separate ownership from the adjoining lots, under the following regulations:

**40702** The side yard setback line shall be reduced from 25 feet at the rate of ½ foot for each foot of width said lot is less than 80 feet in width, to a minimum internal set back line of 5 feet on any lot and a minimum side yard setback line of 10 feet abutting a street.

**SECTION 408: FENCES AND ENCLOSURE WALLS**

**40801** A residential fence or wall may be built to a maximum height of six (6) feet placed at a minimum of two (2) feet from the property line or public right-of-way, provided said fence or wall does not obstruct the field of vision for vehicular street traffic. (Definition of Residential fences must comply with page 9). A four (4) feet minimum height fence or wall shall be required for any at grade in ground pool water elevation. For any above ground pools of water with a depth greater than (eighteen) 18 inches, a four (4) feet minimum height fence or wall shall be required.

**40802** Construction of fences except those constructed for the containment of livestock shall require the issuance of a building permit.

**40803** Fences shall be constructed so that the fence post shall be on the inside of part of the fence

and that the finished side shall be turned out toward the abutting street or property.

**40804** Only Electric Fences utilizing D.C. voltage with an intermittent pulse from an underwriters

approved charger may be constructed.

ARTICLE 4 - GENERAL PROVISIONS

**SECTION 409: DRIVEWAYS**

**40901 Definitions:**

1. For the purpose of this section the word driveway shall mean any entrance or exit maintaining 150’ minimum of clear sight distance in either direction used by vehicular traffic to or from properties abutting any township road.
2. The term driveway shall include private streets, lanes, alleys, curb cuts, residential drives and other such access ways deemed by the Township Planning Commission to be of a similar nature.

**40902 Number of Driveways per Lot:**

1. Single family dwellings shall not have more than two (2) driveways entering or exiting on the same street. (However, if in the opinion of the Township Planning Commission lot size and configuration would permit, additional driveways providing access points to a public street may be permitted.)
2. Service stations and all drive-through type establishments shall have at least two (2) driveways.
3. For all other uses one (1) driveway shall be permitted for each sixty (60) feet of frontage.

**40903 Location:**

1. Any driveway access used for exiting a commercial or industrial lot shall be designed and located so as to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curb line or edge of cart way of the public street.
2. No sight obstructions shall be permitted which are greater than three (3) feet or less than ten (10) feet above street surface.
3. On corner lots, no driveway access may be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of the site.
4. Access shall be to the street of lesser classification when two street classifications are involved.
5. Driveways serving residential lots should be located at least five (5) feet from a side property line.
6. Where a proposed driveway is to serve two (2) or more adjacent lots, the Township Planning Commission may permit a driveway to be located on or within five (5) feet of the side property line between the lots, measured from the outside edge of the driveway.
7. Driveway access ways serving commercial lots shall be located at least five (5) feet from a side property line as measured from the outside edge of the driveway, except that driveways serving community and neighborhood shopping centers shall be subject to the provisions pertaining specifically to shopping centers.
8. Driveway access ways servicing industrial lots shall be located at least five (5) feet from a side property line, measured from the outside edge of the driveway.
9. When two (2) or more driveways are located on a site, a separation of fifty (50) feet measured along the public street right-of-way from driveway centerline to driveway centerline is required.
10. There shall be 50 feet of frontage uninterrupted by parallel parking spaces between driveways.

ARTICLE 4 - GENERAL PROVISIONS

1. Service station and drive through establishment driveways may be located closer than fifty (50) feet apart.
2. No fence, structures or obstacle shall be placed or maintained, nor shall any shrubbery be planted or maintained within the Township in a manner or at a location which creates a traffic hazard by impairing visibility from or of a public highway. The area between the edge of the pavement and the public right-of-way line clear of all fences, pillars, walls, chains, pipes, bumps, bars, sales exhibits, business signs, lawn decorations, service equipment, gates, railroad ties, stairs, private sidewalks, walkways, or other similar items or structures not approved, excluding, however, traffic signs, driveway structures not subject to local regulation by any state federal law or regulation.

**40904 Designs:**

1. Driveway dimensions and construction shall be designed to adequately accommodate the type and volume of vehicles expected to use the site on a daily basis.
2. In general, driveways used for two-way operation shall intersect public streets at ninety (90) degrees as site conditions permit; however, in no case shall driveways intersect public streets at less than seventy (70) degrees.
3. Driveways used for one-way operation, right turn only, shall not intersect public streets at any angle less than forty-five (45) degrees. Said angle shall be measured from the centerline of the street to the centerline of the driveway.

**40905 Hardships:** However, if this provision is shown by the applicant to be a hardship, the Township may allow a reduction of this requirement.

**40906 Permit Required:**

1. Notwithstanding any other provisions set forth in this ORDINANCE, no person, individual, firm or corporation shall construct, reconstruct, alter or enlarge an existing or proposed driveway onto any public street without first having obtained a driveway building permit as required by Article 21, Section 2104 of this Zoning ORDINANCE.
2. Nothing in this section shall prohibit a person, firm or corporation from combining his or its application for a driveway building permit with an application for a building permit providing all of the information required by this section is contained on the application.
3. For all proposed driveways, the developer shall submit to the Zoning Officer a permit application which is obtainable at the Township Office.
4. The Zoning Officer may also require that a plan of the proposed driveway be submitted. When a plan is required, the Zoning Officer shall review the plan for conformance with the requirements of this ORDINANCE and shall:
   1. Approve the application and plan as submitted, or
   2. Return the application and plan for additional information and clarification, or
   3. Disapprove the application, indicating in writing the reason for disapproval.

ARTICLE 4 - GENERAL PROVISIONS

**SECTION 410: MINIMUM STANDARDS RESPECTING ANY USE**

**41001** Activities listed below shall constitute nuisances which shall be prohibited in conjunction with any land use in the Township unless a variance is granted by the Zoning Hearing Board with conditions which will minimize impact of the activitywhich is an unavoidable result of an otherwise legitimate activity.

1. Discharge of pollutants to waters of the Township beyond limitations prescribed for by 25 Pa. Code, Chapter 93. For purposes of this provision waters of the Township shall include wetlands, ground water tables, streams, rivers and drainage ways.
2. Creation of sound in excess of 110 decibels between dawn and dusk and 90 decibels between dusk and dawn as measured by Type 1 sound level meter using a slow response C-weighed network and meeting ANS1-S1.4-1971 requirements which are incorporated by reference herein.
3. Discharge of smoke, fumes or particulates into the air in a manner in which the substances come into contact, from any cause, with any neighboring or other property within the Township in a manner which would seriously inconvenience or annoy any Township resident.
4. Allow to exist on their property conditions which cause or permit accelerated erosion or

sedimentation.

1. Allow dilapidated buildings, rubbish, junk, (except in the case of a state licensed inspection garage, or automobile dealer), or solid waste (as defined in its broadest terms under state law) to accumulate upon the property except as permitted in Article 9, Sections 904 and 905 of this ORDINANCE.
2. To allow herbaceous plants to remain un-mowed at a height above 16 inches within twenty-five (25) feet of a residential dwelling except with respect to an active agricultural hay or crop production operation or in an area of woods or 75 feet from a stream bank.
3. Blasting or excavation activities whether permitted or not which cause damage off of the affected property.

**41002** The above activities, where found to exist, shall constitute a violation of the ORDINANCE enforceable through procedures set forth in Article 21, Sections 2103, 2106, and 2107 of this ORDINANCE.

**SECTION 411: DWELLING FOUNDATIONS**

**41101** All residential structures shall require a solid foundation of block or poured concrete,

except for post-frame homes or manufactured homes located in manufactured home parks.

**ARTICLE 5 –**

ARTICLE 4 - GENERAL PROVISIONS

**A**

**PROVISIONS GOVERNING AGRICULTURAL DISTRICT: A**

**SECTION 501: Introduction to “A” Zone**

**50101** The Agricultural District is composed of those certain areas of Adams Township where agricultural or farming activities are ongoing. The purpose of the Agricultural District is to encourage and preserve the continuing existence of farming and its rural character in Adams Township.

**50102** This zoning category is readily adaptable to and governed by current Pennsylvania legislation concerning Agricultural Districts. Farmers must be allowed to continue normal farming practices.

**SECTION 502: Permitted Uses in “A” Zone**

**50201** The following is a list of permitted uses in the Agricultural District:

1. Agriculture
2. Horticulture
3. Animal husbandry
4. Forestry and Selective timbering
5. Stables
6. Kennels and Animal Hospitals
7. Hatcheries
8. Greenhouses, and Nurseries
9. Recycling Center
10. Home occupations
11. Sales of “home grown” Products
12. Single Family Detached Dwelling
13. Family Dwellings
14. Mobile Homes

**SECTION 503: Permitted Accessory Uses in “A” Zone**

**50301** Customary accessory uses and structures that are clearly incidental to the principal use are permitted.

**SECTION 504: Permitted Uses by Special Exception in “A” Zone**

**50401** Special exception uses listed below for the Agricultural District may be permitted by a ruling of the Adams Township Zoning Hearing Board and are subject to the procedures and requirements set forth in Article 17 and Article 18 of this ORDINANCE.

1. Communication Towers
2. Public Utility Structures
3. Junk Yards
4. Recycling Centers

ARTICLE 5 – PROVISIONS GOVERNING AGRICULTURAL DISTRICT: A

**SECTION 505: Non-permitted Uses in “A” Zone**

**A**

**50501** The following uses are not permitted in the “A” Agricultural Zone.

1. Surface Mining
2. Deep Mining (Surface Facilities)
3. Institutions for the Mentally Handicapped, Psychiatric Patients, or Substance abuse Patients
4. Mobile Home Parks and Manufactured Home Parks
5. Waste Disposal
6. Land Fill Operations

**50502** Uses listed as Non-Permitted are not subject for Zoning Hearing Board approval.

**SECTION 506: General Provisions and Requirements for Uses in “A” Zone**

**50601** The following general restrictions and provisions shall be applied to all uses in the Agricultural District.

1. **Setback Requirements:**
   1. All setbacks shall be 50 feet from the property lines.
2. **Height Restrictions:** 
   1. Single family detached dwellings shall be limited to three stories not exceeding

30 feet above ground.

* 1. Agricultural structures shall be limited to not more than six stories not exceeding 60 feet above ground.

1. **Lot Area Size Limitations:**
   1. No farmland shall be subdivided into lots of less than five continuous acres.
   2. The subdivision shall not adversely affect the ability of the rest of the farmland to be used for agriculture.
   3. Only two such 5 acres lots shall be permitted every 25 years.
2. **Percentage** of Lot Coverage:
   1. Property area covered by buildings or structures shall not exceed thirty percent 30%of total land area.
3. **Dwelling Standards:**
   1. Every one story detached dwelling hereafter erected or altered shall have a minimum floor area of not less than one thousand (1,000) square feet of living space.
   2. Every two story detached dwelling hereinafter erected or altered shall have a minimum floor area of one thousand two hundred (1,200) square feet of living space.
4. **Off-street Parking and Loading Facilities:**
   1. Off street parking and loading facilities shall be provided in accordance to the provisions of Article 18, Section 1802 in this ORDINANCE.

ARTICLE 5 – PROVISIONS GOVERNING AGRICULTURAL DISTRICT: A

1. **Signs**:

**A**

* 1. **Signs** shall be constructed and erected in accordance with the provisions of Article 19, Section 1901, 1902 in this ORDINANCE.

**50602 Special Conditions and Exceptions:**

1. No building or structure or use shall be permitted within fifty feet (50) of any intermittent and/or permanent watercourse flowing or traversing the property.
2. No building or structure or use shall be permitted within fifty feet (50) of any naturally occurring lake or pond on the property.
3. No building or structure shall be erected upon any slope that exceeds a grade of 25% unless the architectural design conforms to the landscape in a manner minimizing site preparation and excavation work and is constructed.
4. Structures such as a dock or boathouse may be permitted by special exception on the shorelines of lakes, ponds, or rivers provided any requirements of PA DEP and PA Fish and Boat Commission are met.

ARTICLE 5 – PROVISIONS GOVERNING AGRICULTURAL DISTRICT: A

**ARTICLE 6 –**

**A/R-1**

**AGRICULTURAL/RESIDENTIAL DISTRICT (Low Density): A/R-1**

**SECTION 601: Introduction to “A/R-1” Zone**

**60101** The “A/R-1” Agricultural/Residential District is made up of a compatible mingling of certain

low-density residential areas of Adams Township with agricultural operations. This zone is

designed to maintain a rural residential character in those parts of Adams Township where it

now exists by providing areas for single family dwellings.

**60102** The “A/R-1” Zone provides a useful alternative to the exclusive farm use Agricultural Zone and allows for the expansion of the tax base through residential properties without the pressures of urbanization.

**60103** The “A/R-1” Zone recognizes the need for single family housing in a rural setting that once was an exclusive farming sector of the township.

**60104** Development in the “A/R-1” Zone is limited to a relatively low concentration of dwellings, large lot sizes, and permitted uses similar to the Agricultural Zone, plus certain additional uses such as schools, parks, churches, and some public facilities which will serve the residents of the district.

**SECTION 602: Permitted Uses in “A/R-1” Zone**

**60201** The following is a list of permitted uses in the Agricultural/Residential (low-density) “A/R-1” District:

1. Single Family Dwellings
2. Public, Private and Parochial Schools
3. Church and similar places of worship
4. Convent, Monastery, Rectory or Parish House
5. Cemetery and necessary incidental structures
6. Family Farming and Agricultural Uses
7. Animal Hospital
8. Roadside Stand for sale of farm products
9. Public Out-door Recreation Areas and Facilities
10. Parking of Boats, Boat Trailers, and Recreational Vehicles (RV’s) not used as dwellings on the premises, for personal usage. Must be registered by property owner and meet the setbacks.
11. Temporary building used for construction purposes, not to exceed one year and similar type uses.
12. Planned Residential Development (see Article 17, SECTION 1703),
13. Public Utility Structures

ARTICLE 6 – AGRICULTURAL/RESIDENTIAL DISTRICT (LOW DENSITY): A/R-1

**SECTION 603: Permitted Accessory Uses in “A/R-1” Zone**

**A/R-1**

**60301** Accessory uses permitted in the Agricultural/Residential (low density) “A/R-1” District, shall

be limited to those incidental to any of the permitted uses listed in SECTION 602 of this

Article, and shall include but not be limited to:

1. Incidental uses to single family dwellings
2. Incidental uses to family farming and agriculture
3. Home occupation pursuant to regulations for home occupations in ARTICLE 17, SECTION 1709 of this ORDINANCE
4. Accessory Buildings not to exceed 3 total structures. The 3-total structure maximum shall not apply to agricultural properties, as approved by the zoning officer
5. Off Street Parking and Loading Facilities must fall within primary and permitted uses

**SECTION 604: Permitted Uses by Special Exception in “A/R-1” Zone**

**60401** Special exception uses listed for the Agricultural/Residential (low density) “A/R-1” District,

may be permitted by a ruling of the Adams Township Zoning Hearing Board and are subject

to the procedures and requirements set forth in Article 17 and Article 18 of this

ORDINANCE.

1. Communication towers
2. Public Utility Structures
3. Hospital and Nursing Homes
4. Day-care Facility
5. Similar type uses specifically approved by the Zoning Hearing Board
6. (3) or more Storage Sheds or buildings, excluding primary residences
7. Kennels

**SECTION 605: Non-Permitted Uses in “A/R-1” Zone**

**60501** The following uses are not permitted in the Agricultural/Residential (low density) “A/R-1”

District.

1. Surface Mining
2. Deep Mining (Surface Facilities)
3. Institutions for the Mentally Handicapped, Psychiatric Patients, or Substandard Abuse Patients
4. Mobile Home Parks and Manufactured Home Parks
5. Mobile Homes and Manufactured Homes
6. Waste Disposal
7. Land Fill Operations
8. (CAO) Concentrated Animal Operations
9. (CAFO) Concentrated Animal Feed Operation

**60502** Uses listed as Non-Permitted are not subject for Zoning Hearing Board approval.

ARTICLE 6 – AGRICULTURAL/RESIDENTIAL DISTRICT (LOW DENSITY): A/R-1

**SECTION 606: General Provisions and Requirements for Uses in “A/R-1” Zone**

**A/R-1**

**60601** The general provisions and restrictions shall be applied to all uses in the

Agricultural/Residential (low-density) “A/R-1” District.

**60602 Setback Requirements:** No single or double residential building or structure shall be erected

or enlarged unless the minimum setback distances and yard areas are maintained as provided.

**Interior Lot:**

1. Front – fifty feet (50’)

Provided a shed of no more than 160 square feet in size may be located no closer than five (5) feet to the rear and side yard boundaries of a lot of record.

1. Side – fifteen feet (15’)
2. Rear – twenty-five feet (25’)
3. **Corner Lot:**
4. Front Yard – fifty feet (50’)
5. Side Yard Abutting Street – thirty-five feet (35’)
6. Interior Side Yard – fifteen feet (15’)
7. Rear – twenty-five feet (25’)

**60602** **Height Restrictions:**

1. Single Family Dwellings shall be limited to three stories not exceeding forty-five (45) feet above ground.
2. Agricultural structures shall be limited to not more than six stories not exceeding sixty (60) feet above ground.
3. Church or similar place of worship shall be limited to forty-five (45) feet for the principal building and seventy-five (75) feet for steeples or towers.
4. Accessory buildings and sheds shall be limited to twenty-five (25) feet.

Other permitted uses by special exception shall also meet the above height restrictions

for similar structures as determined by the zoning hearing board.

**60603 Lot Area Size Limitations:**

**Residential Use: With Public Sewer and Water**

1. Single detached family dwelling – twenty-one thousand, seven hundred eighty (21,780) square feet or ½ acre and a minimum width at the building line of eighty (80) feet.

### **Residential Use: Without Public Sewer and Water**

1. Single detached family dwelling – one (1) acre and a minimum width at the building line of one hundred twenty (120) feet. (43,560 feet)

### **Public, Private, and Parochial School**

### Elementary School– Five (5) acres plus one (1) acre per one hundred (100) students at design capacity.

### Junior High School – eight (8) acres plus one (1) acre per one hundred (100) students at design capacity.

### Senior High School – twelve (12) acres plus one (1) acre per one hundred (100) students at design capacity.

ARTICLE 6 – AGRICULTURAL/RESIDENTIAL DISTRICT (LOW DENSITY): A/R-1

### Other permitted uses require a minimum lot area of two and half (2.5) acres and a minimum width of two hundred (200) feet at the building line.

**A/R-1**

**60604** **Percentage of Lot Coverage:** The total building area including accessory uses shall not

cover more than 30% of the lot area.

**60605** **Dwelling Standards:**

1. Every one story detached single family dwelling hereafter erected or altered shall have a minimum floor area of not less than one thousand two hundred (1,200) square feet of living space. (This excludes any basement living space.)
2. Every two-story detached dwelling hereinafter erected or altered shall have a minimum floor area of one thousand two hundred (1,200) square feet of living space.

**60606** **Off-street Parking and Loading Facilities** shall be provided in accordance to the provisions

of Article 18, SECTION 1802 of this ORDINANCE.

**60607** **Signs** shall be constructed and erected in accordance with the provisions of Article 19,

SECTIONS 1901, 1902 of this ORDINANCE.

**60608** **Special Conditions and Exceptions:**

1. No building, structure, or use shall be permitted within fifty feet (50’) of any natural/intermittent and/or permanent watercourse flowing or traversing the property.
2. No building, structure, or use shall be permitted within fifty feet (50’) of any naturally occurring lake or pond on the property.
3. No building or structure shall be erected upon any slope that exceeds a grade of 25% unless the architectural design conforms to the landscape in a manner minimizing site preparation and excavation work and is constructed.
4. Structures such as a dock or boathouse may be permitted by special exception on the shorelines of lakes, ponds, or rivers provided all requirements of PA DEP and PA Fish and Boat Commission are met.
5. Storage Trailers shall be located inside property line setbacks for the appropriate zoning district. Trailers in residential districts shall be limited to 1 per occupied resident for a period of no longer than 30 days unless being used for construction storage. Trailers must be removed within 30 days after completion of project or as determined by the zoning officer.
6. Construction trailers set within outside the building setbacks with approval of the zoning officer. The number of storage trailers on construction sites shall not be limited.

**60609**  **Livestock Density:**

1. Maintenance of livestock over 100 pounds total weight on less than 2 ½ acres is prohibited.
2. Maintenance of livestock shall be at a density no greater than 2 animal units per acre.
3. Animal unit is defined as 1,000 pounds of animal live weight.

ARTICLE 6 – AGRICULTURAL/RESIDENTIAL DISTRICT (LOW DENSITY): A/R-1

**SECTION 607: animal husbandry practices in districts other than the Agricultural district (a)**

**A/R-1**

**60701** This section governs animal Husbandry practices in districts other than the

Agricultural District (A).

**60701** Animal Husbandry outside the A District may be practiced only by a resident of the

property upon which the animals are located or property contiguous to that upon which the

animals are located. The following rules shall cover the maintenance of animals on

properties other than the A District;

1. Upon Application and issuance of a special zoning permit by the Zoning officer, any person actually residing on a property in the township may keep up to ten animals, each of which weighs less than 20 pounds or larger animals having a total weight of less than 200 pounds on their property.
2. Upon Application and issuance of a special zoning permit by the Zoning officer any person may maintain larger animals on their property provided they own or control through a lease at least 5 acres. On such 5 acre or greater tracts of ground Animals shall be limited to no more than one animal unit per acre. An animal unit as set forth in this subsection only is defined as 1,000 pounds.
3. Any person practicing animal husbandry outside of the A districts pursuant to a special zoning permit issued sections 1 or 2 above shall be subject to the following conditions;
   1. The area in which the animals are free to move shall be securely and adequately fenced to prevent the escape of animals unto neighboring properties.
   2. Animals present must be fed, watered and manure removed on a daily basis.
   3. Manure and animal waste shall be regularly disposed of off-site or stored in containers that prevent noxious odors from leaving the property and/or incorporated into a composting system which prevents odors and infestation by large amounts of insects or rodents.
   4. Animal waste or Manure shall be stored at least 50 feet from neighboring property lines.
   5. Chicken coops, stalls or other buildings to house the animals shall be considered accessory uses, provided that the accessory structure is no larger than 100 square feet and is located at least 50 feet from a neighboring property.
   6. Dimensional variances shall be available from the Adams Township Zoning Hearing Board upon proper application and satisfaction of the Adams Township Zoning Hearing Board that the variance is capable of being granted without negatively affecting neighboring permitted uses of property.
   7. No roosters, or animals which periodically make loud sounds which could disturb neighboring property owners rest shall be kept or maintained in other than the A District.

**60703** The Supervisors shall set the fee for a special zoning permit, by Resolution or Motion.

ARTICLE 6 – AGRICULTURAL/RESIDENTIAL DISTRICT (LOW DENSITY): A/R-1

**ARTICLE 7 - RESIDENTIAL DISTRICT (medium density): R-2**

**R-2**

ARTICLE 7 - RESIDENTIAL DISTRICT (MEDIUM DENSITY): R-2

**SECTION 701: Introduction to “R-2” Zone**

**70101** The “R-2” Residential (medium density) District consists of certain medium-density

residential areas of Adams Township. It represents a compatible mingling of single-unit and

multiple unit dwellings and allows Manufactured home parks by special exception.

**70102** The “R-2” Residential (medium density) District provides for certain open areas where similar residential development appears likely to occur.

**70103** The regulations for this district are designed to stabilize and protect the essential

characteristics of the district, promote and encourage a suitable environment for family life,

and prohibit all activities of a commercial nature, except the home offices of doctors,

ministers, lawyers, and other professionals. The district also provides for certain home

occupations and funeral homes but places specific limitations governing the size and extent

of such non-residential activities.

**70104** Development is limited to a relatively medium concentration of permitted uses. Typical to

this zone are single and two family dwellings, row dwellings, garden apartments, plus certain

additional uses such as parks, schools, churches, commercial convenience services,

professional offices and essential public facilities that serve the residents of the district.

**SECTION 702: Permitted Uses in “R-2” Zone**

**70201** The following is a list of permitted uses in the Residential (medium density) “R-2” District:

1. Single family detached dwellings
2. Two family detached dwellings
3. Public, private and parochial schools
4. Public library
5. Church and similar places of worship, Convent, monastery, rectory or parish houses to be occupied by not more than ten (10) persons
6. Cemetery and necessary incidental structures
7. Public out-door recreation areas and facilities, (except amusement parks) such as playgrounds, picnic grounds, swimming clubs, camps, camp grounds, RV grounds, golf courses or country clubs (except driving ranges and miniature golf courses)
8. Planned Residential Development (see Article 17, SECTION 1703)

**SECTION 703: Permitted Accessory Uses in “R-2” Zone**

**70301** Accessory uses permitted in the Residential (medium density) “R-2” District, shall be limited

to those incidental to any of the permitted uses listed in SECTION 702 of this Article and

shall include but not be limited to:

1. Home occupation pursuant to regulations for home occupations in ARTICLE 17, SECTION 1709 of this ORDINANCE.
2. Fence or ornamental wall
3. Private garage
4. Off street parking of boats, boat trailers, and travel trailers campers and RV’s not used as dwellings on the premises must meet the setbacks and be registered to the property owner and or tenant.

**R-2**

1. Private swimming pool appurtenant to any dwelling
2. Loading facility
3. Pavilion and shed up to ~~120~~ 160 sq. feet five feet from property line

**SECTION 704: Permitted Uses by Special Exception in “R-2” Zone**

**70401** Special exception uses listed for the “R-2” Zone, may be permitted by a ruling of the Adams

Township Zoning Hearing Board and are subject to the procedures and requirements set forth

in Article 17 and Article 18 of this ORDINANCE:

1. Planned Residential Development
2. Hospital and Nursing Homes
3. Daycare Facility
4. Mobile Home Parks and Manufactured Home Parks
5. Funeral Home
6. Bed & Breakfast house
7. (3) or more Storage Sheds or Buildings, excluding primary residence
8. Restaurants, Convenience Stores, Professional Offices
9. Similar type uses specifically approved by the Zoning Hearing Board
10. Townhouses
11. Garden apartments

**SECTION 705: Non-Permitted Uses in “R-2” Zone**

**70501** The following uses are not permitted in the Residential (medium density) “R-2” District:

1. Amusement Parks
2. Commercial establishments, except as described above in introduction of the “R-2” Zone
3. Communications towers
4. Surface Mining
5. Deep Mining (Surface Facilities)
6. Institutions for the mentally handicapped, psychiatric patients, or substance abuse patients
7. Industrial establishments
8. Land-fill operations
9. Mobile Home, if not in a Mobile Home Park
10. Manufactured Home, if not in a Manufactured Home Park
11. Management of livestock,
12. Manufacturing facilities
13. Parking of commercial vehicles or trailers
14. Waste disposal facilities

**70502** Uses listed as Non-Permitted are not subject for Zoning Hearing Board approval.

ARTICLE 7 - RESIDENTIAL DISTRICT (MEDIUM DENSITY): R-2

**SECTION 706: General Provisions and Requirements for Uses in “R-2” Zone**

**R-2**

**70601** The general provisions and restrictions shall be applied to all uses in the Residential (medium

density) “R-2” District.

**70602** **Setback Requirements:** No building or structure shall be erected or enlarged unless the

minimum setback distances are maintained and yard areas are maintained as provided.

**Interior Lot:**

1. Single or double detached residential units
   1. Front yard – thirty-five (35’) feet
   2. Side yard – fifteen (15’) feet
   3. Rear yard – fifteen (15’) feet
   4. There shall be no side yard setback at the demising wall line between separate units.
2. Multiple family dwellings, row dwellings
   1. Front yard – thirty-five (35’) feet
   2. Side yard – fifteen (15’) feet
   3. Rear yard – thirty (30’) feet
   4. There shall be no side yard setback at the demising wall line between separate units.
3. Churches or similar places of worship

Provided a shed of no more than 160 square feet in size may be located no closer than five (5) feet to the rear and side yard boundaries of a lot of record.

* 1. Front yard – forty (40’) feet
  2. Side yard – forty (40’) feet
  3. Rear yard – thirty (30’) feet

**Corner Lot:**

1. Single or double detached residential units
   1. Front yard – thirty-five (35’) feet
   2. Side yard abutting street – thirty-five (35’) feet
   3. Interior side yard – fifteen (15’) feet
   4. Rear side yard– fifteen (15’) feet
2. Multiple family dwellings, row dwellings
   1. Front yard – thirty-five (35’) feet
   2. Side yard abutting street – thirty-five (35’) feet
   3. Interior side yard – twenty (20’) feet
   4. Rear side yard– thirty (30’) feet
3. Churches or similar places of worship
   1. Front yard – forty (40’) feet
   2. Side yard abutting street – forty (40’) feet
   3. Interior side yard – thirty (30’) feet
   4. Rear side yard– thirty (30’) feet

**Note:** Landscape area is included in setback dimensions.

**Exception:** Where more than fifty percent (50%) of the lots within a block in either

direction fronting a street contain existing structures, front yard and rear yard setback

may be reduced to conform to set back line of existing structures.

ARTICLE 7 - RESIDENTIAL DISTRICT (MEDIUM DENSITY): R-2

**70603 Height Restrictions:** The maximum height of buildings hereafter erected or altered shall be as follows:

**R-2**

1. Single or two family dwellings shall be limited to two and one half (2 ½) stories not exceeding thirty-five (35) feet above ground.
2. Church or similar place of worship shall be limited to forty-five (45) feet for the principal building and sixty-five (65) feet for steeples or towers.
3. Accessory buildings shall be limited to twenty-five (25) feet and sheds to ten (10) feet above ground.
4. Special Condition: Garden apartments shall be limited to three (3) stories not exceeding forty (40) feet and only where topography warrants.
5. Other permitted uses by special exception shall also meet the above height restrictions for similar structures as determined by the zoning hearing board.

**70604 Lot Area Size Limitations**: The minimum lot area for every building hereafter erected or

altered shall be as follows:

**Residential use:**

1. Single family detached dwelling – twelve thousand (12,000) square feet and a minimum width at the building line of sixty (60) feet.
2. Two family detached dwelling – fourteen thousand (14,000) square feet and a minimum width at the building line of eighty (80) feet.
3. Townhouse – not less than four thousand (4,000) square feet per unit and two hundred (200) feet width at the building line.
4. The minimum lot size for a townhouse complex shall be one (1) acre.
5. Garden apartment – three thousand (3,000) square feet per unit and three hundred (300) feet width at the building line.
6. The minimum lot size for a garden apartment complex shall be two (2) acres.

**Non-Residential use:**

1. All buildings will have a minimum lot area of one (1) acre.
2. Lot width shall be one hundred (100) feet at the building line.

**Public, Private, and Parochial School:**

1. Elementary – Five (5) acres plus one (1) acre per one hundred (100) students at design capacity.
2. Junior High School – Eight (8) acres plus one (1) acre per one hundred (100) students at design capacity.
3. Senior High School – Twelve (12) acres plus one (1) acre per one hundred (100) students at design capacity.

Other permitted uses by special exception require a minimum lot area of two (2) acres and a minimum width of two hundred (200) feet at the building line.

### **70605 Percentage of Lot Coverage:** The total building area on a lot including accessory uses shall

### not cover more than 35% of the total lot area.

ARTICLE 7 - RESIDENTIAL DISTRICT (MEDIUM DENSITY): R-2

### **70606 Dwelling Standards:**

**R-2**

1. Every one story single family dwelling hereafter erected shall have a minimum floor area of not less than twelve hundred (1,200) square feet of living space.
2. Every two-story or more, single or two family, dwelling hereinafter erected shall have a minimum floor area of one thousand (1,000) square feet per unit of living space.
3. Each **townhouse dwelling unit** shall have a minimum floor area of not less than one thousand (1,000) square feet of living space.
4. Any single **dwelling unit** in a **multi-family structure** shall have a minimum floor area of not less than one thousand (1,000) square feet of living space.

**70607 Off street parking and loading facilities** shall be provided in accordance to the provisions

of ARTICLE 18, SECTION 1802 of this ORDINANCE.

**70608 Signs** shall be constructed and erected in accordance with the provisions of ARTICLE 19,

SECTIONS 1901, 1902 of this ORDINANCE.

**SECTION 707: Supplementary Provisions and Requirements for Uses in “R-2” Zone**

**70701** The following supplementary provisions and restrictions shall be applied to certain uses in

the Residential (medium density) “R-2” District.

1. **Storage Trailers:** Storage trailers shall be located inside property line setbacks for the appropriate zoning district. Trailers located in residential districts shall be limited to 1 per occupied residence for a period of no longer than 30 days unless being used for construction storage. Trailers must be removed within 30 days after completion of project as determined by the zoning officer.
2. **Construction Trailers:** Construction trailers can be set outside the building setbacks with approval of the zoning officer. The number of storage trailers on construction sites shall not be limited.

**70702**  **Supplementary Standards for Townhouses:** Access, service, and maintenance deliveries shall be permitted in the front or rear of a townhouse unit and adequate off-street parking shall be available.

1. Required off street parking may be an integral part of the dwelling structure or consist of detached carports or designated parking lot areas.
2. There shall be a minimum of two parking spaces readily accessible to each townhouse dwelling unit.
3. Parking areas and access drives shall be paved -- to eliminate mud and dust -- and have appropriate curbing to control storm water drainage.

**Structure density requirements and restrictions:**

1. No more than eight (8) townhouse dwelling units shall be contained in any one townhouse dwelling structure.
2. Density is limited to a maximum of twelve (12) dwelling units per acre regardless of the number of detached dwelling structures constructed.

ARTICLE 7 - RESIDENTIAL DISTRICT (MEDIUM DENSITY): R-2

**Yard design and requirements:**

**R-2**

1. Yards shall be included between building structures in Unit or Group Developments (more than one dwelling structure on a lot).
2. Distance between buildings shall be not less than 30 feet,
3. Front and rear yard setbacks may be considered as an average of all the dwelling units in a single dwelling structure to allow for a varied front and rear yard treatment.
4. The Governing Body shall deem screening with plants or other aesthetically acceptable material permissible and subject to approval by the Adams Township Zoning Officer.
5. A fenced or enclosed private patio and garden area shall be provided for each townhouse dwelling unit with provision made for access to any additional rear yard or any common open space located in the rear yard.
6. At least ten percent (10%) of the required front yard area shall be landscaped with appropriate perennial plants and cover materials in addition to lawn.
7. Required setback areas shall not be used for garages, drives, parking or playground areas, or any other accessory uses permitted in this district.

**70703** **Supplementary Standards for Garden Apartments:** Access, parking, service, and

maintenance shall be as required in SECTION 70702 for Townhouses.

### **Structure density requirements and restrictions:**

1. No more than sixteen (16) dwelling units shall be contained in any one garden apartment dwelling structure.
2. Density is limited to a maximum of sixteen (16) dwelling units per acre regardless of the number of detached dwelling structures constructed.

### **Yard design and requirements:**

1. Open space areas on the off-street side of the apartment building shall account for a minimum of thirty percent (30%) of the total lot coverage.
2. Garden apartment complexes of more than twenty (20) dwelling units shall be equipped with recreational attractions for tenants.
3. Each apartment dwelling unit should be integrated with the outdoors by using large windows, patios or balconies.
4. Patios and balconies shall be screened for privacy by using fencing, walls or perennial plantings.

ARTICLE 7 - RESIDENTIAL DISTRICT (MEDIUM DENSITY): R-2

**70704 Special Conditions and Exceptions:**

**R-2**

1. No building, structure, or use shall be permitted within fifty feet (50) of any intermittent and/or permanent watercourse flowing or traversing the property.
2. No building, structure, or use shall be permitted within fifty feet (50) of any naturally occurring lake or pond on the property.
3. Structures such as a dock or boathouse may be permitted by special exception on the shorelines of lakes, ponds, or rivers provided any requirements of Pennsylvania Department of Environmental Protection (DEP) and PA Fish and Boat Commission are met.
4. No building or structure shall be erected upon any slope that exceeds a grade of 25% unless the architectural design conforms to the landscape in a manner minimizing site preparation, excavation work and additional water run-off.

ARTICLE 7 - RESIDENTIAL DISTRICT (MEDIUM DENSITY): R-2

**R-2**

ARTICLE 7 - RESIDENTIAL DISTRICT (MEDIUM DENSITY): R-2

**ARTICLE 8 - RESIDENTIAL DISTRICT (high density): R-3**

**R-3**

**SECTION 801: Introduction to “R-3” Zone**

**80101** The “R-3” Multi-Family Residential District is composed of certain higher density residential

areas of Adams Township representing a compatible mingling of multi-unit residential dwellings and professional offices.

**80102** The regulations for this district are designed to stabilize and protect the essential

characteristics of the district; to promote and encourage a suitable environment for family life. Also, those having some aspects of residential use, such as professional business office, funeral home, and membership club, controlled by specific limitations governing the size and extent of such semi-commercial activities.

**80103** To these ends, development is limited to a medium concentration, and permitted uses are

typically single and two-unit dwellings, row dwellings, and low-rise apartments, plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents of the district. However, four-story apartments, with corresponding proportions of open space, also may be developed under prescribed standards of density and open space.

**SECTION 802: Permitted Uses in “R-3” Zone**

**80201** The following is a list of permitted uses in the Residential (high density) “R-3” District:

1. Four story apartments
2. Three story garden apartments
3. Motels and restaurants
4. Rooming House
5. Physician, dentist
6. Chiropractor, architect, engineer offices
7. Public and private outdoor recreation area and facilities as permitted in “A/R-1” District
8. Office structures
9. Medical clinics
10. Health club
11. Government or municipal office
12. Church
13. Townhouse
14. Daycare center
15. Convenience store
16. Gas station
17. Funeral Home
18. Single Family Dwelling
19. Duplex and Row Dwelling
20. Planned Residential Development (see Article 17, SECTION 1703)
21. Uses of a similar nature as approved by the Zoning Officer.

ARTICLE 8 - RESIDENTIAL DISTRICT (HIGH DENSITY): R-3

**80202** Any similar type retail service or commercial uses not specifically listed herein can be

**R-3**

authorized by the Zoning Officer or referred to the Zoning Hearing Board at the discretion of the Zoning Officer, utilizing the criteria found in ARTICLE 22, SECTION 2202, after review of recommendations from the Adams Township Planning Commission.

**SECTION 803: permitted Accessory Uses in “R-3” Zone**

**80301** Accessory uses permitted in the Residential (high density) “R-3” District, shall be limited to those incidental to any of the permitted uses listed in Section 802 of this Article, and shall include but not be limited to:

1. Home occupation pursuant to regulations for home occupations in ARTICLE 17, SECTION 1709 of this ORDINANCE.
2. Private garage,
3. Off-street parking and Loading facility,
4. Pavilion and shed not exceeding 160 sq. feet may be placed on any lot within a minimum setback of five (5) feet from all property lines.

**SECTION 804: permitted uses by Special Exception in “R-3” Zone**

**80401** Special Exception uses listed herein for the Residential (high density) “R-3” District may be

permitted by a ruling of the Adams Twp. Zoning Hearing Board and are subject to the

procedures and requirements set forth in Article 17 and Article 18 of this

ORDINANCE.

1. Buildings of a commercial nature or usage, not listed in ARTICLE 8, SECTION 802.
2. No more than three (3) Storage Sheds or Buildings, excluding primary residence.

**SECTION 805: Non-Permitted Uses in “R-3” Zone**

**80501** The following uses are not permitted in the Residential (high density) “R-3” District.

1. Surface mining
2. Deep Mining (Surface Facilities)
3. Associated deep mining facilities
4. Industrial establishments
5. Management of Livestock
6. Mobile Homes and Manufactured Homes
7. Waste disposal
8. Mobile Home Parks and Manufactured Home Parks

**80502** Uses listed as Non-Permitted are not subject for Zoning Hearing Board approval.

ARTICLE 8 - RESIDENTIAL DISTRICT (HIGH DENSITY): R-3

**SECTION 806: General Provisions and Requirements for Uses in “R-3” Zone**

**R-3**

**80601** The general provisions and restrictions shall be applied to all uses in the Residential (high

density) “R-3 District.

**80602 Setback Requirements:** No single or double residential building or structure shall be erected or enlarged unless the minimum setback distances and yard areas are maintained as provided.

**Interior Lot:**

1. Single or double residential units
   1. Front yard – thirty-five (35’) feet
   2. Side yard – fifteen (15’) feet
   3. Rear yard – fifteen (15’) feet
   4. There shall be no side yard setback at the demising wall line between separate units.
2. Multiple family dwellings, row dwellings
   1. Front yard – thirty-five (35’) feet
   2. Side yard – fifteen (15’) feet
   3. Rear yard – thirty-five (35’) feet
   4. There shall be no side yard setback at the demising wall line between separate units.
3. Church or similar place of worship

Provided a shed of no more than 160 square feet in size may be located no closer than five (5) feet to the rear and side yard boundaries of a lot of record.

* 1. Front yard – forty (40’) feet
  2. Side yard – forty (40’) feet
  3. Rear yard – thirty (35’) feet

**Corner Lot:**

1. Single or double residential units
   1. Front yard – thirty-five (35’) feet
   2. Side yard abutting street – thirty-five (35’) feet
   3. Interior side yard – fifteen (15’) feet
   4. Rear side yard– fifteen (15’) feet
2. Multiple family dwellings, row dwellings
   1. Front yard – thirty-five (35’)feet
   2. Side yard abutting street – thirty-five (35’) feet
   3. Interior side yard – twenty (20’) feet
   4. Rear side yard – thirty-five (35’) feet
3. Churches or similar places of worship
   1. Front yard – forty (40’) feet
   2. Side yard abutting street – forty (40’) feet
   3. Interior side yard – thirty (30’)feet
   4. Rear side yard – thirty-five (35’) feet

**Note:** Landscape area is included in setback dimensions.

**Exception:** Where more than fifty percent (50%) of the lots within a block contain

existing structures, the front yard setback may be reduced to conform to the setback

lines of existing structures.

ARTICLE 8 - RESIDENTIAL DISTRICT (HIGH DENSITY): R-3

**80603** **Height Restrictions:** The maximum height of buildings hereafter erected or altered shall be as follows:

**R-3**

1. Single or two family dwellings shall be limited to two and one half (2 ½) stories not exceeding thirty-five (35) feet above ground.
2. Church or similar place of worship shall be limited to forty-five (45) feet for the principal building and sixty-five (65) feet for steeples or towers.
3. Accessory buildings and sheds shall be limited to twenty-five (25) feet above ground.
4. Apartment Buildings shall be limited to four (4) stories not exceeding forty five (45) feet and only where topography warrants.
5. Other permitted uses by special exception shall also meet the above height restrictions for similar structures as determined by the zoning hearing board.

**80604** **Lot Area Size Limitations:** The minimum lot area for every building hereafter erected or altered shall be as follows:

**Residential use:**

1. One family dwelling – seventy two hundred (7,200) square feet and a minimum width at the building line of sixty (60) feet.
2. Two family dwelling – seventy two hundred (7,200) square feet and a minimum width at the building line of seventy (70) feet.
3. Townhouse – not less than four thousand (4,000) square feet per unit and one hundred (100) feet width at the building line. The minimum lot size for a townhouse complex shall be one (1) acre.
4. All residential units shall be not less than eight hundred (800) square feet per dwelling unit
5. Garden apartment – three thousand (3,000) square feet per unit and one hundred (100) feet width at the building line.
6. The minimum lot size for a garden apartment complex shall be one (1) acres.
7. Apartment – a lot width of not less than one hundred (100) feet at the building line.
8. The minimum lot size for an apartment complex shall be two acres.

### **Non-Residential use:**

### All buildings will have a minimum lot area of one half (1/2) acres.

### Lot width shall be one hundred (100) feet at the building line.

**Public, Private, and Parochial School:**

1. Elementary – Five (5) acres plus one (1) acre per one hundred (100) students at design capacity.
2. Junior High School – Eight (8) acres plus one (1) acre per one hundred (100) students at design capacity.
3. Senior High School – Twelve (12) acres plus one (1) acre per one hundred (100) students at design capacity.

ARTICLE 8 - RESIDENTIAL DISTRICT (HIGH DENSITY): R-3

**80605** **Percentage of Lot Coverage:** The total building area on a lot including accessory uses may not cover more than 40% of the total lot area. And multifamily building area use may not cover more than 60% of the total lot area.

**R-3**

**80606** **Dwelling Standards:**

1. Every single family dwelling hereafter erected shall have a minimum floor area of not less than seven hundred (700) square feet of living space.
2. Every two-story or more single or two family detached dwelling hereinafter erected shall have a minimum floor area of seven hundred (700) square feet per unit of living space.
3. Each **townhouse dwelling unit** shall have a minimum floor area of not less than six hundred (600) square feet of living space.
4. Any single family dwelling unit in an apartment, duplex, or garden apartment structure shall have a minimum floor area of not less than six hundred (600) square feet of living space.

**80607 Off-street Parking and Loading Facilities** shall be provided in accordance to the provisions of Article 18, Section 1802 of this ORDINANCE.

1. **Storage Trailers:** Storage trailers shall be inside property line setbacks for the appropriate zoning district. Trailers located in residential districts shall be limited for 1 per occupied residence for a period of no longer than 30 days unless be used for construction storage. Trailers must be removed within 30 days after completion of project as determined by the zoning officer.
2. **Construction Trailers:** Construction trailers can be set outside the building setbacks with approval of the zoning officer. The number of storage trailers on construction sites shall not be limited.

**80608 Signs** shall be constructed and erected in accordance with the provisions of Article 19, Sections 1901, 1902 of this ORDINANCE.

**80609** **The reservation of land** for community facilities will be requested, when appropriate, by the governing body; therefore, earnest consideration will be given to reserving land for parks, playgrounds, and other community facilities.

ARTICLE 8 - RESIDENTIAL DISTRICT (HIGH DENSITY): R-3

**R-3**

ARTICLE 8 - RESIDENTIAL DISTRICT (HIGH DENSITY): R-3

**Article 9 - Urban District: U**

**U**

**SECTION 901: Urban “U” District**

**90101** The Urban “U” Zone is intended to preserve the character of the township’s village

communities by allowing for the compatible mingling of residential, commercial, and professional office dwellings.

**90102** Development is limited to a relatively medium concentration (typical of the existing lots sizes and densities,) and permitted uses are typically single and two unit dwellings, plus certain additional residential uses such as schools, parks, churches, apartment units, hotels, townhouses, multi-family dwellings, commercial convenience services and professional offices which serve the residents of the villages.

**Section 902: Permitted Uses in the Urban “U” Zone**

**90201** The following is a list of permitted uses in the Urban “U” Zone:

1. Single family detached dwelling
2. Two family detached dwelling
3. Public parks and playgrounds
4. Public schools, parochial schools, private schools
5. Churches or similar places of worship
6. Public buildings owned and operated by the township
7. Public libraries, police station, and fire protection company hall

**Section 903: permitted Accessory Uses in the Urban “U” Zone**

**90301** Accessory uses permitted in the Urban District shall be those uses and buildings clearly

incidental to any of the permitted uses listed in SECTION 902 of this Article, and shall include but not be limited to:

1. Private garage or private parking area
2. Small Utility Shed and Pavilions not exceeding 160 square feet may be placed on any residential lot with a minimum setback of five (5)feet from all property lines.
3. **Signs** pursuant to regulations for signs in ARTICLE 19, SECTIONS 1901, 1902 of this ORDINANCE.
4. Home occupation pursuant to regulations for home occupations in ARTICLE 17, SECTION 1709 of this ORDINANCE.
5. Up to (2) Storage Sheds or Buildings shall be permitted, excluding primary residences.

ARTICLE 9 - URBAN DISTRICT: U

**Section 904: permitted Uses by Special Exception in the Urban**

**U**

**“U” Zone**

**90401** Special exception uses listed herein for the Urban “U” District may be permitted by a ruling

of the Adams Township Zoning Hearing Board and are subject to the procedures and requirements set forth in Article 17 and Article 18 of this ORDINANCE.

1. Banks, Savings and loan association
2. Bed & Breakfast house
3. Funeral home
4. Neighborhood retail store or retail shop
5. Professional office
6. Restaurant, cafe, coffee house, tavern,
7. Home Occupations
8. Public utility structure excluding Cell towers and Windmills
9. Service Station

**Section 905: Non-Permitted Uses in the Urban “U” Zone**

**90501** The following uses are not permitted in Urban “U” District:

1. Mobile Home and Manufactured Home
2. Mobile Home Parks and Manufactured Home Parks
3. Deep Mining (Surface Facilities)
4. Waste disposal
5. Strip Mining Activities

**90502** Uses listed as Non-Permitted are not subject for Zoning Hearing Board approval.

**Section 906: General Provisions and Requirements for Uses in**

**the Urban “U” Zone**

**90601** The general provisions and restrictions shall be applied to all uses in the Urban “U” Zone.

**90602 Setback Requirements:**

1. No building shall hereafter be erected or altered unless the minimum setback requirements are met as follows:
   1. Front –fifteen feet (15’)
   2. Side – fifteen (15’) feet
   3. Rear – twenty-five (25’) feet
   4. **Note:** Landscape area is included in set back dimensions.

Provided a shed of no more than 160 square feet in size may be located no closer than five (5) feet to the rear and side yard boundaries of a lot of record.

ARTICLE 9 - URBAN DISTRICT: U

1. Where more than fifty percent (50%) of the lots within a block in either direction fronting a street contain existing, structures, the front and rear yard setback may be reduced to conform to set back line of existing structures.

**U**

1. Corner Lot minimum setback requirements are as follows:
   1. Front – Fifteen feet (15’)
   2. Side abutting side Street – twenty feet (20”)
   3. Interior side – fifteen feet (15’)
   4. Rear – twenty-five (25’)
2. Set back and lot area for any use other than residential shall be subject to approval of the Planning Commission.

**90603** **Height Restrictions:** The maximum height of buildings hereafter erected or altered shall be

as follows:

1. Church or similar place of worship, forty-five (45’) feet for the principal building and
2. Seventy-five (75’) feet for steeples or towers.
3. All other structures, forty (40’) feet or two and one-half (2 ½) stories.

**90604** **Lot Area:**

1. The minimum lot area for every building hereafter erected or altered shall be seventy two hundred (7,200) square feet.
2. The minimum width at the building line shall be sixty (60’) feet.

**90605 Percentage of Lot Coverage:** All buildings including accessory use shall not cover more

than fifty (50%) percent of the total lot area.

**90606 Dwelling Standards:**

1. Every one-story single family detached dwelling hereafter erected or altered shall have a building area of not less than One thousand (1,000) square feet.
2. Every two-story single family detached dwelling shall have a minimum of twelve hundred (1,200) square feet.
3. All two-family dwellings shall have a minimum of two thousand one hundred (2,100) square feet combined.

**90607 Off-street Parking and Loading Facilities** shall be provided in accordance to the

provisions of Article 18, Section 1802 of this ORDINANCE.

1. **Storage Trailers:** Storage trailers shall be located inside property line setbacks for the appropriate zoning district. Trailers located in residential districts shall be limited to 1 per occupied resident for a period of no longer than 30 days unless being used for construction storage. Trailers must be removed within 30 days after completion of project as determined by zoning officer.
2. **Construction Trailers:** Construction trailers can be set outside the building setbacks with approval of the zoning officer. The number of storage trailers on construction sites shall not be limited.

**90608 Signs** shall be constructed and erected in accordance with the provisions of Article 19, Sections 1901, 1902 of this ORDINANCE.

ARTICLE 9 - URBAN DISTRICT: U

**U**

ARTICLE 9 - URBAN DISTRICT: U

**Article 10 – Historic District: H**

**H**

**Section 1001: Introduction to Historic “H” Zone**

**100101** The Historic “H” District is comprised of those areas of unique historical, aesthetic,

and for architectural significance which have been identified by designation in the National Register of Historic Places, by designation as an historic district under the Pennsylvania Historic District Act (Act 167 of 1961), and/or designation by the Adams Township Board of Supervisors with the advice of the Historic Architectural Review Board.

**100102** The “H” District is intended to protect the integrity of the historical district by regulating

land uses and restricting uses, which may interfere with the special nature of such area.

**100103** All construction within the district must be reviewed and approved by the Adams Township

Planning Commission prior to commencement of construction, alteration, renovation, or any

change requiring a building permit.

**Section 1002: Permitted Uses in Historic District**

**100201** The following is a list of permitted uses in the Historic “H” District:

1. Single Family detached dwelling
2. Two Family detached dwelling
3. Public Parks and Playgrounds
4. Churches or similar places of worship
5. Those uses identified in the National Register of Historic Places for this District.

**Section 1003: permitted Accessory Uses in Historic “H” Zone**

**100301** Accessory uses permitted in the Historic district shall be those incidental to any of the

permitted uses listed in SECTION 1002 of this Article, and shall include but not be

limited to:

1. One (1) Private garage and one (1) storage shed
2. Private parking areas
3. Customary accessory uses and buildings as listed in the National Register of Historic Places.

**Section 1004: Permitted Uses by Special Exception in Historic “H” Zone**

**100401** Special exception uses listed herein for the Historic “H” District may be permitted by a

ruling of the Adams Township Zoning Hearing Board and are subject to the procedures and

requirements set forth in Article 17 and Article 18 of this ORDINANCE.

1. Professional Offices
2. Neighborhood Retail Stores or Retail Shops
3. Restaurants, Cafes and Taverns
4. Home Occupations
5. Bed and Breakfast & related uses
6. Public Utilities Structures

ARTICLE 10 – HISTORIC DISTRICT: H

**100402** All uses by special exception are subject to the procedures and requirements set forth

**H**

in Article 17 and Article 22 of this ORDINANCE.

**Section 1005: Non-Permitted Uses in Historic “H” Zone**

**100501** The following uses are not permitted in the Historic “H” Zone:

1. Mobile Homes and Manufactured Homes
2. Mobile Home Parks and Manufactured Home Parks
3. Deep Mining (Surface Facilities)
4. Surface Mining Activities
5. Waste Disposal
6. Any use that will detract from the historical value of the district.

**100502** Uses listed as Non-Permitted are not subject for Zoning Hearing Board approval.

**Section 1006: General Provisions and Requirements for Uses iN**

**Historic “H” Zone**

**100601** The following general provisions and restrictions shall be applied to all uses in a historic

zone.

**100602 Setback Requirements:**

1. No building shall hereafter be erected or altered unless the minimum setback requirements are met as follows:
   1. Front – twenty feet (20’) – Majority of houses on block
   2. Side – twenty (20’) feet
   3. Rear – thirty (30’) feet
   4. **Note:** Landscape area is included in set back dimensions.
2. Where more than fifty percent (50%) of the lots within a block in either direction fronting a street contain existing, structures, the front and rear yard setback may be reduced to conform to set back line of existing structures.

**100603 Height Restrictions:** The maximum height of buildings hereafter erected or altered shall be

as follows:

1. Church or similar place of worship, forty-five (45’) feet for the principal building and
2. Seventy-five (75’) feet for steeples or towers.
3. All other structures, forty (40’) feet or two and one-half (2 ½) stories.

ARTICLE 10 – HISTORIC DISTRICT: H

**100604 Lot Area:**

**H**

1. The minimum lot area for every building hereafter erected or altered shall be ninety six hundred (9,600) square feet.
2. The minimum width at the building line shall be eighty (80’) feet.

**100605 Percentage of Lot Coverage:** All buildings including accessory use shall not cover more

than thirty five (35%) percent of the total lot area.

**100606 Dwelling Standards:**

1. Every one-story dwelling hereafter erected or altered shall have a building area of not less than one thousand (1,000) square feet.
2. One-story two family dwellings shall have a minimum of twelve hundred (1,200) square feet.
3. Every one-family dwelling of more than one story hereafter erected or altered shall have a total building area of not less than (1.200) square feet.
4. Two-family dwellings shall have a minimum of two thousand one hundred (2,100), combined square feet.

**100607** **Off-street Parking and Loading Facilities** shall be provided in accordance to the

provisions of Article 18, Section 1802 of this ORDINANCE.

**100608** **Signs** shall be constructed and erected with review and approval of the Planning

Commission of Adams Township.

**100609** No permits to be issued prior to Planning Commission review. Additional Housing and

Housing additions should maintain the Architectural Style of Historic District.

ARTICLE 10 – HISTORIC DISTRICT: H

**H**

ARTICLE 10 – HISTORIC DISTRICT: H

**Article 11 - Commercial District: C**

**C**

* 1. **Section 1101: Introduction to Commercial “C” Zone**

**110101** The Commercial “C” District is intended for the conduct of general business to which the

public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any other nuisance except those created by human interaction and passenger vehicles.

**110102** Uses, which would substantially interfere with the development or continuation of the

commercial structures and uses in the district are restricted.

**110103** This district classification is intended to be located where it can serve more than an

immediate neighborhood on or at the confluence of major access highways or roads in the

township that will facilitate its commercial nature so as to serve this purpose.

* 1. **Section 1102: Permitted Uses in Commercial “C” Zone**

**110201** The following is a list of permitted uses in the Commercial “C” District:

1. Administrative offices for commercial and industrial organizations
2. Amusement establishment, including bowling alleys, dance hall, similar place of recreation when conducted wholly within a completely closed building
3. Auto accessory store, automobile and truck sales and incidental services
4. Bakery shop, including baking and processing of food products
5. Bank, financial institution, savings and loan association, drive-in or main office
6. Barber shop, beauty shop
7. Blueprinting, photocopy establishment
8. Bus passenger terminal
9. Cabinet shop
10. Camera and photographic supply shop, retail sales and service
11. Car Washes
12. Department store
13. Dry-cleaning or pressing of dry goods received on the premises from retail trade only and including no wholesale cleaning or pressing business and when using nonflammable solvents as approved by the fire department
14. Dry goods store, haberdashery, wearing apparel store
15. Electrical appliances store, sales, service, repair, but excluding appliance assembly or manufacture
16. Food stores, Ez-Shoppers
17. Funeral home, mortuary
18. Furniture store, upholstery shop
19. Furrier, conducted as a retail operation for trade on the premises only
20. Garden supplies, seed store, nursery
21. Health club
22. Hotel, motel , club or restaurant
23. Household appliance store, sales and service
24. Interior decorating business, including upholstering and making of draperies, slip covers, and similar articles when conducted as a part of the retail operations and secondary to the main use

ARTICLE 11 - COMMERCIAL DISTRICT: C

1. Jewelry store

**C**

1. Medical clinic
2. Charitable organization, professional, business office building
3. Paint, wallpaper sales
4. Photographers studio, art gallery, including the developing of film when conducted as a part of the retail business on the premises
5. Planned shopping center
6. Plumbing, heating, similar business showroom including shop or repair facilities, provided that work is carried out and storage is accommodated in an enclosed building
7. Post Office
8. Printing shop
9. Restaurant, cafeteria and snack bar, including the sale of alcoholic beverages
10. Service station, public garage, or other motor vehicle services, provided no repair or work is performed outdoors. All pumps, underground storage tanks, lubricating and other devices are located not less than twenty-five (25) feet from any street right-of-way. All fuel, oil or similar substances are stored inside or underground. All automobile parts, dismantled vehicles, vehicles without a valid current inspection, and similar articles are stored within a building on the premises
11. Shoe store, Sporting Store
12. Theater, indoor
13. Travel agency
14. Typewriter and office equipment sales and services
15. Variety store

**110202** Any similar type retail service or commercial uses not specifically listed herein can be

authorized by the Zoning Officer or referred to the Zoning Hearing Board at the discretion of the Zoning Officer, utilizing the criteria found in ARTICLE 22, SECTION 2202, after review of recommendations from the Adams Township Planning Commission.

* 1. **Section 1103: permitted Accessory Uses in Commercial “C” Zone**

**110301** Accessory uses permitted in the commercial district shall be limited to those incidental to

any of the permitted uses listed in SECTION 1102 of this Article, and shall include but not be limited to:

1. Off-street parking and loading facilities, as regulated by ARTICLE 18, SECTION 1802 in this ORDINANCE
2. Fence or wall not over six (6) feet in height
3. **Signs** as regulated by ARTICLE 19 in this ORDINANCE
4. Non-commercial landscaped plantings for buffer areas

**110302** Accessory uses are subject to the additional supplemental regulations listed in ARTICLE 18,

as need be applied.

ARTICLE 11 - COMMERCIAL DISTRICT: C

* 1. **Section 1104: permitted Uses by Special Exception in**

**C**

**Commercial “C” Zone**

**110401 Special exception** uses listed herein for the Commercial “C” district may be permitted by a

ruling of the Adams Township Zoning Hearing Board and are subject to the procedures and

requirements set forth in Article 17 and Article 18 of this ORDINANCE.

1. Single family detached residential dwellings
2. Storage yard and storage buildings for contracting or excavating equipment
3. Public Utilities Structure, Towers
4. Industrial

**Section 1105: Non-Permitted Uses in Commercial “C” Zone**

**110501** The following uses are not permitted in the Commercial “C” District:

1. Deep Mining (Surface Facilities)
2. Surface Mining Activities
3. Waste disposal

**110502** Uses listed as Non-Permitted are not subject for Zoning Hearing Board approval.

**Section 1106: General Provisions and Requirements for Uses in**

**Commercial “C” Zone**

**110601** The general provisions and restrictions shall be applied to all uses in a commercial zone.

**110602 Setback Requirements:**

1. No building or structure shall hereafter be erected or altered unless the minimum setback

requirements are met as follows:

* 1. Front – fifty (50) feet
  2. Side – fifteen (15) feet
  3. Rear – fifteen (15) feet

1. Where a proposed commercial structure is adjacent to a residential area the following setback specifications will be met:
   1. Front – fifty-five (55) feet
   2. Side – twenty-five (25) feet
   3. Rear – twenty-five (25) feet
   4. Buffer Area – ten (10) feet
   5. **Note:** Landscaped areas are located in setback dimensions.

**110603 Height Restrictions:**

1. The maximum height of buildings hereafter erected or altered shall be forty-five (45) feet or three (3) stories.
2. The height of any accessory structure or apparatus for newly erected or altered buildings shall not exceed seventy-five (75) feet.

ARTICLE 11 - COMMERCIAL DISTRICT: C

**110604 Lot Area Size Limitations:**

**C**

1. The minimum lot area for all commercial buildings hereafter erected or altered shall be eighteen thousand (18,000) square feet.
2. The minimum width of the lot at the building line shall be one hundred (100) feet.

**110605 Percentage of Lot Coverage:** The area of the lot covered by all buildings and accessory

uses including parking shall not exceed eighty (90) percent.

**110606 Dwelling Standards:** All proposed construction and or alterations of buildings and

structures in a commercial zone shall comply with the **Site Plan Requirements** as outlined in ARTICLE 4, SECTION 40502 of this ORDINANCE.

**110607 Off-street Parking and Loading Facilities** shall be provided in accordance to the

provisions of Article 18, Section 1802 of this ORDINANCE.

**110608 Signs** shall be constructed and erected in accordance with the provisions of Article 19,

Sections 1901, 1902 of this ORDINANCE.

**Section 1107: Supplementary Requirements for Uses in**

**Commercial “C” Zone:**

**110701** In addition to meeting the site plan requirements set forth in ARTICLE 4, SECTION 40502

of this ORDINANCE, the following supplemental requirements shall be met:

**110702 Supplemental transportation requirements:**

1. At the Planning Commission’s request, a traffic study will be supplied, using current data available from the Pennsylvania Department of Transportation, to include:
   1. An comparative analysis of present street vehicular capacity on rights of way adjacent to the proposed development.
   2. An analysis of necessary needed points of access to off street parking and loading.
   3. A traffic circulation plan for all streets in the vicinity, both existing and proposed.
   4. An analysis of needed signage, including recommended traffic lights, to direct, channel, warn, control, and store vehicular traffic in the area.
2. All means of ingress and egress from a commercial property to any public street or State highway shall receive proper approval by the governing Body.
3. Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
4. The developer shall be responsible for the purpose and erection of any required traffic control devices and the construction of additional acceleration lanes as may be required by the Pennsylvania Department of Transportation or by the Adams Township Board of Supervisors.
5. Lighting for buildings, access ways, and parking lots shall be arranged so that directed or reflected light emanates toward the interior of the property.

ARTICLE 11 - COMMERCIAL DISTRICT: C

**110703 Architectural plans:**

**C**

1. Site plans of the buildings and structures showing that the project has a unified design which will be in character and proper relationship to the surrounding areas shall be submitted to the Adams Township Planning Commission for recommendation and approval prior to making application for a building permit.
2. All proposed buildings and structures must meet the minimum Department of Labor and Industry safety standards for commercial buildings.
3. All required federal, state, and/or local agency permits and regulation approvals must be obtained before making application to Adams Township for a building or occupancy permit.
4. **Note:** The site plan is not an application for a building/construction permit it is a prerequisite!

**110704 Landscape development plan:**

1. Visual screen for parking areas and loading and servicing areas within the property.
2. The developer shall provide a detailed plan of landscape development that will serve as the landscaped area shall be a buffer zone at least ten (10) feet wide along the rights of way of adjoining streets, except at approved entrances, and abutting residential property.
3. The landscaping should include a mix of trees and shrubs at least six (6) feet high. An ornamental wall or fence may be included as part of the plan.
4. The location of any advertising signage, lighting, and promotional visuals shall be included in the plan.
5. A storm run-off and drainage system, consistent with sound engineering practice shall be included in the plan for approval by the Adams Township Engineer or other qualified person directed by the Adams Township Board of Supervisors to approve such plans.

**110705 On site construction or storage trailers – Must be within setbacks of property**

**line.**

1. No more than three (3) storage trailers shall be permitted on any commercial site with the approval of the Zoning Officer.
2. A storage trailer is a temporary solution to storage problems and should be set on site for a period not to exceed one year.
3. Storage trailers shall be placed on the lot only in a location that does not create a safety condition as approved by the Zoning Officer.

ARTICLE 11 - COMMERCIAL DISTRICT: C

**C**

ARTICLE 11 - COMMERCIAL DISTRICT: C

**ARTICLE 12 - Light Industrial District: L-1**

**L-1**

**Section 1201: Light Industrial “L-1” District**

**120101** The Light Industrial Zone is intended to permit and encourage industrial development that

will be so located and designed as to constitute a harmonious and appropriate part of the

physical development of Adams Township, contribute to the soundness of the economic

base of the township, provide opportunities for local employment close to residential areas,

thus reducing travel to and from work.

**120102** The limitations on use, height, and lot coverage are intended to provide for modern

industrial development in an urban environment.

**120103** Residential is considered not compatible and are prohibited in this zone.

**120104** Any use which would substantially interfere with the development or continuation of the

industrial uses and structures in this zone are also prohibited.

**Section 1202: Permitted Uses in the Light Industrial “L-1” Zone**

**120201** The following is a list of permitted uses common to light manufacturing and distributive

use in the Light Industrial “L-1” Zone:

1. Food packaging and distribution
2. Apparel and clothing manufacture
3. Lumber /Saw mill
4. Furniture and wood fixtures manufacture
5. Paper and paper products
6. Printing and publishing
7. Plastic extrusion plant
8. Natural gas or petroleum products storage
9. Coal distribution terminal
10. Leather product manufacture
11. Pottery kiln
12. Fabricated metal assembly
13. Non-electrical machinery
14. Electric and electronic equipment manufacture
15. Transportation equipment servicing, Trucking & Warehousing
16. General Contracting Companies
17. Other compatible light industrial activities
18. Other compatible small manufacturing activities
19. A single Mobile or Manufactured Home used as a dwelling for a watchman of an industry on the same site provided:
    1. The surrounding lot size is two (2) acres and the Mobile or Manufactured Home is connected to public water and either public sewers or an approved on lot sewage system.
    2. The minimum floor area shall be four hundred (400) square feet and shall not exceed seven hundred (700) square feet.
20. Wholesale Trades
21. Any similar type Light Industry uses not specifically listed herein can be authorized by the Zoning Officer Hearing Board utilizing the criteria found in ARTICLE 22, SECTION 2202, after review of recommendations from the Adams Township Planning Commission.

ARTICLE 12 - LIGHT INDUSTRIAL DISTRICT: L-1

**L-1**

**Section 1203: permitted Accessory Uses in the Light Industrial “L-1” Zone**

**120301** Accessory uses permitted in the Light Industrial “L-1” district shall be limited to those

uses and buildings clearly incidental to any of the permitted uses listed in 1202 of this Article.

**120302** Accessory uses are subject to the additional supplemental regulations listed in ARTICLE

18, as need be applied.

**Section 1204: Permitted uses by Special Exception in the Light**

**Industrial “L-1” Zone**

**120401** Special Exception uses listed herein for the Light Industrial “L-1” district may be permitted

by a ruling of the Adams Township Zoning Hearing Board and are subject to the procedures and requirements set forth in Article 17 and Article 18 of this ORDINANCE.

1. Communication Towers
2. Commercial

**Section 1205: Non-permitted Uses in the Light Industrial “L-1”**

**Zone**

**120501** The following uses are not permitted in the Light Industrial “L-1” District:

1. Residential dwellings of any type
2. Deep Mining (Surface Facilities)
3. Surface Mining
4. Waste disposal

**120502** Uses listed as Non-Permitted are not subject for Zoning Hearing Board approval.

ARTICLE 12 - LIGHT INDUSTRIAL DISTRICT: L-1

**Section 1206: General Provisions and Requirements for Uses iN**

**L-1**

**the Light Industrial “L-1” Zone**

**120601** The general provisions and restrictions shall be applied to all uses in the Light Industrial

“L-1” Zone.

**120602** **Setback Requirements:**

1. No building or structure shall hereafter be erected or altered unless the minimum setback requirements are met as follows:
   1. Front –forty (40) feet
   2. Side – fifteen (15) feet
   3. Rear – twenty-five (25) feet
2. Where a proposed light industrial structure is adjacent to a residential area, the following set-back specifications will be met:
   1. Front – fifty (50) feet
   2. Side – forty (40) feet
   3. Rear – forty (40) feet
   4. Buffer Area – ten (10) feet
3. For construction of new structures adjacent to a railroad siding, no setback standards are required.

**120603 Height Restrictions:**

1. The maximum height of buildings hereafter erected or altered shall be forty-five (45) feet or three (3) stories.
2. The height of any accessory structure or apparatus for newly erected or altered buildings shall not exceed seventy-five (75) feet.

**120604 Lot Area Size Limitations:** The minimum width of the lot at the building line shall be

one hundred (100) feet.

### **120605 Percentage of Lot Coverage:** The area of the lot covered by all buildings and accessory

### uses including parking shall not exceed eighty (80) percent.

**120606 Building Standards:**

1. All proposed construction and or alterations of buildings and structures in a light industrial zone shall comply with the *Site Plan Requirements* as outlined in ARTICLE 4, SECTION 40502 of this ORDINANCE.
2. Every primary structure hereafter erected or altered shall have a minimum floor area of one thousand (1,000) square feet.

**120607 Off-street Parking and Loading Facilities** shall be provided in accordance to the

provisions of Article 18, Section 1802 of this ORDINANCE.

**120608 Signs** shall be constructed and erected in accordance with the provisions of Article 19,

Sections 1901, 1902 of this ORDINANCE.

ARTICLE 12 - LIGHT INDUSTRIAL DISTRICT: L-1

**Section 1207: Supplementary Requirements for Uses in Light Industrial “L-1” Zone**

**L-1**

**120701** In addition to meeting the site plan requirements set forth in ARTICLE 4, SECTION

40502 of this ORDINANCE, the following supplemental requirements shall be met:

**120702 Transportation Requirements:**

1. At the Planning Commission’s request, a traffic study will be supplied, using current data available from the Pennsylvania Department of Transportation, to include:
   1. An analysis of present street vehicular capacity on rights of way adjacent to the proposed development.
   2. An analysis of needed points of access to off street parking and loading.
   3. A traffic circulation plan for all streets in the vicinity, both existing and proposed.
   4. An analysis of needed signage, including recommended traffic lights, to direct, channel, warn, control, and store vehicular traffic in the area.
2. All means of ingress and egress from the light industrial property to any public street or State highway shall be approved by the local governing authority.
   1. Interior access ways shall be designed to prevent the blocking of vehicles entering or leaving the site.
   2. To insure smooth flow of traffic and easy access to individual plants by truck and trailers, minimum interior roads should have fifty (50) foot right-of-way and twenty (20) foot pavements.
   3. Any vehicular turn-around should have a minimum ninety (90) foot radius.
3. The developer shall be responsible for the purchase and erection of any required traffic control devices and the construction of additional acceleration lanes as may be required by the *Pennsylvania Department of Transportation* or by the Adams Township Board of Supervisors.

**120703 Architectural Plans:**

1. Site plans of the buildings and structures showing that the project has a unified design, which will be in character and proper relationship to the surrounding areas, shall be submitted to the Adams Township Planning Commission for recommendation and approval prior to making application for a building permit.
2. All proposed buildings and structures must meet the minimum *Department of Labor* *and Industry* safety standards for light industrial buildings.
3. Lighting for buildings, access ways, and parking lots shall be arranged so that directed or reflected light emanates toward the interior of the property.
4. Outside storage must be appropriately screened on all sides.

**120704 Landscape Development Plan:**

1. The developer shall provide a detailed plan of landscape development that will serve as a visual screen for parking areas and loading and servicing areas within the property.
2. The location of any outdoor advertising signage, lighting, and promotional visuals shall be included in the plan.

ARTICLE 12 - LIGHT INDUSTRIAL DISTRICT: L-1

**120705 On Site Storage Trailers:**

**L-1**

1. Only two storage trailers shall be permitted on any light industrial site without the approval of the Adams Township Zoning Officer.
2. A storage trailer is a temporary solution to storage problems and should be set on site for a period not to exceed one year.
3. If more than two storage trailers are needed, a separate permit must be obtained from the Adams Township Zoning Officer for each additional trailer needed.
4. Additional storage trailers shall be placed on the lot only in a location approved by the Zoning Officer.
5. **Note:** Storage trailer permits are valid for one calendar year only and must be renewed.

**120706 Utilities:**

1. Adequate provisions for present and future requirements of water supply, sanitary sewers, storm sewers, electric and gas lines, communication lines, and other utilities must be provided.
2. Any property located within one hundred fifty (150) feet of an existing sanitary sewage line shall be required to connect to the system.
   1. If the property is further than 150 feet from an existing sanitary sewer line the developer shall provide a detailed engineering report showing the feasibility of connecting to the existing sanitary sewer system to the Adams Township Engineer for review.
   2. If the township engineer determines that a connection is not feasible, the developer shall provide onsite sanitary disposal facilities that meet the requirements of all applicable local codes and ordinances of Adams Township, and the Pennsylvania Department of Environmental Protection (DEP).
   3. The onsite sanitary disposal facility shall be constructed in such manner that connections to the sanitary sewage system can be made with a minimum of interruptions when the sewer system becomes available and said connection becomes feasible.
   4. The developer shall be required to make a commitment, on a form as determined by the Adams Township Board of Supervisors, that the site will be connected to a sewage system as soon as such system becomes available or feasible.
3. Storm run-off and drainage system, consistent with sound engineering practice, shall be included in the plan for approval by the Adams Township Engineer or other qualified person directed by the Adams Township Board of Supervisors to approve such plans.

**120707 Other Permits and Applications:**

1. All required federal, state, and/or local agency permits and regulation approvals must be obtained before making application to Adams Township for a building or occupancy permit.
2. Said authorizations shall accompany plans at the time they are submitted to the Adams Township Planning Commission.
3. If the State, or similar governmental agency requires zoning approval prior to issuing its approval, the Adams Township Planning Commission may issue site plan approval conditioned upon the application’s approval by the State, or similar governmental agency.

ARTICLE 12 - LIGHT INDUSTRIAL DISTRICT: L-1

1. Proof of State or similar governmental agency approval must be presented to the Adams Township Zoning Officer before a building permit for the proposed plan will be issued.

**L-1**

1. **Note:** The site plan is not an application for a building/construction permit it is a prerequisite!

ARTICLE 12 - LIGHT INDUSTRIAL DISTRICT: L-1

**ARTICLE 13 - Open Space and Recreation District: O**

**O**

**SECTION 1301: Introduction to Open Space and Recreation "O" Zone**

**130101** The open space and recreation district is designed to reserve greenbelts throughout the

township as usable public and common open space for permanent recreational sites as the township experiences growth.

**130102** Open space and recreation zones are designated on environmentally vulnerable land such as

steeply sloping land, marshland, waterways, or conservation lands.

**130103** The recreational districts shall be oriented toward (in open space planning and acquisition

activities) recreational opportunities such as parklands for various activities including miscellaneous open field games, swimming, hiking, picnicking, boating, etc.

**SECTION 1302: Permitted Uses in Open Space “O” Zone**

**130201** The following is a list of permitted uses in the Open Space and Recreation “O” District.

1. Waterways impoundments to be used for the following recreational purposes:
   1. Boating, Fishing, Canoeing, Sail Boating, and Swimming Beaches
2. Camp lodges, camping areas
3. Open spaces for informal play of outdoor games
4. Comfort stations
5. Nature and hiking trails
6. Skiing, outdoor ice skate, or sled facilities
7. Picnic facilities
8. Nature education centers
9. Forest reservoir

**130202** Permitted uses do not include any activity commonly conducted as a permanent commercial

or retail business.

**SECTION 1303: Permitted Accessory Uses in “O” Zone**

**130301** Accessory uses permitted in the Open Space and Recreation District, shall be limited to

those incidental to any of the permitted uses listed in SECTION 1302 of this Article, and

shall include but not be limited to:

1. Garage and Maintenance sheds
2. Marinas and Boat docks
3. Pavilions,
4. Ball fields

**130302** Accessory uses **do not include** any activity commonly conducted as a commercial business.

**SECTION 1304: Permitted Intensive Recreational Uses**

**130401** Intensive recreational uses are those uses that accommodate large crowds of fifty (50) or

more people on any given day.

ARTICLE 13 - OPEN SPACE AND RECREATION DISTRICT: O

**130402** The following is a list of permitted intensive recreational uses in the Open Space and

**O**

Recreation “O” District:

1. Playground
2. Neighborhood Community Park
3. Community Recreation Center
4. Playfield
5. Regional Park
6. Pavilion and Sheds
7. Any use that is related to recreational activities.

**SECTION 1305: Non-permitted Uses in “O” Zone**

**130501** The following uses are not permitted in the Open space and Recreational District:

1. Single or multi-family Dwellings
2. Mobile Home Parks and Manufactured Home Parks
3. Mobile Homes and Manufactured Homes
4. Deep Mining (Surface Facilities)
5. Surface Mining
6. Waste Disposal
7. Land Fill Operations

**130502** Uses listed as Non-Permitted are not subject for Zoning Hearing Board approval.

**SECTION 1306: General Provisions and Requirements for uses in**

**the Open Space and Recreation "O" District**

**130601** The general provisions and restrictions shall be applied to all uses in the Open Space and

Recreation "O" Zone.

**130602 Set back Requirements** for all permitted uses and accessory uses in this zone shall be fifty

(50) feet.

**130603 Height Restrictions:** All buildings or structures hereafter erected or altered shall be limited

in height to 1 1/2 stories or twenty (20) feet

**130605 Percentage of Lot Coverage:** All structures and buildings including accessory uses shall

not cover more than twenty (20) percent of the total lot area.

**130606 Dwelling Standards:** Permanent residential dwellings are not permitted in the Open Space

and Recreation "O" Zone so no minimum dwelling standards are listed.

**130607** **Off Street Parking and Loading Facilities** shall be provided as required by ARTICLE 18,

SECTION 1802 of this ORDINANCE.

**130608 Signs** shall be limited to those necessary for posting directions or regulations for use of the

Open Space and Recreation area.

ARTICLE 13 - OPEN SPACE AND RECREATION DISTRICT: O

**ARTICLE 14 – Conservancy District: S**

**S**

**SECTION 1401: Introduction to Conservancy "S" Zone**

**140101** The Conservancy “S” District is intended to preserve the scenic and ecological values of

Adams Township's steep hillside lands, waterways, environmentally sensitive forestlands and soil types through the prohibition or restriction of commercial, industrial, and most residential development.

**140102** The Conservancy “S” District allows for very low-density "single-family" residential

development, and the continuation of existing farming or agricultural operations.

**SECTION 1402: Permitted Uses in Conservancy “S” Zone**

**140201** The following is a list of permitted uses in the Conservancy “S” District:

1. Single-family dwellings
2. Farming
3. Forestry
4. Hunting lodges
5. Fishing lodges
6. Hunting club
7. Fishing club
8. Gun or archery club
9. Scenic or nature preserve
10. Other similar recreational purpose
11. Resort-type residential establishment when associated with recreation or group-oriented activities on the premises
12. Open recreational use when operated by a non-profit organization for such purposes as hiking trails, fishing and boating, picnicking

**140202** Permitted uses do not include any activity commonly conducted as a commercial business

other than family farm.

**SECTION 1403: Permitted Accessory Uses in Conservancy “S” Zone**

**140301** Accessory uses permitted in the Conservancy "S" Zone, shall be limited to those incidental

to any of the permitted uses listed in 1402 of this Article, and shall include but not be limited to:

1. Private garage
2. Maintenance Shed
3. Pavilion
4. Other customary accessory uses and buildings provided such are clearly incidental to the principal use.

**140302** Accessory uses do not include any activity commonly conducted as a commercial business

other than family farming.

ARTICLE 14 – CONSERVANCY DISTRICT: S

**SECTION 1404: Permitted Uses by Special Exception in**

**S**

**Conservancy "S" Zone**

**140401** Special exception uses listed for the Conservancy “S” District, may be permitted by a

ruling of the Adams Township Zoning Hearing Board and are subject to the procedures and requirements set forth in Article 17 and Article 18 of this ORDINANCE.

1. Surface mining, (provided disturbed land is properly backfilled and/or returned to its original contours) with set back requirements as set forth under Section 1715
2. Deep mining operations
3. Waste disposal, with set back requirements as set forth under Section 1716
4. Aqua-culture ponds
5. Windmills, with set back requirements as set forth under ORDINANCE 95

**SECTION 1405: Non-permitted Uses in Conservancy “S” Zone**

**140501** The following uses are not permitted in the Conservancy “S” District:

1. Mobile Homes and Manufactured Homes
2. Mobile Home Parks and Manufactured Home Parks

**140502** Uses listed as Non-Permitted are not subject for Zoning Hearing Board approval.

**SECTION 1406: General Provisions and Requirements for uses in**

**the Conservancy "S" Zone**

**140601** The general provisions and restrictions shall be applied to all uses in the Conservancy "S"

Zone.

**140602 Set back Requirements** for all permitted uses and accessory uses in this zone shall be:

**Interior Lot:**

1. Front – fifty (50) feet
2. Side – fifty (50) feet
3. Rear – twenty-five (25) feet

**Corner Lot:**

1. Street sides – fifty (50) feet
2. Interior sides – twenty-five (25) feet

**140603 Height Restrictions:** All buildings or structures hereafter erected or altered shall be

limited in height to 2 1/2 stories or thirty-five (35) feet, except those permitted under Act 95.

**140604 Lot Area:** The minimum lot area for every building hereafter erected or altered shall be as

follows:

1. Residential use -- single-family dwelling, five (5) acres and a minimum width at the building line of two hundred 200 feet.

ARTICLE 14 – CONSERVANCY DISTRICT: S

1. Other permitted uses – Ten (10) acres and a minimum width at the building line of 300 feet.

**S**

**140605 Percentage of Lot Coverage:** All structures and buildings including accessory

uses shall not cover more than five (5) percent of the total lot area.

**140606 Dwelling Standards:**

1. Every one-story dwelling hereafter erected or altered shall have the total minimum floor area of not less than seven hundred (700) square feet.
2. Every two-story dwelling hereafter erected or altered shall have a total minimum floor area of twelve hundred (1,200) square feet.

**140607 Off Street Parking and Loading Facilities** shall be provided as required by ARTICLE

18, SECTION 1802 of this ORDINANCE.

**140608 Signs** and advertisement structures shall be erected and maintained according to the

requirements set forth in the provisions of Article 18, SECTION 1802 of this ORDINANCE.

ARTICLE 14 – CONSERVANCY DISTRICT: S

**S**

ARTICLE 14 – CONSERVANCY DISTRICT: S

**ARTICLE 15 - Flood Plain Overlay District: FP**

**FP**

**SECTION 1501: INTRODUCTION TO Flood Plain “FP” District**

**150101** The Flood Plain “FP Overlay Zone is designed as a sub-zone within any given zoning

district in Adams Township.

**150102** The recognition of a flood plain district on the zoning map serves to minimize injuries,

limit the degradation of public health, deplete loss of life, and lessen damage to public and private property due to recurring severe flooding.

**150103** Flood Plain Zones also alert prospective developers that flooding may be expected in the

area they propose to develop.

**150104** Determination of Flood Plain Districts is based upon the presence of certain elements

which may include:

1. The presence of flood plain soils as listed in the bulletin, "*Soil Survey Interpretations for Cambria County*”:
   1. Alluvial Land
   2. Atkins
   3. Philo
   4. Purdy
2. Being listed in the "Standard Project Flood" as delineated by the U.S. Army Corps of Engineers
3. Recognized as a flood prone area by the U.S. Department of the Interior, in its Geological Survey in its US Geological Survey.
4. A listing in documents of the Federal Insurance Administration as shown on its "Flood Hazard Boundary Map"

**150105** The determining element which covers the largest surface area shall be used to determine

the boundaries of the Flood Plain Districts within Adams Township.

**150106** The following additional definitions pertain to the Flood Plain District:

1. **“Floodway** ,” The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this ORDINANCE the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
2. **“Floodway fringe,”** that portion of the floodplain outside of the floodway that would be affected by a flood greater than a one hundred (100) year magnitude.

**SECTION 1502: Permitted Uses in Flood Plain “FP” District**

**150201** Within the floodway itself, only open uses such as agriculture and parks are appropriate.

**150202** Within the floodway no structural development shall be permitted except where the effect

of such development on **flood heights** is fully offset by accompanying stream improvements which have been approved by all appropriate Local and/or State or Federal Authorities.

ARTICLE 15 - FLOOD PLAIN OVERLAY DISTRICT: FP

**FP**

**150203** The following uses and activities are permitted provided that they are in compliance with

the provisions of the underlying district and are not prohibited by any other ordinance, and provided that they do not require structures, fill, or storage of materials and equipment.

1. Agricultural uses such as:
   1. General Farming
   2. Outdoor Plant Nurseries
   3. Horticulture
   4. Truck farming
   5. Sod farming
2. Forestry
3. Wild crop harvesting
4. Game management areas
5. Fish hatcheries, etc.

**150204** Public and private recreational uses or activities are permitted such as;

1. Parks and play fields
2. Day camps
3. Picnic grounds
4. Golf courses
5. Boat lunching and swimming areas
6. Wildlife and nature preserves
7. Trap and skeet game ranges
8. Hunting and fishing areas
9. Pavilions and Sheds

**150202** In the floodway fringe areas, special standards to protect property and public health and

safety shall be applied to the use of the land and to the construction of buildings or structures.

**SECTION 1503: Permitted Accessory Uses in Flood Plain “FP”**

**District**

**150301**Accessory uses permitted in the floodplain zone shall be limited to that incidental to any of

the permitted uses listed in 1502 of this Article and shall include but not be limited to:

1. Pasture, grazing land
2. Bridal path
3. Hiking trail
4. Open play area
5. Non-paved bike trail
6. Other accessory residential uses such as:
   1. Yard areas
   2. Gardens
   3. Play areas
   4. Pervious parking areas
7. Accessory industrial and commercial uses such as:
   1. Yard areas
   2. Pervious parking and loading areas
   3. Airport landing strips, etc.

ARTICLE 15 - FLOOD PLAIN OVERLAY DISTRICT: FP

**FP**

**SECTION 1504: Permitted Uses by Special Exception in Flood**

**Plain “FP” District**

**150401** Special Exception uses listed for the Flood Plain District may be permitted by a ruling of

the Adams Township Zoning Hearing Board and are subject to the procedures and requirements set forth in Article 17 and Article 18 of this ORDINANCE.

1. Utilities and public facilities and improvements such as:
   1. Railroads
   2. Streets
   3. Bridges
   4. Transmission lines
   5. Pipelines
   6. Water and sewage treatment plants
   7. Other similar or related uses
2. Water related uses and activities such as:
   1. Marinas
   2. Docks
   3. Wharves
   4. Piers, etc.
3. Extraction of sand, gravel, and other materials.
4. Temporary uses like circuses, carnivals, and similar activities.
5. Storage of materials and equipment provided:
   1. They are not buoyant, flammable, or explosive
   2. They are not subject to major damage by flooding
   3. They are firmly anchored to prevent flotation or drifting
6. They can be readily removed from the area within a reasonable time if a flood warning is issued.
7. Other similar uses and activities provided they cause no increase in flood heights and/or water flow velocities.

**150402 Strict Compliance:**

1. All uses and activities permitted by Special Exception must be in strict compliance with the provisions of the underlying Zoning District in which the Flood Plain District exists, and not be prohibited by any other ordinance.
2. All uses, activities, and structural developments, shall be undertaken in strict compliance with the flood proofing provisions contained in all other applicable local, state, or federal codes and ordinances.

**150403 Other Considerations:** The Zoning Hearing Board shall consider, in addition to other

factors, the following items during the hearing process for Special Exceptions:

1. The potential danger to life and property due to increased flood heights or velocities caused by encroachments into the floodway fringe area.
2. The danger that building or structural materials may pose, if they are swept along to other lands or downstream and their potential to cause injury to others.
3. The impact of the proposed use or activity on existing water supply and sanitation systems and the continued ability of these systems to prevent disease, contamination, and unsanitary conditions.

ARTICLE 15 - FLOOD PLAIN OVERLAY DISTRICT: FP

1. The degree to which the proposed facility and its contents are susceptible to flood damage and the effect such damage may have on the individual owners.

**FP**

1. The importance of the services provided by the proposed facility to the community.
2. The necessity of a waterfront location for this facility.
3. The availability of alternative locations less prone to flooding for the proposed use.
4. The compatibility of the proposed use or activity with existing circumstances and any other development anticipated in the near future.
5. The relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for Adams Township.
6. The safety of access to the property during times of flood by ordinary and emergency vehicles.
7. The anticipated height, velocity, duration, rate of rise, and sediment transport of the flood waters expected at this site.
8. Such additional factors and procedures relevant to the purposes of this Article which may be specified in other sections of this Zoning ORDINANCE.

**150405 Zero Flood Level Increase:** No special exceptions shall be granted for any proposed use,

development, or activity that will cause or allow **any increase in flood levels** during a one hundred (100) year flood.

**150406 Referrals:** The Adams Township Zoning Hearing Board may refer any application or

request for a special exception, along with its accompanying documentation, to any engineer or other qualified person or agency for technical assistance, so that a qualified determination may be made as to the proposed project’s impact upon flood heights and velocities, and the adequacy of the project’s plans to offset or minimize the effects of potential flooding in the area.

**SECTION 1505: Non-permitted Uses in Flood Plain “FP” District**

**150501** The following uses are not permitted in the Flood Plain District:

1. Single Family dwellings
2. Multiple family dwellings
3. Convenience Shops
4. Churches or similar places of worship
5. Private or public garages
6. Service Stations
7. Commercial Buildings
8. Offices
9. Stores
10. Shopping Centers
11. Schools
12. Theaters
13. Warehouses

**150502** Uses listed as Non-Permitted are not subject for Zoning Hearing Board approval.

ARTICLE 15 - FLOOD PLAIN OVERLAY DISTRICT: FP

**SECTION 1506: General Provisions and Restrictions for Uses in**

**FP**

**Flood Plain “FP” District**

**150601** No structure or land shall hereafter be used and no structure shall be located, relocated,

constructed, reconstructed, enlarged, or structurally altered, except in full compliance with the terms and provisions of this ORDINANCE, and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ORDINANCE.

**150602** Flood Plain Districts shall be marked as an overlay of sub-districts to the existing zoning

districts shown on the Official Zoning Ordinance Map, and as such, the provisions of the Flood Plain District shall be supplemental to the provisions of the underlying district.

**150603** Where a conflict between the provisions or requirements of the Flood Plain District and

those of the underlying Zoning District exists, the more restrictive provisions and/or those pertaining to the Flood Plain District shall apply.

**150604** In the event any provision concerning a Flood Plain District is declared inapplicable, as a

result of any legislative or administrative action or judicial discretion, the basic underlying district provisions shall remain applicable.

**SECTION 1507: Flood Plain “FP” District Boundary Changes**

**150701** The delineation of any existing Flood Plain District may be revised by the Adams

Township Board of Supervisors or its designee where natural or man-made changes have occurred which decrease or extend the limits of the flood plain.

**150702** When more detailed studies, conducted or undertaken by the U.S. Army Corps of

Engineers, River Basin Commission, or any other qualified agency, merit a change in the boundaries of a Flood Plain District, the flood plain overlay shall be modified to show such changes.

**150703** Prior to recording any proposed changes in the delineation of a flood plain district’s

boundaries on the flood plain overlay, the Township must obtain approval for those proposed changes from the Federal Insurance Administration (FIA).

**150704** The Adams Township Board Secretary will keep on file all individual documents or studies

that give notification to the Township for such changes in flood plain boundaries.

**SECTION 1508: Limiting Provisions for the Flood Plain “FP”**

**District**

**150801** All uses, activities, and development occurring within any Food Plain District, shall be

undertaken in strict compliance with the underlying provisions of this ORDINANCE.

ARTICLE 15 - FLOOD PLAIN OVERLAY DISTRICT: FP

**150802** All uses, activities, and development occurring within any Flood Plain District, shall be

**FP**

undertaken in strict compliance with all other applicable codes and ordinances such as the “*Adams Township Subdivision and Land Development Ordinance”*.

**150803** Under no circumstances shall any use, activity, and/or development adversely affect the

capacity of the channels or floodways of any watercourse, drainage ditch, or any other water flow/drainage facility or system.

**150804** Prior to the beginning of any proposed alteration or relocation of any creek, stream, or

watercourse, etc. within Adams Township, the land owner or developer must obtain a permit from the Department of Environmental Protection (DEP), Dams and Encroachment Division.

1. Further, notification of the proposal shall be given to all adjacent municipalities that may be affected by the proposal.
2. Copies of such notification shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

**SECTION 1509: Limiting Provisions for the Floodway Fringe**

**150901** In the Floodway Fringe area the development and/or use of land shall be permitted in

accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in all other applicable local, state, and federal codes and ordinances.

**150902** Land owners and developers must understand that they are using an area of Adams

Township that is known to be prone to flooding damage and that they do so at their own risk and peril.

ARTICLE 15 - FLOOD PLAIN OVERLAY DISTRICT: FP

**ARTICLE 16 - MUNICIPAL WATERSHED OVERLAY DISTRICT: W**

**W**

**SECTION 1601: Introduction to Municipal Watershed "W"**

**District**

**160101** The purpose of the Municipal Watershed “W” District is to protect watershed areas, areas

of drainage of potable water, reservoirs, waterways, water storage facilities, and areas not needed for more intensive development in the foreseeable future.

**160102** This zone shall establish certain restrictions which are necessary within the watershed to

protect the general health, welfare, and safety of the community by protecting surface and subsurface water supplies.

**160103** Impediment of flow or storage of water shall be prohibited by any obstruction or structure

created by any individual, corporation, or private group other than those authorized by the Adams Township Board of Supervisors to control and preserve water supplies within the district.

**160104** Zoning of privately owned land for municipal watershed use shall occur only after the legal

permission of the lawful landowner has been granted.

**SECTION 1602: Permitted Uses in Municipal Watershed “W”**

**District**

**160201** The following is a list of permitted uses in the Municipal Watershed “W” Zone:

1. Scenic or nature preserve
2. Tree farm
3. Game lands

**SECTION 1603: Permitted Accessory Uses in Municipal Watershed “W” District**

**160301 Accessory uses** permitted in Municipal Watershed ”W” Zone shall be limited to those

incidental to any of the permitted uses listed in 1602 of this Article and shall include but not be limited to:

1. Wildlife and nature area
2. Hiking trails

**SECTION 1604: permitted Uses by Special Exception in Municipal**

**Watershed “W” District**

**160401** Special Exception uses listed for the Watershed “W” District may be permitted by a ruling

of the Adams Township Zoning Hearing Board and are subject to the procedures and requirements set forth in Article 17 and Article 18 of this ORDINANCE.

1. Utilities and public facilities and improvements such as:
   1. Roads
   2. Bridges

ARTICLE 16 - MUNICIPAL WATERSHED OVERLAY DISTRICT: W

* 1. Transmission lines

**W**

* 1. Pipelines
  2. Windmills
  3. Other similar or related uses.

1. Water related uses and activities such as:
   1. Water storage tank
   2. Water treatment plant
   3. Water impoundment
   4. Water pumping station
2. Adult Business Conditional Use

**160402 Adult Business Conditional Use:** Adult Businesses may be permitted in the Municipal

Watershed-WD District as a conditional use granted by the Adams Township Board of Supervisors upon the following criteria.

**160403 Adult Business Definitions:**

1. **Adult Business** – Either:
   1. an Adult Book Store, defined as: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, or an establishment with a segment or section devoted to the sale or display of such material; or an
   2. Adult Theater, being defined as a club, bar or entertainment facility:
      1. Presenting film, tape or other audio or visual reproduction or any other material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons; or
      2. Featuring topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.
2. **Specified Anatomical Areas:** Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
3. **Specified Sexual Activities:** Any of the following:
   1. Human genitals in a state of sexual stimulation or arousal
   2. Acts of human masturbation, sexual intercourse or sodomy
   3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or
   4. Audible representation, description or narration of any of the above

**160404 Criteria for Adult Business Conditional Use.** Adult business uses as conditional use.

1. **Adult business uses**, as defined herein, are only permitted in the Municipal Watershed-WD District, and only as a conditional use subject to the specific criteria expressed in this and other applicable ordinances.
2. **Procedures:** A conditional use permit for such uses shall be issued by the Adams Township Supervisors, providing the following specific conditions are met:

ARTICLE 16 - MUNICIPAL WATERSHED OVERLAY DISTRICT: W

* 1. Applications for a conditional permit for an adult business use specify location, layout, and all other information required by these sections relating to Adult Businesses, shall be submitted to the Zoning Officer at least 15 days prior to the next regular meeting of Adams Township Planning Commission. At that meeting, the Planning Commission shall review and comment on the application and forward to the Supervisors all information required by this Section.

**W**

* 1. Upon receipt of an application for an adult business use conditional use permit, the Supervisors shall establish the date, time and place for a public hearing on the application. Notice of the public hearing shall be published at least once in a newspaper with general circulation in the municipality not less than 10 days nor more than 20 days from the date of the hearing. The notice shall establish the time, date and place of the hearing and shall describe the proposal in general terms. In addition to the public hearing notice, a written notice shall be mailed to the owners of all property within 500 feet of the site proposed for the adult business use. Such public hearing shall be held no later than 60 days following the meeting at which the Adams Township Supervisors receive such application. The Planning Commission shall review the application at its next legally-advertised regular meeting following the receipt of the application from Adams Township Supervisors. Within seven (7) days of such review the Planning Commission shall submit a written report to the Supervisors on its findings on the conformity of the adult business use conditional use permit application with the requirements of this and other applicable ordinances.
  2. At the first regular or special meeting of the Adams Township Supervisors subsequent to the Supervisors conducting the public hearing, Supervisors shall take action on such application. The Supervisors may approve the conditional use permit subject to specific conditions or changes, or may disapprove the conditional use permit with a specific list of reasons for such disapproval. Written notification of the Supervisors’ action, with reasons therefore, shall be mailed to the applicant by the Zoning Officer within five (5) days of said action by Supervisors.
  3. All applications for an adult business use conditional use permit shall be accompanied by a site plan. The minimum information required on the site plan shall include:
     1. The adult business use intended.
     2. The location and elevations of all buildings, structures, walls, fences and landscaping on the site.
     3. Off-street parking areas and traffic circulation patterns, and all signs, displays and advertising, including location(s).

1. **Other** **Requirements:**
   1. All storage and displays shall be located within the building.
   2. All business transactions on the premises shall be conducted within the building.
   3. No exterior changes, excluding maintenance, to a building proposed to be used for an adult business use shall be made without the approval of Township Supervisors. In no case shall opaque covering of display windows be permitted.
   4. All new construction shall be in keeping with the scale and architectural styles of the buildings surrounding the site proposed for an adult business use.
   5. Not more than one type of adult business use, as defined herein, may operate on any lot.

ARTICLE 16 - MUNICIPAL WATERSHED OVERLAY DISTRICT: W

* 1. Advertisements, displays or other promotional materials of specified sexual activities or specified anatomical areas shall not be shown or exhibited so as to be visible to the public from the exterior of the building.

**W**

* 1. In adult mini-motion picture theaters, no openings are permitted through walls separating private viewing booths.

1. **Signs and Other Visible Messages.** In addition to the regulations of applicable state laws, the following shall apply to all adult business uses:
   1. Sign messages shall be limited to written description of material or services available on the premises.
   2. Sign messages may not include any graphic or pictorial depiction of material related to specific sexual activities or specified anatomical areas.
   3. Adult business uses shall be limited to 20 square feet in sign area, with lettering on said signs not exceeding 4 inches in height.
2. **Locational Requirements.**
   1. No adult business use shall be located within 1,000 feet of any other existing adult business use, measured from the property lines of the lot on which the adult business use is located.
   2. No adult business use shall be located within 500 feet of any residential zoning district or within 500 feet of the lots on which the following uses are located:
      1. Churches, monasteries, chapels, synagogues, convents or rectories.
      2. Schools up to and including the 12th grade and their adjunct play areas.
      3. Public playgrounds, public parks, public swimming pools and public libraries.
3. **Statement of Ownership.** Applications for a conditional use permit for an adult business use shall include a statement providing specific information on each individual, partner, limited partner, corporate officer, corporate director, or corporate stockholder owning more than three (3%) per centum of the issued and outstanding stock of a corporate applicant, comprising the applicant, to include the following:
   1. Name, residence address and social security number.
4. **Termination or Modification of Conditional Use Permit.** When a conditional use permit for an adult business use is authorized by the Supervisors, the continuation of such use shall be dependent upon the conditions established under the permit and this ORDINANCE; in the event of a change of conditions or non-compliance of conditions, the Supervisors shall have the responsibility and right to terminate or revoke the conditional use permit. A conditional use permit may be modified subject to the criteria and procedures established in this ORDINANCE.

**160405** All uses and activities permitted by Special Exception must be in strict compliance with

the provisions of this Zoning ORDINANCE and in all other applicable local, state, or federal codes and ordinances.

**160406** The Zoning Hearing Board shall consider, in addition to other factors, the following items

during the hearing process for Special Exceptions:

1. The potential danger the proposed use poses to the quality of the water supply.
2. The potential of the proposed use creating a health hazard or unsanitary condition.
3. The potential danger building or structural materials may pose to the water supply.
4. The degree to which construction may alter the flow of potable water, or denigrate its quality by increasing the incidence of mud and silt into the waterways.

ARTICLE 16 - MUNICIPAL WATERSHED OVERLAY DISTRICT: W

**W**

1. The availability of alternate locations less prone to affect the water supply.
2. The importance of the services provided by the proposed facility to the community.
3. Other such factors and procedures relevant to the purposes of this Article which may be specified in other sections of this Zoning ORDINANCE.

**160407** The Adams Township Zoning Hearing Board may refer any application or request

for a special exception, along with its accompanying documentation, to any engineer or other qualified person or agency for technical assistance, so that a qualified determination may be made as to the proposed project’s impact upon the Watershed area, and the adequacy of the project’s plans to offset or minimize any adverse effects to the Watershed.

**SECTION 1605: Non-Permitted Uses in Municipal Watershed “W”**

**District**

**160501** The following uses are not permitted in the Municipal Watershed “W” District:

1. Single-family dwellings
2. Multiple Family dwellings
3. Convenience shops
4. Churches or similar places of worship
5. Private or public garages
6. Service stations
7. Commercial Buildings
8. Offices
9. Stores
10. Shopping Centers
11. Schools
12. Theaters
13. Warehouses
14. Surface Mining

**160502** Uses listed as Non-Permitted are not subject for Zoning Hearing Board approval.

**SECTION 1606: General Provisions and Restrictions for Uses in**

**Watershed “W” District**

**160601** No structure or land shall hereafter be used and no structure shall be located, relocated,

constructed, reconstructed, enlarged, or structurally altered, except in full compliance with the terms and provisions of this ORDINANCE, and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ORDINANCE.

ARTICLE 16 - MUNICIPAL WATERSHED OVERLAY DISTRICT: W

**160602 Setbacks:** All setbacks shall be Thirty (30) feet from lot boundaries and fifty (50) feet

**W**

from existing waterways.

**160603 Height Restrictions:**

1. The height of any structure or apparatus for newly erected or altered uses shall not exceed Sixty-five (65) feet, or in accordance with Act 95.
2. Any permitted building shall be limited to two and one-half (2½) stories or thirty-five (35) feet
3. Accessory building – twenty (20) feet
4. Shed -- ten (10) feet

**160604 Lot Area Size Limitations:**

1. The minimum lot area for every structure or use shall be ten thousand (10,000) square feet.
2. The minimum width of the lot at the building line shall be seventy-five (75) feet.

**160605 Percentage of Lot Coverage**:

1. Use coverage shall not exceed twenty (20%) percent including accessory uses.
2. No building or structure shall be constructed or erected within fifty (50) feet of any main waterway channel.
3. At least eighty (80 %) percent natural vegetation coverage shall be maintained on all lots.
4. Pavilions and Shed setbacks will be the same as a building or structure.

**160606 Building Standards:**

1. Erosion and sediment control measures shall be maintained on temporarily disturbed areas.
2. All disturbed areas not covered by buildings, driveways, or accessory structures shall be permanently stabilized with vegetation by the end of the first growing season after completion of earthmoving activities.

**160607** If the borders of this zone are deemed to overlap any other zone, the provisions regulating

uses in this zoning district shall take precedence.

**160608** If any changes occur in the future to uses in a zoning district to which the Municipal

Watershed “W” Zone overlaps, the provisions regulating uses in this Article shall take precedence.

**160609** Every effort shall be taken by the Planning Commission to ensure that the overlapping of

areas which contain public facilities such as parks, playgrounds, public swimming pools, etc. with the Municipal Watershed does not occur.

1. Overlapping of A, A/R-1, R2, R3, U, H, C, or L-1 districts with the Municipal Watershed Zone shall be prohibited.
2. Overlapping of S, O, and FP districts with Municipal Watershed Zone shall be permitted.

ARTICLE 16 - MUNICIPAL WATERSHED OVERLAY DISTRICT: W

**ARTICLE 17 - SPECIAL EXCEPTIONS – GENERAL CRITERIA**

**SECTION 1701: Introduction**

**170101 Special Exceptions Listed:** The various special exceptions listed in ARTICLES 5, 6, 7, 8,

9, 10, 11, 12, 13, 14, 15, and 16 of this ORDINANCE and their accessory buildings and uses may be permitted by the Adams Township Zoning Hearing Board, in the districts indicated therein, in accordance with the procedures, standards, and criteria set forth in this ARTICLE and ARTICLE 22 (Zoning Hearing Board).

**170102 Authority and Jurisdiction:** The Adams Township Zoning Hearing Board derives its

authority and jurisdiction, through this ORDINANCE of the Adams Township Board of Supervisors, from **Title 53; Municipal Corporations, CHAPTER 30. PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ARTICLE IX, “Zoning Hearing Board and Other Administrative Proceedings,” § 10909.1. Jurisdiction.** (a) The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudication in the following matters: 6. Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 912.1.

**SECTION 1702: General Procedures**

**170201 Application:**

1. Upon receipt of an application for Special Exception (to be filed with the Adams Township Zoning Officer),
   1. the application shall be filed with the Adams Township Zoning Hearing Board within ten (10) days of its receipt by the Zoning Officer.
   2. the application shall also immediately be referred to the Adams Township Planning Commission for investigation as to the manner in which the proposed location and character of the special exception will affect the community and how the required standards are to be achieved by letter to all Planning Commission Members.
2. The Adams Township Planning Commission shall report the results of its study to the Adams Township Zoning Hearing Board within thirty (30) days following receipt of the application.
3. If no such report from the Planning Commission has been filed with the Zoning Hearing Board within this time period, the Zoning Hearing Board may assume the municipality or planning agency has acted favorably, but in any event the recommendation of the municipality or planning agency shall be advisory and not binding upon the Zoning Hearing Board.

**170202 Public Hearing:**

1. The Zoning Hearing Board shall conduct a Public Hearing on the application for Special Exception, under the Amendment Procedures of ARTICLE 23, and in accordance with the Public Notice Requirements as defined in SECTION 2302, of this ORDINANCE.
   1. Authority, Title 53; Municipal Corporations, CHAPTER 30. PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ARTICLE IX, Zoning Hearing Board and Other Administrative Proceedings, § 10912.1. Zoning hearing board's functions; *special exception.* “Where the governing body, in the zoning ordinance, has stated special exceptions to be granted or denied by the board pursuant to express standards and criteria, the board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.

ARTICLE 17 - SPECIAL EXCEPTIONS – GENERAL CRITERIA

* 1. In granting a special exception, the board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance.”

1. If the proposed special exception is located in a district wherein such use may be permitted and in which the requirements have been met, and the spirit, purpose, and intent of this ORDINANCE is upheld, the Zoning Hearing Board may approve the Special Exception if it is deemed that no harm shall befall the neighboring property.
2. Upon approval, the applicant may then apply to the Zoning Officer, and the officer shall issue a Compliance and/or Occupancy permit in accordance with the procedures specified in this ORDINANCE, refer to Section 2105.

**170203 Expansion of Special Exception:**

1. Any expansion of a granted Special Exception involving the enlargement of the buildings, structures, or land use, shall also be subject to the procedures described in this section.
2. Any proposed expansion of said Special Exception shall be subject to a separate hearing and determination by the Zoning Hearing Board before any subsequent building or occupancy permits can be issued by the Zoning Officer.

**170204 Multiple Special Exceptions:**

1. If more than one Special Exception is involved, the applicant may apply only for one permit which is most closely related to the primary use of the main building, structure, or land use provided that all the requirements for the main building, structure, or land use have been met.
2. The Zoning Hearing Board may place limitations upon additional and subsequent special exception uses while granting the primary Special Exception use.
3. All additional Special Exceptions must be listed for the district in which the building, structure, or use is proposed.

**SECTION 1703: Planned Residential Development Requirements**

**(PRD)**

**170301 Introduction to Planned Residential Development (PRD):**

1. Planned Residential Development is a technique wherein multiple residential structures (semidetached, detached, and multistory) are arranged in closely related groups. It may also include land uses of the cultural, recreational, and commercial character to the extent that they are designed to serve the residents.
2. Instead of spreading houses uniformly over an entire tract, cluster development occurs creating higher densities in certain areas and preserving natural features in others. under such planning, lot size is reduced and the land thus saved is used for common greens or open spaces.

ARTICLE 17 - SPECIAL EXCEPTIONS – GENERAL CRITERIA

1. Control takes place through zoning by averaging the residential density over the entire area being planned.

**170302 Application for Planned Residential Development (PRD):**

1. Prior to approval of any planned residential development, the developer must submit a written plan to the Adams Township Planning Commission with required statements and supplementary information for review.
2. The proposed multiple-family dwelling plan, with its required statements and supplementary information, shall be studied by the Planning Commission, and a report recommending approval or disapproval and the reasons therefor shall be made to the Adams Township Zoning Hearing Board for its considerations within sixty (60) days.
3. The planning commission report shall contained findings related to the following conditions:
   1. Whether such multiple-family dwelling is laid out and developed as a unit in accordance with an integrated overall design.
   2. That the arrangement and location of buildings, parking areas, walks, lighting an apartment facilities, are adjusted to the surrounding land uses, and any part of the site not used for buildings, or other structures, or for parking, loading or access ways, driveways, are landscaped with grass, trees, and shrubs.
   3. Recommendations by the planning commission of additional requirements as to landscaping, lighting, screening, access ways, and building setbacks designed to protect adjacent residential property.

**170303 Approval of Planned Residential Development (PRD):**

1. The Zoning Hearing Board may approve the plan after reviewing the report and recommendations of the Planning Commission, even though the use of land, the location of the buildings to be erected in the area, and/or the yards and open spaces contemplated by the plan, do not conform in all respects to the district regulations of the zone in which it is located.
2. The Board should exercise care that the spirit and intent of this ORDINANCE is not violated.
3. Upon approval of the plan the Issuing Agent and/or Compliance Officer shall issue building permits and/or occupancy permits.

ARTICLE 17 - SPECIAL EXCEPTIONS – GENERAL CRITERIA

**170304 Supplemental Requirements for Planned Residential Development (PRD):**

1. **Appropriate Housing Types:**

|  |
| --- |
| **Single Family dwelling** |
| **Two family Dwelling** |
| **Townhouse with 3 or more units** |
| **Garden Apartment (2 or 3 story)** |
| **Walkup Apartment (4 story maximum)** |

1. [**Note:** \*See SECTION 170304 (7) below.]
2. **Set Back Requirements:**
   1. A minimum setback of fifty (50) feet shall be observed around the entire perimeter of the tract or lot used for Planned Residential Development.
   2. No main or accessory building may be erected within the setback area and however, outdoor recreation facilities may be constructed in the area provided that they are a minimum of forty (40) feet from the perimeter lot lines.
   3. A front yard setback of fifty (50) feet shall be observed for all buildings erected adjacent to streets within the Planned Residential Development.
3. **Lot Area and Coverage:**
   1. The minimum acreage for PRD shall not be less than 10 acres and the minimum width of the building line shall depend upon the planned layout.
   2. All buildings including accessory building's shall not cover more than seventy-five (75) percent of the lot area, including building and parking. Must maintain 25% open space.
   3. Each dwelling unit shall have not less than six hundred (600) square feet of floor area.
4. **Off -street** **Parking and Loading Facilities** shall be provided in accordance to the provisions of ARTICLE 18, SECTION 1802 of this ORDINANCE.
5. **Signs** shall be constructed and erected in accordance with the provisions of ARTICLE 19, SECTIONS 1901, 1902 of this ORDINANCE.
6. **The** **Yard Area:**
   1. At least two hundred fifty (250) square feet, per family unit, shall be reserved and maintained as an outdoor recreation area or yard by the owner or developer of the site.
   2. Only those buildings and structures hereafter erected along the development property lines shall provide and maintain a front yard, side yard, and/or rear yard setbacks.
   3. The horizontal dimensions of all yards shall be fifty (50) feet, or not less than the height of the building, whichever is greater.
7. **Building** **Height Restrictions** are governed by the district zone height restrictions for primary use structures in which the PRD is located.
8. **Density:**
   1. The maximum density of the development shall not exceed 26 units per acre.
   2. Ten (10) townhouses or eighteen (18) garden apartment units per net acre represent optimum density for these housing types.
   3. Regardless of numbers, the maximum coverage of all buildings and impervious surfaces shall not exceed seventy-five (75) percent of the gross area of the site.

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1. **Assurance** **Requirement:**
   1. Assurance shall be required from the developer that the project will be used for the specified purposes in the PRD plan.
   2. The Adams Township Board of Supervisors may require a trust indenture restricting the area to such planned uses.
2. **Water and Sewage:**
   1. The development shall be served by public water supply and public sewage disposal systems or, in areas in not now or in the foreseeable futures served by such public system, by individual wells and a community "package" sewage treatment plant.
   2. The facilities or financial responsibility for the installation of them shall be provided prior to final approval all the each development phase.
   3. All streets and areas of high pedestrian used shall be adequately lighted and have sidewalks.

**SECTION 1704: Funeral Home Standards and Requirements**

**170401** Where a funeral home is permitted as a special exception in a zoning district, the

following additional minimal requirements shall be met.

1. **Minimum lot size** shall be two (2) acres.
2. **Other requirements** shall be governed by the district in which the Funeral Home is to be located.
3. **Off Street Parking and Loading Facilities** shall be provided as required under ARTICLE 18, SECTION 1802 of this ORDINANCE.
4. **Signs** shall be constructed and erected in accordance with the provisions of ARTICLE 19, SECTIONS 1901, 1902 of this ORDINANCE.

**SECTION 1705: Hospital and Nursing Home Standards and**

**Requirements**

**170501** Where a Hospital or Nursing Home is permitted as a special exception in a zoning district,

the following additional minimal requirements shall be met.

1. **Minimum lot size** shall be three (3) acres.
2. **Off Street Parking and Loading Facilities** shall be provided as required under ARTICLE 18, SECTION 1802 of this ORDINANCE.
3. **Signs** shall be constructed and erected in accordance with the provisions of ARTICLE 19, SECTIONS 1901, 1902 of this ORDINANCE.
4. **Other requirements** shall be governed by the district in which the Hospital or Nursing Home is to be located.

**SECTION 1706: Day Care Facility Standards and Requirements**

**170601** A Day Care Center may locate in any Residential District by Special Exception and in any

Commercial District by right, and shall be subject to the regulations of the Zoning District in which it is located

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**170602** Where a Day Care Facility is permitted as a special exception in a zoning district, the

following additional minimal requirements shall be met.

1. All day care facilities defined in this ORDINANCE must hold and approved Pennsylvania Department of Public Welfare registration certificate or license.
2. The day care facilitating must meet all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space, and any applicable state or local building in fire safety codes.
3. All day care homes and facilities shall be fully protected by smoke and carbon monoxide detectors and fire extinguishers.
4. When day care is provided in a home, the amount of floor area devoted to such purposes shall not exceed thirty (30) percent of the total floor area of the dwelling and there shall be no change to the exterior of the building for the purpose of accommodating the day-care use.
5. **The minimum lot size** for any Family Day Care Home shall be 7,500 square feet and for any Group Day Care Home shall be 15,000 square feet. Any such home shall conform to the setback, height, and building area requirements of the zoning district in which it is located.
6. The required outdoor play area for a day care center or facility shall be surrounded by a safety fence or natural barrier, at least three (3) feet in height, but also shall conform to maximum height limitations of the regulations relating to fences in the zoning district in which it is located.
   1. No portion of the outside play area shall be closer than 30 feet to an existing occupied dwelling on an adjacent lot.
   2. Outside play shall be limited to the hours between 8:00 AM and 7:00 PM.
   3. Play Area shall have a minimum area of three thousand five hundred (3,500) square feet.
   4. Play Area shall have a minimum of five thousand (5,000) square feet for groups of children between 7 and 12 in number.
   5. Play area shall have an additional 500 square feet per child for group populations over twelve (12)in number.
7. No Day Care Center or Facility shall be established within 500 feet from another day care center in any residential district.
8. **Off Street Parking and Loading Facilities** shall be provided as required under ARTICLE 18, Section 1802 of this ORDINANCE.
   1. In addition there shall be one off Street parking space provided for each employee or full-time volunteer.
   2. There shall be one safe passenger unloading space measuring 9 feet by 20 feet for each ten children that the facility is licensed to accommodate.
9. **Signs** shall be constructed and erected in accordance with the provisions of ARTICLE 19, SECTIONS 1901, 1902 of this ORDINANCE.

**SECTION 1707: Bed & Breakfast Standards and Requirements**

**170701** Where a Bed & Breakfast is permitted as a special exception in a zoning district, the

following additional minimal requirements shall be met.

1. Shall meet the requirements of a single family dwelling in the district.

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1. **Off Street Parking and Loading Facilities** shall be provided as required under ARTICLE 18, SECTION 1802 of this ORDINANCE.
2. **Signs** shall be constructed and erected in accordance with the provisions of ARTICLE 19, SECTIONS 1901, 1902 of this ORDINANCE.

**170702** The former terms “Boarding House” and “Rooming House” are also included in this

Section and the same appropriate regulations and restrictions shall apply.

1. These terms are used to describe establishments whose patrons stay an extended period of time - in excess of two weeks.
2. Some additional accommodations may be supplied to the boarders by the establishment.

**SECTION 1708: Manufactured Home Park Standards and**

**Requirements**

**170801** Where a Manufactured Home Park is permitted as a special exception in a zoning district,

it must meet all of the requirements established in the current ***Adams Township Subdivision and Land Development Ordinance***, ***Article VII***, regulating Manufactured Home Parks, and the following additional minimal requirements.

1. No Manufactured Home Park shall be located or constructed in a manner or at a location inconsistent with the Municipal Flood Plain Ordnance or the Flood Plain Provisions of this ORDINANCE.
2. Where any Manufactured Home Park has an entrance from a state highway, approval of said entrance shall be obtained in writing from the Pennsylvania Department of Transportation before said Manufactured home park development can be approved.
3. The grounds of the Manufactured Home Park shall be maintained in a clean, sightly manner, and kept free of any condition that could menace the health or welfare of any occupant or the public, or constitute a nuisance or fire hazard.
4. All storage tanks of potentially hazardous materials such as gasoline, liquefied petroleum, propane or natural gas, kerosene or diesel oil, shall be so installed as to comply with all Cambria County, Pennsylvania, and Federal, Hazardous Material and Fire Prevention Code Regulations.
5. Manufactured home developments that accommodate 25 or more Manufactured homes must be provided with at least one accessible recreation area of at least twenty-one thousand (21,000) square feet.
6. All Manufactured Homes located adjacent to the development property boundary shall be provided with screening such as fences or natural growth along the property boundary line separating the community and such adjacent residential or non-residential areas with a ten (10) foot buffer.
7. The minimum total area for every Manufactured Home Park hereafter developed shall be five (5) acres and the density of Manufactured homes in such parks shall not exceed eight (8) Manufactured home units per gross acre.

**170802** Each **Manufactured Home Park Application** shall be submitted to the Adams Township

Planning Commission for review and be accompanied by three (3) copies of a **plot plan** drawn to a scale of one inch equals 20 feet, prepared by a Pennsylvania Licensed surveyor, engineer, architect, or landscape architect.

ARTICLE 17 - SPECIAL EXCEPTIONS – GENERAL CRITERIA

1. The **Plot Plan shall show** limits and square footage of the proposed Manufactured Home Park and the location and size of Manufactured home lots and stands, driveways, parking areas, playgrounds, service buildings, and any other buildings, together with all required setbacks from rights-of-ways and property lines.
   1. All Manufactured home lots shall be numbered in sequence on the plot plan.
   2. Every Manufactured home lot and stand shall be clearly defined on the ground by permanent markers.
   3. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number on the plot plan.
   4. The minimum width of each Manufactured home lot shall be thirty-five (35) feet.
   5. The minimum distance between adjacent Manufactured homes shall be twenty (20) feet side to side, and fifteen (15) feet end to end.
   6. The area of Manufactured home stand shall be improved to provide adequate support for the placement and tie down of the Manufactured home thereby securing the superstructure against uplift, sliding, rotation, or overturning.
   7. All Manufactured Homes shall be located at least thirty-five (35) feet from any Manufactured home park boundary abutting upon a public street or highway and at least 25 feet from other park property boundary lines.
   8. There shall be a minimum distance of twenty-five (25) feet between the Manufactured home foundation and an abutting street.
2. The **Plot Plan must be approved** by the Adams Township Planning Commission before the application for the initial **Manufactured Home Park Permit** is submitted to the Adams Township Board of Supervisors.

**170803** The street or driveways in any Manufactured Home Park shall meet the minimum

requirements set forth in the current **Adams Township Subdivision and Land Development Ordinance**, Article 5, SECTION 502 and Article 7 Regulating Manufactured Home Parks.

**170804** The design criteria for automobile parking within any Manufactured Home Park shall be

consistent with the requirements set forth in the current **Adams Township Subdivision and Land Development Ordinance**, Article VII, G, “Required Off Street Parking.”

**170805** An adequate supply of potable drinking water, approved by the Pennsylvania Department

of Environmental Protection, shall be furnished to all sites within the park.

1. This water may come from a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions, and ordinances.
2. Water supply faucets shall be located on each Manufactured home lot. in the Manufactured home park.
3. All wastewater from any faucet, toilet, tub, shower, sink, drain, washing machine, garbage disposal unit, or laundry, shall empty into an approved sewer system installed in accordance with Pennsylvania Department of Environmental Protection regulations.

ARTICLE 17 - SPECIAL EXCEPTIONS – GENERAL CRITERIA

**170806** All service buildings within the Manufactured Home Park shall be:

1. adequately lighted at all times of the day and night
2. well ventilated, and kept clean of debris and trash
3. constructed of such moisture proof materials, including painted woodwork, as shall permit repeated cleaning and washing
4. and maintained at a temperature of not less than 68 degrees Fahrenheit during the normal yearly heating period from October 1st through to May 1st.

**170807** No permanent or semi-permanent structures shall be attached to any Manufactured home

as an addition to such Manufactured home.

1. The prohibition herein against any addition or accessory to a Manufactured home shall not apply to a canopy or awning, or movable deck designed for use with the Manufactured home.
2. The structural coverage of Manufactured Home Lots shall not exceed seventy-five (75) percent of the total Manufactured home lot area within the Manufactured Home Park.

**170808** The developer of a Manufactured Home Park shall provide landscaping to the park area to

meet the following minimum requirements.

1. A well-manicured grassy covering (lawn) on the area surrounding each manufactured home stand.

**SECTION 1709: Home Occupation Standards and Requirements**

**170901** Where a Home Occupation is permitted as a special exception in a zoning district, the

following additional minimal requirements shall be met.

1. The proposed use shall be consistent with the definition of a home occupation set forth in ARTICLE 2, SECTION 202 of this ORDINANCE.
2. **Off street** parking relating to the home occupation shall be limited to not more than three (3) spaces for motor vehicles in excess of the number of motor vehicles registered to the occupants residing at the residents in which the home occupation is being conducted.
3. A home occupation shall be required to have all necessary state and local permits and licenses.
4. Home Occupation will be limited to not more than two (2) assistants.
5. Home occupation shall not occupy more than 25% of residence dwelling size. (See SECTION 1709).

**SECTION 1710: Office Building Standards and Requirements**

**171001** An office building may be permitted as a Special Exception provided the minimum

requirements as set forth in Article 10, SECTIONS 1106, 1107 , Commercial Districts, of this ORDINANCE are met.

ARTICLE 17 - SPECIAL EXCEPTIONS – GENERAL CRITERIA

**SECTION 1711: Storage Yard and Buildings for Contractors or**

**Excavating Equipment Standards and Requirements**

**171101** Where a Storage Yard is permitted as a Special Exception Accessory Use in a zoning

district, the following additional minimal requirements shall be met.

1. All trucks, tractors, earth moving equipment and similar types of movable equipment must be set back a minimum distance of twenty-five (25) feet from the nearest property line.
2. The storage yard area must be properly screened from adjacent properties with a fence or wall or a planting of evergreen trees and shrubs. The storage of materials and supplies customarily incidental to the operation of a contractor’s business shall be stored within an enclosed building or structure and comply with the setbacks of the zone in which the storage facility is located.

**171102** The contractor’s office may be located in a building within the storage yard provided that

all pertinent requirements for occupied buildings of the zone in which the yard is located are met.

**SECTION 1712: Junk Yard Standards and Requirements**

**171201** Junkyards shall be permitted as a special exception only in the agriculture district subject

to the following regulations:

1. **Enclosure and** **Setbacks:**
   1. All junkyards shall be enclosed with a fence of a minimum height of eight (8) feet along with entrance gates.
   2. Entrance gates shall be securely locked at all times, except during normal business hours when an adult attendant is on the premises.
   3. All materials stored within a junkyard shall be setback at least twenty-five (25) feet from any adjoining premises and at least fifty (50) feet away from the right-of-way of any public road or highway.
2. **Material and Scrap Disposition:**
   1. Burning or melting of any junk, rubbish, or refuse, is prohibited.
   2. All materials shall be stored and arranged to permit access by firefighting equipment.
   3. All materials shall be stored in a manner to prevent the accumulation of stagnant water.
   4. Materials or scrap, including automobiles, shall not be piled to a height of more than eight feet above ground level.
   5. All gasoline and petroleum products or other hazardous materials shall be drained/or emptied from any junked appliance or scrap automobiles into proper containers and removed from the premises within twelve hours of the arrival of the automobile or junked appliance.
   6. The disposition and disposal of all fluid wastes must comply with state and federal regulations regarding their proper handling.
   7. No garbage or organic wastes of any kind shall be permitted to be stored in any junk yard.

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**171202** Junkyard operations shall be subject to annual inspections and permit requirements as

outlined in ARTICLE 21, of this ORDINANCE and the State of Pennsylvania regulations.

**SECTION 1713: Car Wash Standards and Requirements**

**171301** Where a Car Wash is permitted as a Special Exception Use in a zoning district, the

following additional minimal requirements shall be met.

1. Automatic, semiautomatic, or self-service car washes, limited to the service of cleaning vehicles, are permitted only in an enclosed building.
2. Car wash buildings shall be located no closer than 100 feet to any residential district, hospital, fire station, or closer than 50 feet to any intersection.
3. All vehicle parking and car wash accessory structures shall be located so that they do not intrude into the front yard of the lot.
4. All other setback requirements specified in the approved zoned district shall be met.
5. A lot area shall be provided to accommodate the parking/storage of not less than five (5) vehicles for each bay of a self-service car wash.
6. A lot area shall be provided to accommodate the parking/storage of not less than ten (10) vehicles for each space or rated capacity of an automatic or semi-automatic car wash.

**171302** All cleaning supplies on the car wash premises shall be stored inside the car wash building,

or similar permanent structure and must meet the current state and federal standards for storing hazardous chemicals.

**171303** All water used in the car wash process must be properly collected, filtered and recycled to

minimize the total amount of water used. No waste water shall be permitted to enter the regional or local sewage collection system or storm water management collection system.

**171304** Steam cleaning or chemical detergent cleaning of gasoline engines or transmissions or

other automotive parts that normally become covered with an excess mixture of dirt and petroleum by-products is prohibited, unless all removed accumulations are collected and placed into drums for proper disposal.

**SECTION 1714: Surface Mining and Excavation Standards and**

**Requirements**

**171401** Mining activities are permitted only in the Conservancy “S” Zone and are subject to the

following regulations:

1. **An application** for Special Exception shall include a copy of all materials submitted as part of the DEP permit application process. The Special Exception status will be conditional upon issuance of a DEP mining permit.
2. **Time of** **operation:**
   1. Mining operations may be permitted to operate 24 hours per day providing set operations do not interfere with closely adjacent residential areas.
   2. If mining operations are to be in close proximity fifteen hundred(1,500 feet) to residential areas, mining operations shall be limited to daylight hours.

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1. **Use of** **local roads** **and streets:**
   1. Mine vehicles are prohibited from using local streets in residential areas at night.
   2. Use of locally maintained municipal roadways by mine vehicles that exceed the weight limits of said municipal roadways is strictly prohibited.
   3. Any utilization of township roadways by mining vehicles shall be accompanied by a bond, issued by the mining operator, covering all of the costs involved in repairing and/or replacing damaged roadways caused by said mining vehicles.
2. **Proximity to** **residential areas** **or municipal watershed:** 
   1. All mining operations and blasting activities shall maintain, at a minimum, a one thousand (1,000) foot distance from all residential structures and/or areas.
   2. All mining operations shall maintain a minimum horizontal distance of one thousand (1000) feet from all municipal watershed areas, and a minimum horizontal distance of three hundred (300) feet from any watercourse (stream or river), and wetlands.
   3. All mining operations shall maintain a minimum horizontal distance of two hundred (200) feet from all adjoining property lines.
3. **Groundwater Supply:**
   1. Measurements of ground water quality and availability shall be taken and recorded before any strip mining operations may be permitted to commence in areas where said ground water is used by local residents.
   2. Any decrease in groundwater availability, or any pollution of groundwater used by local residents shall be remedied by the mining operator (at his expense) thereby ensuring a dependable and drinkable water supply to the residents whose water supply was affected by said mining operations.
4. **Back filling** **strip-cut operations:**
   1. All strip mining operations shall be properly backfilled according to current Pennsylvania Department of Environmental Protection Regulations.
   2. Back filled land surface must be re-seeded with an appropriate grass seed mix to prevent run-off and sediment infiltration into any adjacent waterways, or mud flows onto adjacent property.
5. **Reimbursement:**
   1. Any miming operation shall reimburse the Township of Adams fifty (50) cents a ton royalty for all coal or usable materials removed.

**171402** Post-mining land use will be the same as pre-mining land use.

1. Where a previously abandoned mine is re-mined, post-mining land use will be the same as the land use prior to the original mining.
2. Changes in land use can be granted only by special exception, and only prior to commencement of mining activity.
3. Where a change is requested, the mine operator must submit a plan which shows the feasibility of the proposed post-mining land use relative to land use trends and markets, a schedule showing how the proposed use will be developed and achieved, and the land owners approval of the plan.

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**171403** If sewage sludge is used for reclamation purposes:

1. It must be from a sewage treatment plant whose waste stream is entirely residential,
2. Or, the sewage treatment plant must be in compliance, for at least the previous one year period, with an DEP approved pre-treatment plan.
3. Sewage sludge will not be used where the post mining land use is agriculture.

**171404** Mine operators must permit the Adams Township Zoning Officer, any Adams Township

Official, or any Township Police Officer free access to the site during all working hours to observe operations and/or collect samples.

**171405** The Zoning Hearing Board may impose such other reasonable conditions and safeguards as

may be necessary to protect the public health, safety, and welfare in accordance with the spirit and purpose of this Zoning ORDINANCE.

**171406** Must also comply with existing Township Ordinance.

**SECTION 1715: Waste Disposal Standards and Requirements**

**171501** Waste Disposal Activities are only permitted as a Special Exception in the Conservancy

“S” Zone and are subject to the following regulations:

1. An application for Special Exception shall include a copy of all materials submitted as part of the DEP permit application process. The Special Exception status will be conditional upon the issuance of the DEP waste disposal permit.
2. No more than one hundred (100) acres of land shall be utilized for waste disposal at any one time within the boundaries of Adams Township. A single Special Exception may contain no more than fifty (50) contiguous acres.
3. Waste disposal operations, including delivery, shall be conducted during normal business hours between 8:00 AM and 6:00 PM, Monday through Saturday. No waste disposal operations shall be permitted on Sunday.
4. No waste materials of any type, which have been designated as hazardous, radioactive, or biohazard, and created or delivered by any corporation, hospital, utility, county, state, or federal agency shall be disposed of at the site at any time.
5. The operator shall permit the Adams Township Zoning Officer, or any Adams Township Official, or any Adams Township Police Officer, free access to the site during all working hours to observe operations and/or collect samples.
6. If a waste disposal site permit holder contaminates any drinking water supply he shall assume full responsibility for returning said water supply to its pre-contaminated state, as well as assume all costs of providing replacement water to all persons utilizing the contaminated water source during the period of time needed to restore said water supply to its pre- contaminated condition. Contamination as used herein shall mean any significant change in the drinking water's taste, color, smell, or chemical / biological analysis.
7. All waste disposal activities shall be conducted so that no litter or airborne odors of an offensive nature are carried to any surrounding homes, businesses, or properties.

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1. All waste disposal activities shall maintain, at a minimum, the following setback requirements.
   1. A 2,600 foot horizontal distance from all residential structures.
   2. A 2,600 foot horizontal distance from all municipal watershed areas.
   3. A 1,000 foot horizontal distance from all perennial streams and wetlands.
   4. A 500 foot horizontal distance from all adjoining property lines or public roads.

**171502** At least 70 percent of all waste disposed as measured by weight and or volume within any

special exception waste disposal area shall have originated within the state of Pennsylvania.

ARTICLE 17 - SPECIAL EXCEPTIONS – GENERAL CRITERIA

**ARTICLE 18 - SUPPPLIMENTARY PROVISIONS**

**SECTION 1801: Introduction**

**180101** This section lists the rules and regulations governing supplementary uses and structures

that may occur in the various zoning districts of Adams Township. These rules and regulations shall be applied to the listed supplementary uses as they pertain to the primary use in all zoning districts within the township.

**180102** If there is a conflict between the specifications listed in this article and another

article within this zoning ORDINANCE, the more stringent specifications shall apply.

**180103** If there is a conflict between the provisions listed in this article and another township

ordinance previously adopted, the more stringent provisions shall apply.

**SECTION 1802: Parking and Loading Facilities**

**180201 Site Plan Marked:** All off street parking and loading facilities shall be indicated on the

site plan as required under Article 4, SECTION 40502 of this ORDINANCE.

**180202 Extent of Control:** All buildings and structures erected or altered and all land uses

initiated in after the effective date of this ORDINANCE shall provide off street parking and/or loading facilities as required herein.

**180203 Increase in Size:** When a building or structure undergoes any increase in the number of

dwelling units, gross floor area, seating capacity, or other unit of measurement specified for off-street parking or loading facilities, off-street parking and loading requirements shall be determined by the entire building or structure as modified.

**180204 Schedule of Off-Street Parking Requirements:**

|  |  |  |
| --- | --- | --- |
| **Land Use** | **Number of Parking Spaces** | **Requirement Description** |
| **One and Two Family Dwellings** | **2** | **Each Unit** |
| **Three or more family Dwelling Units** | **2** | **Each Unit** |
| **Bowling Alley, Skating Rink , Indoor Swimming Pool or other Recreation Center,** | **1 plus**  **1** | **Every 4 customers at max capacity**  **Every 2 regular employees at peak shift.** |
| **Club House/Meeting Place of Business, Civic, Fraternal, Labor Union, Sportsman or Veteran’s Organizations.** | **1 plus**  **1** | **Every 50 square feet of gross floor area of the building.**  **Every 2 regular employees at peak shift.** |
| **Drive-in Restaurant, Fast Food Place** | **5 plus**  **1** | **Every 100 square feet of floor space.**  **Every 2 regular employees at peak shift** |
| **Indoor Eating or Drinking Establishment, Bar & Grill, Tavern**  ARTICLE 18 - SUPPPLIMENTARY PROVISIONS | **1 plus**  **1 plus**  **1** | **Each table or booth**  **Every two stools at bar or counter**  **Every 2 regular employees at peak shift** |
| **Indoor Retail Business** | **1 plus**  **1 plus**  **1** | **Every 250 square feet of retail floor space**  **Every 2 regular employees at peak shift**  **Each business owned vehicle for operations.** |
| **Elementary School, Middle School, or Junior/Senior High School** | **1 plus**  **6** | **Each faculty member, administrator, and support personnel.**  **Each classroom** |
| **Private or Parochial School** | **1 plus**  **6** | **Each faculty member, administrator, secretary and/or other support personnel.**  **Each classroom** |
| **Land Use** | **Number of Parking Spaces** | **Requirement Description** |
| **Library, Museum, Art Gallery** | **1 plus**  **1 plus**  **1** | **Every 250 square feet of floor area.**  **Each full time employee**  **Each vehicle used in daily operations** |
| **Post Office** | **1 plus**  **1 plus**  **1** | **Every 250 square feet of floor area.**  **Each full time employee**  **Each vehicle used in daily operations** |
| **Medical Clinic, Dental Clinic** | **3 plus**  **1** | **Each attending doctor.**  **Each full time employee/assistant.** |
| **Motel, Hotel, Bed & Breakfast** | **1 plus**  **1 plus**  **1** | **Each sleeping room provided for transients.**  **Each dwelling unit on premises.**  **Every 2 regular employees** |
| **Professional Office Center** | **3** | **Every 1,000 sq. ft. of office space.** |
| **Outdoor Retail Business ( Nursery, lumber yard, concrete products, coal, gravel, sand, dirt yard, petroleum products)** | **2 plus**  **1 plus**  **1** | **Every 1,000 sq. ft. of lot area used for business. Each full time employee.**  **Each vehicle used in daily operations** |
| **Public Automotive Service Garage** | **1 plus**  **1 plus**  **3 plus**  **1** | **Every two full time employees**  **Each gas pump.**  **Each grease rack or repair bay.**  **Each vehicle used in daily operations.** |
| **Theater, Auditorium, Convention Center** | **1** | **Every 4 seats available at maximum capacity** |
| **Outdoor Sports Arena or Stadium** | **1** | **Every 6 seats available at maximum capacity** |
| **Transportation Terminal** | **1 plus**  **1** | **Every 100 square feet of waiting room floor space.**  **Every 2 regular employees during peak shift.** |
| **Place of Worship** | **1** | **Every 4 permanent seats in the building** |

ARTICLE 18 - SUPPPLIMENTARY PROVISIONS

**180205 Off-Street Loading Requirements:**

1. Every building or structure used for business, trade or industry shall provide space as herein indicated, for the loading and unloading of vehicles off the street or public alley. Such space shall have direct access to a public alley or, if there is no alley to a street.
2. Off-street loading and unloading space shall be in addition to the requirements of off street parking space.
3. Off Street loading and unloading space shall not be used or designated, intended, or constructed to be used in any manner to obstruct or interfere with a free use of any street, alley, or adjoining property.
4. Off street loading and unloading spaces shall have a minimum width of 12 feet and a minimum length of 100 feet.

|  |  |  |
| --- | --- | --- |
| **Land Use** | **Number of Loading Spaces** | **Requirement Description** |
| **Multi-family Multi-story Building** | **1** | **Every ten (10) dwelling units.** |
| **Commercial Retail Building** | **1** | **Every 10,000 sq. ft. retail floor space.** |
| **Manufacturing Building** | **1** | **Every 15,000 sq. ft. manufacturing shop area** |
| **Warehouse or Storage Terminal** | **1** | **Every 7,500 sq. ft. of floor area.** |
| **Shopping Center/ Mall** | **1** | **Each Retail Facility in the Center/Mall** |
| **Land Use** | **Number of Loading Spaces** | **Requirement Description** |
| **Transportation Terminal** | **1** | **Every transportation unit/ service offered.** |
| **Outdoor Bulk Commercial Facility** | **1** | **Every Bulk Product Offered.** |
| **Meat Packing or Dairy** | **1** | **Every 7,500 sq. ft. floor space.** |
| **Lumber Yard** | **1** | **Every 15,000 sq. ft. storage area.** |

1. The following off-street loading and unloading space requirements shall be provided:
2. For any land use not listed herein, the land owner and/or developer shall submit a Request for Determination of Off-street Parking/Loading Facilities to the Adams Township Zoning Officer along with a site plan prior to requesting a building permit.
   1. The Zoning Officer shall forward the request and site plan to the Adams Township Engineer within ten days of receiving said request.
   2. The Adams Township Engineer or his Designee shall review the request and site plan and make a written determination within 30 days of receiving the request from the Zoning Officer.
   3. The written determination of Off-street Parking/Loading Facility Requirements shall be issued to both the land owner/developer and the Zoning Officer to be included with a building permit request.
   4. If no written determination of Off-street Parking/Loading Facility Requirements are given within the stated 40 day time limit, it shall be determined that no parking/loading facility requirements are needed for the project and a building permit may be issued for the stated land use, provided all other requirements of this ORDINANCE have been met.

ARTICLE 18 - SUPPPLIMENTARY PROVISIONS

**180206 Parking Lot and Facility Design:** The following minimum standards for parking areas

and access aisles shall apply.

|  |  |  |  |
| --- | --- | --- | --- |
| **Parking Space**  **Width** | **Parking Space**  **Depth** | **One Way Aisle Width** | **Two Way Aisle Width** |
| **10 Feet** | **20 Feet** | **20 Feet** | **24 Feet** |

1. Entrance and exit ways shall have a minimum width of 12 feet Fort each plane of traffic entering or leaving decide but shall at no time exceed thirty feet in width at the street line.
2. All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls of the parking area.
3. Evergreen plantings shall be provided of sufficient height and density to screen off street parking from adjoining residential districts. a planting plans specifying type, size, and location of existing and proposed planting material shall be submitted with the application for the permit.
4. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the parking area.

**180207 Location:** Required parking spaces shall be provided on the same lot as the buildings

served. Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the parking lot.

**180208 Access to Adjacent Street:**

1. The access lane to a parking lot shall be a minimum width of twenty (20) feet and maximum width of forty (40) feet.
2. The minimum centerline distance between any to curb cut or access points to a parking lot shall be one-hundred fifty (150) feet.
3. Signs designating entrances, exits, and conditions of use shall not exceed twenty (20) square feet and shall be erected in a manner which will not restrict the site distance of persons entering or leaving the parking lot.

**180209 Screening and Buffer Requirements**

1. Whenever a parking lot abuts a public street a structurally sound wall or planting strip shall be installed.
2. Whenever a parking lot abuts a residential district or residential property, a landscaped buffer strip with a minimum width of 10 ft. and a minimum height of 6 ft. shall be developed in a manner which will screen and buffer the parking lot from the residential property or district.

ARTICLE 18 - SUPPPLIMENTARY PROVISIONS

**180210 Surfacing Requirements:** All off street parking spaces, except those accessory to a

single-family residential dwelling, shall be improved with a compacted based servers with all-whether dust-less material of adequate thickness to support the weight of fully loaded vehicles which customarily park or travel on it.

**180211 Lighting Requirements:** Any lighting used to illuminate an off street parking area shall

be so arranged as to direct the light inward away from adjoining properties.

**180212 Storm Drainage Requirements:** Adequate storm drainage facilities shall be designed an

installed in accordance with accepted engineering practices. All surface water shall be collected and or divergent **i**n a manner which does not flow onto the surface of adjacent streets, sidewalks, or properties.

S**ECTION 1803: Swimming Pools**

**180301 Definitions:**

1. A **private swimming pool** is any in the ground or prefabricated installation above the ground, not located within an enclosed building, designed to impound or hold water to a depth of 1 1/2 feet or greater.
2. A **community or club swimming pool** is any such pool constructed by an association of property owners or by a private club solely for the use and enjoyment of its members, their families and guests without charge.
3. A **public swimming pool** is any pool constructed by a person, company, corporation, or association for the purpose of charging admission to gain access or use of the swimming pool or its accessory facilities.

**180302 Private Swimming Pools** shall not be permitted as an accessory use in any zoning district

unless it fully complies with the following conditions and requirements.

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.
2. The pool may not be located, including any decks it’s or paved areas or accessory structures adjacent thereto, closer than 15 feet to any property line of the property on which is located.
3. A wall or substantial fence not less than four (4) feet high must be constructed to entirely surround the swimming pool or the entire property on which the pool is located, so as to prevent uncontrolled access by children from the street or from adjacent properties. This will be erected prior to water being added.
4. Pool access must meet current building code requirements.
5. Pools must be located within the side or rear of lot and not extend beyond the front face of the structure.

**180303 Community, Public and club swimming pools** shall comply with the following

conditions and requirements.

1. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 100 feet to any property line of the property on which the pool is located.
2. The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than six feet in height and maintained in good condition.

ARTICLE 18 - SUPPPLIMENTARY PROVISIONS

1. The areas surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hearty shrubs and trees, and maintained in good clean condition.

**180304** All swimming pools shall conform to the Pennsylvania Department of Environmental

Protection rules and regulations concerning their installation and upkeep.

**SECTION 1804: Storm water Management**

**180401 Non affected water flow:** No person, corporation, or other entity shall block, impede the

flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect the normal or flood flow of any permanent stream or water course without having obtained prior approval and an impoundment permit from the Adams Township Board of Supervisors and or the Department of Environmental Protection, whichever is applicable.

**180402 Zero increase in runoff:** No person, corporation, or other entity shall construct any

building or structure, or make any alteration to a property that causes an increase in the runoff of water due to rain, sleet, or snow storms that is greater than such runoff as would occur before said alteration or construction.

1. Lots shall be laid out and graded to provide positive drainage away from buildings.
2. The township may require a Grading and Drainage Plan for individual lots indicating a building will area within each lot, complying with the setback requirements, for which positive drainage is assured. its
3. Where a subdivision or land development is traversed by a natural water course, their shall be provided a drainage easement or right-of-way conforming substantially with the line of such water course and of such width has will adequately preserve the natural drainage.
4. The sub-divider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to do the following:
   1. Collect on-site surface runoff and dispose of it to the point of discharge into the common natural water course of the drainage area.
   2. Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the comprehensive plan for Adams Township.
   3. Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property, and downstream property.
   4. All such structures and facilities shall satisfactorily convey all surface waters to the nearest practical storm water conveyance system.
5. Storm sewers, culverts, and related installations shall be provided as to permit unimpeded flow of natural water courses, to drain all low points along streets, and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area being drained.
6. Storm sewers, as required, shall be placed in front of the curb or curb line when located in the street right-of-way. When located in undedicated land, they shall be placed within an easement not less than 15 feet wide, and approved by the Adams Township engineer, who may require additional width of easement as circumstances warrant.

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1. All springs and sump pump discharges shall be collected so as not to flow in the streets.
2. Storm water roof drains shall not discharge water directly over a sidewalk.
3. Stabilized outlets shall be provided for footer drains, floor drains, and downspouts.

**180403 Runoff calculation methods:** The Soils Cover Complex Method of the Soil Conservation

Service of the U.S. Department of Agriculture **shall be used** as the primary means of estimating storm water runoff.

1. The Rational Method **may be used** for analysis of storm sewer systems and for storm water management facilities in minor subdivisions.
   1. Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.
   2. The minimum design criteria shall be a ten (10) year storm.
2. Higher frequency conditions shall be used in sensitive areas and where an overflow would endanger public or private property.
3. Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.

**180404** Control facilities shall conform to the following:

1. Permanent control measure/facilities shall be designated to assure that the maximum rate of storm water runoff is not greater after development than prior to development for a ten (10) year storm frequency.
2. Criteria that are more stringent may be required in sensitive areas where storm water problems presently exist.
3. In areas underlain with limestone geology, ponds shall be limited to the detention (dry) type unless the developer can show a special need for a retention pond, in which case it shall have a lining.
4. Detention ponds shall be prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before acceptance by the municipality, a lining shall be required.
5. Any ponds with slopes steeper than three (3) to one (1) shall be fenced with a six (6) foot fence of a type subject to the approval of the municipality.
6. A maintenance program for control facilities must be included as part of the Grading and Drainage Plan.
   1. Maintenance during development activities of a project shall be the responsibility of the contractor, developer, and owner.
   2. Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before the Adams Township Board of Supervisors gives approval of final plans.
7. In cases where permanent control facilities are owned by an entity, it shall be the responsibility of that entity to maintain control facilities (e.g., homeowner’s association). In such cases a legally binding agreement between the owner and Adams Township shall be made providing for maintenance of all permanent erosion control facilities, including the inspection by Adams Township.

ARTICLE 18 - SUPPPLIMENTARY PROVISIONS

**SECTION 1805: Erosion and Sediment Control**

**180501** In order to control accelerated erosion and the resulting sediment solution to wastes of the

Commonwealth, earth moving activities shall be subject to the following regulations.

1. Any person, landowner, business, or corporation engaging in any earthmoving activities (including commercial timbering) shall develop, implement, and maintain erosion and sediment control measures and facilities that effectively minimize accelerated erosion and prevent sediment pollution to waters of the Commonwealth.
2. These controls shall be contained in an erosion and sediment control plan that meets the requirements of the Department of Environmental Protection, Chapter 102 **“*Erosion Control Regulations”*.**

**180502** A copy of the erosion and sediment control plan that has been approved by the DEP or the

Cambria County Conservation District must be available at the earth moving site at all times.

**SECTION 1806: Oil and Gas Drilling Activities**

**180601** Oil and gas wells shall not be drilled within 500 feet of residential structures and water

supply springs or wells unless written approval is received from the owner of the structure or water supply to drill within 500 feet.

**180602** The erosion and sediment plan and controls must comply with Section 1805 of this

ORDINANCE.

1. A copy of the permit application and related materials submitted to Pennsylvania DEP must be submitted to the Adams Township Board of Supervisors.
2. All wastes must be disposed of in accordance with the Pennsylvania Clean Streams Law and the Oil and Gas Act (Act 223) and regulations promulgated thereunder.
3. There shall be no road spreading of production brines for dust control and no use of production brines on anti-skid material.

**180603** Township roads that are to be used to access a well site during drilling activities must be

covered by a bond that covers all costs involved in repairing and or replacing damaged roadways caused by such activities.

**SECTION 1807: Satellite Dishes, Antennas, Communication/Cell**

**Phone Towers**

**180701** It is the express purpose of this section of the zoning ORDINANCE to minimize the

visual and environmental impacts of communications towers and facilities by requiring the review and approval of communication towers and facilities by the Adams Township Planning Commission in keeping with the townships existing ordinances and historic development patterns, including size and spacing of structures and open spaces.

1. The regulation of communication towers and facilities is consistent with other planning efforts of the township to further the conservation and preservation of developed, natural and undeveloped areas, flora, and habitats for endangered species; protection of natural resources, sustainable economic growth, the provision of adequate capital facilities; and the preservation of historical , cultural, archaeological, architectural and recreational values.

ARTICLE 18 - SUPPPLIMENTARY PROVISIONS

1. This section is intended to be used in conjunction with, and be consistent with, other regulations of the township, including floodplain and subdivision ordinances. It is designed to encourage appropriate land use, environmental protection, and provision of adequate infrastructure in Adams Township.

**180702 Definitions:** The following terms and definitions shall apply to this section with

reference to communication towers.

**“Above Ground Level (AGL),”**

A measurement of height from the natural grade of a site to the highest point of the structure.

**“Antenna ,”**

The surface from which wireless radio signals are sent and received by a personal wireless service facility.

**“Camouflaged,”**

A communication tower or facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure is considered "camouflaged."

**“Carrier,”**

A company that provides communications services.

**“Co – location,”**

The use of single mount on the ground by more than one carrier (vertical co - location) and / or several mounts on an existing building or structure by more than one carrier.

**“Cross - polarized ( or dual - polarized) antenna,”**

A low mount that has three panels flush mounted or attached very close to the shaft.

**“Elevation,”**

The measurement of height above sea level.

**“Environmental Assessment (EA),”**

A document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a communication tower or facility is placed in certain designated areas.

**“Equipment Shelter,”**

An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

ARTICLE 18 - SUPPPLIMENTARY PROVISIONS

**“Fall Zone,”**

The area on the ground within a prescribed radius from the base of a tower. The fall zone is the area within which there is a potential hazard from falling debris ( such as ice) or collapsing material.

**“Functionally Equivalent Services,”**

Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio, and Paging.

**“Guyed Tower,”**

A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

**“Lattice Tower,”**

A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

**“Licensed Carrier,”**

A company authorized by the FCC to construct and operate a commercial Mobile radio services system.

**“Monopole,”**

The type of mount that is self-supporting with a single shaft of wood, steel, or concrete and a platform or racks for panel antennas arrayed at the top.

**“Mount,”**

The structure or surface which antennas are mounted, including the following four types of mounts:

1. Roof mounted. Mounted on the roof of a building.
2. Side mounted. Mounted on the side of a building.
3. Ground mounted. Mounted on the ground.
4. Structure mounted. Mounted on a structure other than a building.

**“Omni-directional (whip) antenna,”**

A thin rod that beams and receives a signal in all directions.

**“Panel antenna,”**

A flat surface antenna usually developed in multiples.

**“Personal Wireless Service Facility,”**

Facility for the provision of personal wireless services, as defined by the Telecommunications Act.

**“Personal Wireless Services,”**

The three types of services regulated by this ORDINANCE.

ARTICLE 18 - SUPPPLIMENTARY PROVISIONS

**“Radio Frequency (RF) Engineer,”**

An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

**“Radio Frequency Radiation (RFR),”**

The emissions from communications facilities.

**“Security Barrier,”**

A locked, impenetrable wall, fence, or berm that completely seals and area from unauthorized entry or trespass.

**“Separation,”**

The distance between one carrier's array of antennas and another carrier's array.

**180703** Communications towers are permitted as a principal use in the “A” and "S" districts

subject to the conditions and exceptions noted hereafter, imposed elsewhere in this subsection, imposed elsewhere in the Zoning Ordinance, imposed elsewhere by law, and subject to the following:

1. A minimum setback distance equal to the height of the tower, as measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant.
2. An additional distance restriction set back equal the height of the tower plus two hundred (200) feet from all "R" Districts, the "U" District and the "H" District, and from the nearest part of any existing dwelling, school, church or institution for human care, in any other district.
3. A setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts.
4. Site plan approval by the Adams Township Planning Commission, Zoning Officer, or Zoning Hearing Board pursuant to Article 21, SECTION 2104 of this ORDINANCE.

**180704** Communications towers may be permitted as a conditional use in the “A/R-1” district

subject to the conditions and exceptions noted hereafter, imposed elsewhere in this subsection, imposed elsewhere in this Zoning ORDINANCE, imposed elsewhere by law, and subject to the following:

1. A minimum setback distance equal to the height of the tower, as measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant.
2. An additional distance restriction set back equal the height of the tower plus two hundred (200) feet from all "R" Districts, the "U" District and the "H" district, and from the nearest part of any existing dwelling, school, church or institution for human care, in any other district.
3. A setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts.
4. Conditional use is subject to site plan approval by the Planning Commission pursuant to ARTICLE 21, SECTION 2104 of this ORDINANCE.

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**180705 Communications tower complexes** may be permitted as a conditional use in the “C” and,

"L-1" districts subject to the conditions and exceptions noted hereafter, imposed elsewhere in this subsection, imposed elsewhere in this ORDINANCE, imposed elsewhere by law, and subject to the following:

1. A minimum setback of a distance equaling twice the height of the towers. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant.
2. A minimum distance requirement of a distance equaling twice the height of the tower plus 200 feet from all "R" Districts, the "H" District and the "U" District or the nearest part of any existing dwelling, school, church or institution for human care, in any other district.
3. A minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts.
4. Site plan approval by the Adams Township Planning Commission, Zoning Officer, or Zoning Hearing Board pursuant to Article 21 of this ORDINANCE.

**180706 Communications towers are prohibited** in "R-2”, “R-3" Districts, the "U" District and

the "H" District.

**180707 Needs Shown:** No permit to construct a communications tower may be issued unless the

applicant demonstrates to the Zoning Officer or, where applicable, to the Adams Township Zoning Board **the need** for the tower and that the applicant has exhausted all alternatives to constructing a tower.

1. Applicants are required to prove such need by:
   1. Demonstrating via statement or other evidence that, in terms of location and construction, there are no existing towers, buildings, structures, elevated tanks, etc., able to provide the antenna platform required.
   2. Providing evidence, including coverage diagrams and technical reports, demonstrating that co-location on existing sites is not technically possible in order to serve the desired need.
2. Evidence that Co-location is not possible includes statistics showing:
   1. Planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers, and existing and approved towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
   2. Planned equipment will cause RF interference with other existing or planned equipment for that tower, and the interference cannot be prevented at a reasonable cost;
   3. Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned; or
   4. Other reasons make it impracticable to place the equipment planned by the applicant on existing and approved towers.
3. Other information may be required to support such needs claims.

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**180708** If it is determined that a need exists, an application for a Building Permit/Construction

Certificate may be considered pursuant to the following requirements.

1. An application for a Building Permit/Construction Certificate for a communications tower must be accompanied by an affidavit from the applicant stating that space on the proposed tower will be made available to future users, when possible.
2. Except as required by law no tower may use artificial lighting or strobe lighting at night.
   1. Facilities shall be lighted only if required by the Federal Aviation Administration (FAA) or other federal or state agencies.
   2. Such lighting shall be for safety purposes only.
   3. Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties.
   4. There shall be total cutoff of all light at the property lines of the parcel to be developed, and foot-candle measurements at the property line shall be 0.0 initial foot-candles when measured at grade.
3. Signs shall be limited to those needed to identify the property and the owner and warn of any danger.
   1. All signs shall comply with the requirements of the sign regulations as listed in Article 19 of this ORDINANCE.
4. All ground mounted facilities shall be surrounded by a security barrier.
5. No hazardous waste shall be discharged on the site of any communication facility.
   1. If any hazardous materials are to be used on the site, there shall be provisions for full containment of such materials.
   2. An enclosed containment area shall be provided with a sealed floor, designed to contain 110% of the volume of the hazardous materials stored or used on the site.
6. Communication facilities shall not generate noise in excess of 50 dB at the property line.
7. All equipment proposed for a communication facility shall be authorized per the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation (FCC Guidelines).
8. An applicant for a Building Permit/Construction Certificate for a communications tower must execute an agreement and surety with Adams Township, in a form legally sufficient to the township, requiring the removal of the tower within six months after the tower ceases to function as a communications tower.

**180710** In reviewing any application or site plan under this Section, The Adams Township

Planning Commission, the Zoning Officer or the Zoning Hearing Board, whichever is applicable, shall consider, among other things, the extent to which the proposed use seeks to:

1. Minimize adverse visual effects of towers through careful design, siting and vegetative screening;
2. Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;

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1. Lessen traffic impacts on surrounding residential areas;
2. Maximize the use of new communications transmission towers in order to reduce the number of towers needed; and
3. Demonstrate that comparable sites are not available in nonresidential or rural areas, where the use is proposed in a residential or conservation zone when otherwise protected from residential development.

**180711 Referrals:** The Adams Township Planning Commission, Zoning Officer, or Zoning

Hearing Board can refer any application for a Communications Tower, Satellite Dish, Antenna, Cell Phone Tower or other Communications Utility Facility to appropriate agencies for comments and/or recommendations pursuant to the issuing of a building permit for such request.

**180712 Application Filing Requirements:** The following shall be included with an application

for a Special Use Building Permit for all communication towers and facilities:

1. General Filing Requirements:
   1. Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicant.
   2. Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the communication facility.
   3. A licensed carrier shall be either an applicant or a co-applicant.
   4. Original signatures for the applicant and all co-applicants applying for the Special Use Permit.
2. Location Filing Requirements:
   1. Identify the subject property by including the property address.
   2. Tax map and parcel number of subject property.
   3. Zoning district designation (if any).
   4. A county wide map showing the other existing communication facilities in Cambria County.
   5. The proposed locations of all existing and future communication facilities in Cambria County for this carrier.
3. Site Plan Filing Requirements: A one inch equals 40 feet drawing showing the following:
   1. Property lines for the subject property.
   2. Property lines of all properties adjacent to subject property and within 300 feet.
   3. Tree cover on the subject property and adjacent properties, by dominant species and average height, as measured by or available from a verifiable source.
   4. Outline of all existing buildings, including use on subject property and within 300 feet.
   5. Proposed location of antenna, mount, and equipment shelter(s).
   6. Proposed security barrier, indicating type and extent as well as point of controlled entry.
   7. Location of all roads, public and private, on the subject property and within 300 feet including driveways.
   8. Distances at grade from the communication facility to each building on the site plan.
   9. Contours at two feet intervals.

ARTICLE 18 - SUPPPLIMENTARY PROVISIONS

* 1. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
  2. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction on the property.
  3. Lines representing the sight line showing viewpoint and visible point.

1. Sight lines and photographs required as described below:
   1. A sight line representation shall be drawn from any public road within 300 feet and the nearest facade of each residential building within 300 feet to the highest point of the facility.
   2. The profiles shall show all intervening trees and buildings.
   3. Existing condition photographs. Each sight line shall be illustrated by one color photograph of what can currently be seen from any public road within 300 feet.
   4. Proposed condition photographs. Each existing condition photograph shall have super imposed on it the proposed facility as seen from any public roads.
2. Design Filing Requirements:
   1. Landscape plan including existing trees and shrubs and those proposed to be added, identified by size and species.
   2. A balloon or crane test at the proposed site to illustrate the height of the proposed facility.
   3. The date, time and location of such test shall be advertised in an newspaper of general circulation in the County at least 14 days prior to the test.
3. Noise Filing Requirements:
   1. The applicant shall provide a statement listing the existing and maximum projected measurements of noise from the proposed facility, measured in Ldn. Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate.
4. Radio Frequency Radiation (RFR) Filing Requirements:
   1. The applicant shall provide a certification signed by a RF engineer, stating that projected RFR measurements are accurate and meet FCC Guidelines.
   2. The applicant shall provide a certification by an engineer that all National Environmental Policy Act requirements have been approved by the FCC.
5. Waiver: The Zoning Officer may waive one or more of the application filing requirements of this section if it is found that such information is not needed for a thorough review of a proposed facility.

ARTICLE 18 - SUPPPLIMENTARY PROVISIONS

ARTICLE 18 - SUPPPLIMENTARY PROVISIONS

**ARTICLE 19 - Signs**

**SECTION 1901: General Provisions**

**190101** Any sign erected or altered after the effective date of this ORDINANCE shall be in

accordance with the provisions and regulations contained in this article.

1. A permit shall be required for any sign erected with a surface area over two (2) square feet with the exception of temporary signs for any purpose.
2. The area of a sign shall mean the area of all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed.
3. All signs shall be constructed and maintained in a safe orderly manner. No sign shall be placed in such a position that it will cause danger to vehicular or pedestrian traffic by obscuring view or causing distraction.
4. Any sign, if illuminated, shall be non-flashing, shall be of enclosed lamp design, and shall be lighted in a manner not detrimental to any adjacent property or public right-of-way.
5. No sign, except traffic signs and other official signs, may be erected or extend onto any public street or right-of-way.
6. Any sign attached to or painted on a building may protrude a maximum distance of six (6) inches from the wall to which it is attached, may cover maximum of 25% of the total area of the wall, but not to exceed 300 square feet to which it is attached, and shall not extend beyond any point of the line of the building to which the sign is attached. No signs shall be erected upon, or extend above the roof of any building. Signs shall not extend out over any pedestrian walkway or vehicular right-of-way.
7. The height of any sign may not exceed twenty (20) feet, as measured from the ground level to the top of the sign.
8. No signs shall be permitted which are posted, stapled or otherwise permanently attached to utility poles. Only exception being that a copy of the written approval from the appropriate utility company must be submitted for review by the Adams Township Zoning Officer.
9. No signs shall be permitted which are posted, stapled or otherwise permanently attached to trees.
10. Nonconforming signs, once removed, shall be replaced only with conforming signs, however, nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
11. Temporary signs or displays may be erected providing regulations of this Article are adhered to.

**190102 Definitions of sign use classifications or types regulated by this ORDINANCE.**

**“Billboard,”**

A large (greater than thirty two (32) square feet) freestanding or attached sign owned or leased by an individual or commercial establishment for the purpose of advertising information under contractual arrangements for a service fee.

**“Building Sign,”**

Identification signs attached to a building. No commercial message shall be permitted on the sign except for a commercial message drawing attention to an activity legally offered on the premises.

ARTICLE 19 - SIGNS

**“Changeable Type Sign,”**

Any sign, including LED signs, that by design has removable character, symbol or graphic parts that can be easily updated or changed to reflect current pricing, scheduled events, or other information such as a **thought for the day** or a **public message.**

**“Freestanding Sign,”**

Any detached structure specifically built for the purpose of displaying signage information of either commercial or non-commercial nature.

**“Identification Sign,”**

Any sign specifically designed to display the name of a person, family, business, corporation, or other entity as being located on the premises.

**“Location Sign,”**

Any sign erected by a municipality which identifies the name of a borough, historic place, highway, playground, public park, town, township, street, or village.

**“Marquee Sign,”**

Any sign constructed over the doorway or window of a building so that it projects outward like an awning .

**“Off Premises Sign,”**

Any sign identifying a commercial, public, or private organization that is not located on property directly owned by the said commercial, public, or private organization or which promotes some message, either commercial or non-commercial, which draws attention to an activity not offered on the premises.

**“Permanent Sign,”**

Any sign constructed of building materials and erected or attached with a design intended to last for a period greater than one (1) year.

**“Residential Sign,”**

Identification signs attached to a residence. No commercial message shall be permitted on the sign except for a commercial message drawing attention to an activity legally offered on the premises.

**“Shopping Center Sign,”**

Identification signs for the premises indicating the businesses or retail outlets located within the shopping center. No commercial messages shall be permitted on the sign.

**“Temporary Sign,”**

Any sign constructed of non-permanent building materials which is designed to be placed on a premises for a limited period of time not to exceed sixty (60) days.

**“Traffic Sign,”**

Any sign, lighted or unlighted, erected for the purpose or warning, directing, or regulating vehicular travel along public rights-of-way.

ARTICLE 19 - SIGNS

**190103 Exemptions:** The following signs shall be exempt from regulations under this Article:

1. Any public notice or warning required by a valid and applicable Federal, State or Local law, regulation or ordinance.
2. Any sign inside a building or structure that is not attached to a window or door, and not legible from a distance of more than three (3) feet beyond the lot line of the premises or site on which such sign is located.
3. Commissioned works of art that do not include a commercial message.
4. Holiday lights and decorations with no commercial message.
5. Memorial signs or markers denoting the date of erection of a building or structure or denoting the occurrence of a historic event.
6. Auctions, garage or yard sale signs provided that they do not exceed eight (8) square feet and are removed as soon as the event or activity is completed. Such signs shall not be permitted to be erected more than seven (7) days prior to the event.
7. Signs and banners erected by a governmental body or under the direction of such body.
8. Temporary event signs and banners announcing a non-profit event of a civic organization for non-commercial purposes, where such sign does not exceed thirty-two (32) square feet in area and for a period not to exceed thirty (30) days prior to the start of the event and removed within three (3) days after the conclusion of the event.
9. Political signs announcing candidates seeking public office provided they be free standing signs not exceeding thirty-two (32) square feet and meet the other requirements of a temporary signs as listed in this Article.
10. Building 911 Ordinance Street Address numbering signs erected in accordance with the Cambria County and Adams Township 911 Emergency Preparedness Act.
11. An off-premises sign for facilities that provide twenty-four (24) hour emergency services, provided that said facility is approved by the Pennsylvania Department of Health for Stabilization and Treatment. Such sign must be approved by the Zoning Officer or the Supervisors as to size and location.
12. **No signs in this section shall obstruct the line of site from any and all vehicles or predistrians.**

**190105 Prohibited Signs.** All signs not specifically authorized by this Article are prohibited in

Adams Township. Prohibited signs shall include, but are not limited to:

1. LED signs, Animated or flashing outdoor neon tubing signs, beacons, or strobe lighting, unless approved by special exception by the Zoning Hearing Board.
2. Inflatable signs and tethered balloons
3. Non-commissioned works of art “graffiti” whether painted, drawn, constructed or otherwise created without the expressed written consent of the land owner.
4. Obsolete Signs which identify businesses or organizations or products that no longer exist.
5. Projecting signs of any type or placement other than traffic signs.
6. Sign structures which may constitute a hazard to public safety or health
7. Signs which by reason of their size, location, content, coloring or manner of illumination, obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public street or rights-of-way

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1. Signs which mimic traffic signs by making use of words such as "Stop", "Look", "One Way", "Danger", "Yield", or similar words, phrases, symbols, lights or characters that may interfere with, mislead or confuse traffic
2. Strings of lights, except those exempt under previous sections of this Article.

**190106 Schedule of permitted signs** in the various zoning districts of Adams Township.

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Type of Sign** | **A** | **A/R-1** | **R-2** | **R-3** | **U** | **H** | **C** | **L-1** | **O** | **S** | **FP** | **W** |
| **Billboard** | SE | SE | N | N | N | N | P | P | N | N | N | N |
| **Building Sign** | P | P | P | P | P | SE | P | P | N | N | N | N |
| **Changeable Type** | P | P | P | P | P | SE | P | P | N | N | N | N |
| **Freestanding** | P | P | N | P | P | SE | P | P | N | N | N | N |
| **Identification** | P | P | P | P | P | SE | P | P | SE | SE | N | N |
| **Location** | P | P | P | P | P | P | P | P | P | P | P | P |
| **Marquee** | SE | SE | SE | P | P | SE | P | P | N | N | N | N |
| **Off-premises** | P | P | N | P | N | N | P | P | N | N | N | N |
| **Permanent** | P | P | P | P | P | P | P | P | N | N | N | N |
| **Residential** | P | P | P | P | P | P | P | N | N | N | N | N |
| **Shopping Center** | N | N | N | P | N | N | P | SE | N | N | N | N |
| **Temporary** | P | P | P | P | P | P | P | P | P | P | N | N |
| **Traffic** | P | P | P | P | P | P | P | P | P | P | P | P |

**Key**: P = Permitted SE = Permitted by Special Exception N = Not Permitted

**SECTION 1902: Supplemental Regulations**

**190201** The following supplemental regulations shall apply to the construction, erection, and use of

signs within the Agricultural (A, A/R-1)Zoning districts of Adams Township.

1. All signs erected in the Agricultural Zones (A, A/R-1) offering the sale of farm products, nursery products, or livestock produced or raised on the premises shall be limited in size not to exceed twelve (12) square feet.
   1. Not more than one (1) single faced or one (1) double faced sign shall be permitted on any single street or road frontage within one hundred fifty feet of another such sign.
   2. All permitted signs shall be set back a minimum of ten (10) feet from right-of-way and/or property line.
2. Signs denoting membership in an agricultural association, cooperative, or indicating specialization in a particular breed of cattle, horses, sheep, hogs, chickens, etc., or a particular hybrid or strain of plant shall be limited in size to six (6) square feet.
   1. Not more than one (1) such sign shall be permitted on any single street or road frontage within one hundred feet of another sign.
   2. All permitted signs shall be set back a minimum of ten (10) feet from right-of- way and/or property line.

ARTICLE 19 - SIGNS

**190202** The following supplemental regulations shall apply to the construction,

erection, and use of signs within the Residential (A/R-1, R-2, R-3) Zoning Districts and the Historic (H) and Urban (U) Zoning Districts of Adams Township.

1. All signs erected shall be on premise signs and refer, advertise, or direct attention only to activities conducted on the site; except that a temporary directional sign may be erected for special events, if prior approval is granted by the owner of property on which the sign is to be erected under the same conditions provided for temporary promotional signs in this Article.
   1. Identification signs shall be limited to one (1) sign for each professional and/or accessory use occurring on the premises.
      1. For R-3 and Urban Zoning Districts only, identification signs shall be limited to one (1) free standing sign and (1) wall sign for each professional and/or accessory use occurring on the premises of.
   2. Information on identification signs shall be limited to:
      1. Entity Name
      2. Profession or Service Offered
      3. Street Address
   3. Identification signs shall be limited in size to not exceed three (3) square feet for A/R-1 and R-2 Zoning Districts only.
   4. Identification signs must be set back a minimum of ten (10) feet from the nearest right-of-way and/or property line.
2. One (1) identification sign shall be permitted for motels, office buildings, church, school, restaurants, mobile home parks, funeral homes and other places of business permitted in the respective residential zones.
   1. Such signs shall not exceed an area of twenty-four (24) square feet for R-3 and Urban Zoning Districts only.
   2. Such signs shall be setback a minimum distance of ten (10) feet from the nearest right-of-way and/or property line.

**190203** The following supplemental regulations shall apply to the construction, erection, and use of

signs within the Commercial (C), Light Industrial (L-1), and a commercial business located in the Residential R-3 Zoning Districts of Adams Township.

1. Signs permitted within the Front Yard Setback Area between the building setback line and the property line.
   1. All signs must be setback a minimum distance of five (5) feet from all right-of-way lines and/or property lines.
   2. Any sign within the setback area must be erected in a manner to permit the free and unobstructed view of persons entering or leaving the property and adjacent property.
   3. A sign within the setback line may be permitted for each twenty-five (25) feet of street frontage of the lot used for the particular business advertising on the sign.
   4. The maximum number of such signs shall not exceed four (4) pertaining to any single business or commercial lot:
   5. Double faced signs shall be considered two (2) signs under this provision.

ARTICLE 19 - SIGNS

* 1. A commercial lot with a frontage of less than 60 linear feet shall be limited to placing two (2) signs not exceeding a total area of sixty (60) square feet on the premises.
  2. In no case may the combined area of all signs erected within the setback area of a commercial lot exceed three hundred sixty (360) square feet.

1. Temporary signs are not permitted except as follows:
   1. Signs advertising political parties or candidates for elections, provided that the sign area does not exceed four (4) square feet.
      1. Such signs shall be non-illuminated
      2. And shall not be displayed more than 30 days prior to election and must be removed no later than seven (7) days following the election.
   2. Signs directing attention to temporary exhibits, shows, or special events of a noncommercial nature, provided the sign area does not exceed four (4) square feet.
      1. Such signs shall be non-illuminated,
      2. and shall not be displayed for more than 30 days prior to the advertised event and must be removed no later than seven (7) days following the event.
   3. One temporary sign of contractors, realtors, architects, mechanics and artisans providing temporary services on the premises.
      1. Such signs shall not exceed six (6) square feet,
      2. and shall be set back a minimum of ten (10) feet from the right-of-way lines and/or property line,
      3. and shall be removed within thirty (30) days following completion all work.
2. Signs permitted behind the setback line and/or attached to a building.
   1. All freestanding signs shall conform to the construction, height and setback regulations for accessory structures as outlined in this ORDINANCE.
   2. One sign may be permitted for each twenty-five (25) feet of linear frontage of the lot used for commercial purposes.
   3. The combined area of all signs behind the setback may not exceed one (1) square foot in area for each one (1) foot of lineal frontage of the lot used for commercial purposes.
   4. In no case may be made the total combined area of all signs exceed 360 square feet.
3. Billboards may be permitted by a special exception granted after a hearing by the Adams Township Zoning Hearing Board provided that:
   1. The area of the billboard does not exceed 300 square feet.
   2. The billboard is setback a minimum distance of 50 feet from the nearest public right-of-way.
   3. The billboard does not exceed 40 feet in height.
   4. The billboard is a minimum distance of three hundred (300) feet from the nearest residential district, church, park, school, or other public building.
   5. The billboard is a minimum distance of four hundred (400) feet from the centerline of any Expressway or Limited Access Highway it faces or from which its message can be viewed.
   6. Illumination must not obstruct automobile traffic or residential areas.

ARTICLE 19 - SIGNS

1. Off-premises signs may be permitted by special exception granted after a hearing by the Adams Township Zoning Hearing Board subject to the regulations for accessory uses as listed in this ORDINANCE. The following supplemental regulations shall apply to the construction, erection, and use of signs within the Light Industrial (L-1) Zoning District of Adams Township.
2. One identification sign may be erected or constructed for each individual business or corporation occupying buildings on a single light industrial parcel or lot.
   1. Any individual sign may not exceed one (1) square foot of area per one (1) foot of linear street frontage of the light industrial lot being used.
   2. In no case shall a single sign exceed a total area of one hundred twenty (120) square feet.
3. If more than three individual businesses or corporations occupy buildings on a single light industrial parcel or lot, a group identification sign shall be erected for all the businesses or corporations in the group.
   1. Such identification sign shall be free standing and equally identify each business entity in the group. The total area of such sigh shall not exceed two hundred forty (240) square feet.
   2. Such identification sign shall be set back at least ten (10) feet from the right-of-way line and/or property line or street line.
   3. Such identification sign shall be clearly visible from the approaching main entrance to the light industrial site and positioned so it does not obstruct vehicular travel to and from the site.
4. Any signs mounted or attached to buildings or other structures of the light industrial site may not project outward from the building lines or above the roof line of the building or structure.
5. All freestanding signs must meet the construction guidelines and set back requirements listed in this ORDINANCE for accessory uses in the Light Industrial Zoning District.

**190205** The following supplemental regulations shall apply to the construction, erection, and use of

signs within the Open Space and Recreation (O), Conservancy (S), and Watershed (W) Zoning Districts of Adams Township.

1. One (1) identification sign shall be permitted for each named public recreation park or play area on a single parcel or lot.
   1. Such signs shall not exceed an area of twenty-four (24) square feet.
   2. Such signs shall be setback a minimum distance of fifteen (15) feet from the right-of-way lines and/or property line.
   3. Such signs shall be clearly visible from the approaching main entrance to the recreational site and positioned so they do not obstruct vehicular travel to and from the site.
2. Advertising signs are not permitted except to identify individuals, businesses, corporations, or other legal entities that are contributing sponsors or supporters of the recreational site or play area.
   1. Such signs shall be limited in size to thirty two (32) square feet for each contributing entity.
   2. Such signs shall be constructed of permanent building materials and erected in a manner so as not to detract from the open space natural setting of the area.

ARTICLE 19 - SIGNS

* 1. Where possible a single contributor or sponsor sign should be erected indicating all supporting entities of the recreation or play site.
  2. Such signs shall be positioned so they do not obstruct vehicular travel to and from the site.

1. Informational signs listing the rules and regulations governing the use of the recreational or play area shall not exceed thirty two (32) square feet.
2. Directional signs may not exceed six (6) square feet in area and may not protrude or extend over any public right-of-way or street line.

**190206** The following supplemental regulations shall apply to the construction, erection, and use of

signs within the Flood Plain Zoning Districts of Adams Township.

1. No private signs are permitted within the listed flood plain zones of Adams Township.
2. Signs indicating health and public welfare hazards are permitted within the Flood Plain Zoning Districts of the township.

ARTICLE 19 - SIGNS

**ARTICLE 20 - NONCONFORMING USES AND BUILDINGS**

**SECTION 2001: Continuance**

**200101**The lawful use of a building existing at the time of the effective date of this ORDINANCE

may be continued, although such use does not conform to the provisions hereof.

**200102** If no structural alterations are made, a nonconforming use of a building may be changed to

another nonconforming use of a similar or more restricted character, to be evaluated and approved by the planning commission.

**200103** Whenever a nonconforming use has been changed to a more restricted use or to a

conforming use, such use shall not thereafter be changed to a less restricted one or nonconforming one, unless approval is granted by the zoning officer within the original twenty four (24) month period. A building may revert back to a nonconforming use within the original twenty four (24) month period. A one-time twelve (12) month extension may be granted by the planning commission at the end of the original twenty four (24) month period.

**200104** Whenever the use of a building becomes nonconforming through a change in the zoning

ordinance or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted character.

1. In determining whether a use is of a more or less restrictive character, than a pre-existing nonconforming use, the planning commission shall take into account, the difference between the historical use and the proposed use for each of the following factors including, but not limited to:
   1. Hours of operation
   2. Amount of  outdoor  lighting
   3. Amount of  lot  coverage
   4. Amount of landscaping, or natural buffer
   5. Noise generated  in  the  nonconforming  use  audible at  neighboring  property lines
   6. Noxious fumes,  dust  or  particulate  emissions  from  the property
   7. Stormwater  runoff  from  the  property
   8. Degree of impediment  to  air  and  light  to neighboring properties
   9. Traffic impacts and  trips  to and  from property
   10. Number of persons  to  be  occupying or  using  the  structure
   11. Risks or danger to the public health and safety
2. If the planning commission is unable to determine if the use is more or less restrictive character, such decision will be referred to the Zoning Hearing Board.
3. Natural expansion of a nonconforming business including structural expansions may be approved by the Zoning Hearing Board in the same manner as a special exception provided;
   1. The Zoning Hearing Board finds the proposed expansion does not substantially negatively affect the criteria expressed above, and
   2. The Zoning Hearing Board finds that the proposed expansion meets the current court defined criteria for natural expansion of a non-confirming use, currently;

ARTICLE 20 - NONCONFORMING USES AND BUILDINGS

* 1. The applicant demonstrates the existence of a valid nonconforming use, and
  2. The applicant demonstrates, that the proposed change in use is required to maintain economic viability or to take advantage of increases in trade" so long as the expansion is not detrimental to the public welfare, safety and health.

**SECTION 2002: Discontinuance of Use**

**200201** Whenever a nonconforming use of a property, building, accessory use, sign, or part

thereof has been discontinued for a period of twenty four (24) consecutive months, said nonconforming use shall be presumed to be abandoned and any uses of the promises thereafter shall be in conformance with the regulations of the zoning district. Provided that the property has been adequately maintained, per the assessment of the zoning officer.

**200202** A discontinued nonconforming use may be extended beyond the twenty four (24) month

period if it is approved in writing by the planning commission.

1. Only one twelve-month extension may be granted for any discontinued nonconforming use.

**SECTION 2003: Alterations**

**200301** On any nonconforming structure or portion of the structure containing a nonconforming

use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty (50%) percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

**200302** If a nonconforming structure or portion of the structure containing a nonconforming use

becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.

**200303** Nothing in this article or this ORDINANCE shall be deemed to prevent the

strengthening or restoring to a safe condition of any building, structure, or partner of that has been declared to be in an unsafe condition by an official charged with protecting the public safety, upon order of such official.

**SECTION 2004: Provisions for Reconstruction**

**200401** Any building, or structure containing a nonconforming use which is damaged by flood,

fire, wind, or any other act of God or man to the extent of seventy five (75%) percent or more of its fair market value immediately prior to the inflicted damage of such structure, shall not be repaired or reconstructed except in a manner which will not be detrimental to the character of the neighborhood

**200402** In the event that the qualified independent estimate of the extent of damage a fair market

value is not acceptable to the applicant for any building permit to repair or reconstruct such building or structure, the applicant may appeal to the Adams Township Zoning Hearing Board.

ARTICLE 20 - NONCONFORMING USES AND BUILDINGS

**ARTICLE 21 - ADMINISTRATION AND ENFORCEMENT**

**SECTION 2101: Zoning Officer**

**210101** A Zoning Officer shall be appointed by the Adams Township Supervisors to administer

and enforce this Zoning ORDINANCE.

**210102** The Zoning Officer shall not hold any elective office in the municipality.

**SECTION 2102: Duties and Powers**

**210201 Enforcement:** The Zoning Officer shall have such duties and powers as are conferred on

him or her by this ORDINANCE and as are reasonably implied to carry out and enforce the regulations of this ORDINANCE.

**210202 Literal Interpretation:** It shall be the primary duty of the Zoning Officer to enforce

literally the provisions of this ORDINANCE, as amended.

**210203 Additional Duties:** The Zoning Officer's additional duties shall include but are not limited

to the following:

1. Receive applications and issue building / use permits and sign said permits.
2. Keep an official record of all business and activities, including complaints of all violations of any of the provisions of this ORDINANCE and of the action taken consequent to each such complaint.
3. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign, and or land use within the Township, and retain such files in the Township office building for as long as they remain in existence.
   1. All such records shall be open to the public for inspection.
   2. No additional copies of such records shall be made or distributed without the approval of the Board of Supervisors.
4. Make inspections as required to fulfill his/her duties.
5. Only issue permits for special exception uses and for variances after such uses and or variances have been approved by the Adams Township Zoning Hearing Board in accordance with the regulations of this ORDINANCE.
6. Be responsible for keeping this ORDINANCE and the Zoning Map up to date so as to include all amendments thereto.
7. Institute Civil Enforcement Proceedings against violations as a means of enforcing the provisions of this ORDINANCE.

ARTICLE 21 - ADMINISTRATION AND ENFORCEMENT

**SECTION 2103: Violations**

**210301 Serve Notice:** The Zoning Officer shall serve notice of violation on any person, firm,

corporation, or partnership responsible for violating any of the provisions of this ORDINANCE, or who are in violation of a detailed statement or a plan approved thereunder.

**210302 In Writing:** Notice of violation shall be in writing, indicating the nature of the violation

and the action necessary to correct said violation.

1. The violation notice shall be sent to the owner of record of the parcel of land on which the violation has occurred, or
2. to any person who has filed a written request to receive violation notices regarding that parcel, or
3. to any other person requested in writing by the landowner of record.

**210303 Contents:** The violation notice shall include at least the following information:

1. Name of the owner of record and or any other person against whom Adams Township intends to take action.
2. Exact location of the property in violation of this ORDINANCE.
3. A list of the specific violations with a description of the requirements which have not been met along with a reference to the applicable provisions of the Adams Township Zoning Ordinance.
4. A specific date by which steps for compliance must be commenced and the date by which the steps for compliance must be completed.
5. List the rights of appeal and the prescribed appellate time the recipient of the violation notice has according to the Adams Township zoning ordinance to appeal such notice.
6. Notice that failure to comply within the prescribed time, unless extended by the Zoning Hearing Board, constitutes another violation of this ORDINANCE which could result in sanctions against the land owner(s) listed in the notice.

**210304 Non-compliance:** If a notice of violation is not complied with, the Zoning Officer shall

order the discontinuance of such unlawful use of structure, building, sign, and or land use, and shall initiate Civil Proceedings against the landowner.

**SECTION 2104: COMPLIANCE PERMITS**

**210401** No building, structure, or sign shall be erected, constructed, moved, added to, or

structurally altered, nor shall a change in land use be put to any use without a permit therefore, being issued by the Zoning Officer.

**210402** No such permit shall be issued except in conformity with the provisions of this

ORDINANCE, or upon written order from the Zoning Hearing Board in the form of an administrative review, special exception, or variance, as provided by this ORDINANCE or by the Courts.

ARTICLE 21 - ADMINISTRATION AND ENFORCEMENT

**210403** All applications shall be made in writing and submitted in such form as the Zoning Officer

or the Township may prescribe, and shall be accompanied by two sets of plans showing at least the following information:

1. Actual dimensions in shape of the lot to be built upon.
2. The exact and location on the lot of buildings, structures, or existing and or proposed extensions thereto.
3. The correct 9-1-1 address.
4. Methods of sewage and solid waste disposal, plus information on quantity and quality of sewage involved in proposed method of treatment if required.
5. Parking spaces provided and or loading facilities required.
6. A statement indicating the existing or proposed use of the property.
7. Height of any and all structures buildings or sign's.
8. All other information necessary for the Zoning Officer to make a determination of conformance with and provide for enforcement of this ORDINANCE.

**210404** A copy of the plan shall be returned to the applicant, by the Zoning Officer, indicating

that the plan has either been approved or disapproved and attesting to same by the Zoning Officer's signature on said copy.

**210405** One copy of the plan shall be retained by the Zoning Officer for the Township's permanent

records.

**210406** Approval or disapproval of a building permit application shall be issued within thirty (30)

days from the date the application is received by the Zoning Officer.

1. Work must be completed within two (2) years of the date of issuance of a building permit or it shall expire.
2. In case the plan is disapproved, the applicant shall be informed, in writing, of his/her rights of appeal. This will be in a form of a check list for the applicant.

ARTICLE 21 - ADMINISTRATION AND ENFORCEMENT

**SECTION 2105: Schedule of Fees**

**210501 Payment Required\*:** Each application for a building permit shall be accompanied by

cash payment, certified check, or money order, payable to Adams Township in accordance with the schedule of fees as follows:

1. Single and Two Family Residential (All New Construction):
   1. **$0.04 per** **square foot**
2. Single and Two Family Residential (Alterations), including sheds, signs, decks, pools, porches fences, and damaged caused by natural disasters (including, but not limited to fire and flooding) over 50% of value of the property:

|  |  |
| --- | --- |
| **Construction Value** | **Fee** |
| $0 – $1,000 | $10.00 |
| Each Additional $1,000 | $1.00 |

\*Exclusions include agricultural structures, residential demolitions, residential roofing, siding, windows, and doors (with no dimensional enlargement change).

1. Multi-Family Residential, Commercial, Industrial (All New Construction):
2. $0.06 per square foot
3. Multi-Family Residential, Commercial, Industrial (Alterations):

|  |  |
| --- | --- |
| **Construction Value** | **Fee** |
| $0 – $1,500 | $15.00 |
| Each Additional $1,000 | $4.00 |

1. Permits for all construction not specifically listed above shall have a fee of $15.00 for the first $1,500 of construction value and an additional fee rate of $5.00 per thousand dollars construction value over the minimum.

**210502 Late Fee:** A **$50.00 late fee** will be added to the cost of any permit issued on an

application submitted after construction activity has commenced.

1. Permit will only be issued if the construction activity and land use is in compliance with the requirements of this ORDINANCE for the zoning district in which the lot is located.
2. If such application is not approved, the applicant shall be responsible for the cost of undoing all construction activity and returning the land to its former state.
3. All fees are non-refundable.

**210503 Fees for Special Exceptions and Variance Hearing.**

1. Applicant will pay a total fee of **two hundred fifty ($250.00) dollars** for an appeal involving a single family dwelling.
2. Applicant will pay a total fee of **three hundred fifty ($350.00) dollars** for an appeal involving a multi-family dwelling.
3. Applicant will pay a total fee of **four hundred fifty ($450.00) dollars** for an appeal involving a non-residential structure.
4. Any refunds or extra costs will be passed on to the applicant after all expenses are paid for the hearing.

ARTICLE 21 - ADMINISTRATION AND ENFORCEMENT

**SECTION 2106: Remedies for Violations**

**210601 Action to Halt Violations:** If any building or structure is erected, constructed,

reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this ORDINANCE, the Adams Township Board of Supervisors, or with their approval the Zoning Officer, may institute, in the name of the Adams Township, any appropriate action or proceedings to halt or prevent the continuation of such violations.

**210602 Additional Remedies:** Nothing in this section shall preclude or prevent the Adams

Township Board of Supervisors from seeking other additional remedies in an attempt to correct violations of this ORDINANCE.

**SECTION 2107: Penalties Imposed**

**210701 $500.00 Judgement:** Any person, partnership, or corporation, who or which, has violated

or permitted the violation of the provisions of this Zoning ORDINANCE, upon being found liable therefore in a Civil Enforcement Proceeding, commenced by the Township, shall pay a judgment of not more than $500 plus all court costs, including a reasonable attorney fees incurred by the Township, as a result thereof.

**210702 District Magistrate Findings:** No judgment shall commence or be imposed, levied, or

payable, until the date of the determination of a violation made by a district magistrate.

**210703 Timely Appeal:** If the defendant neither pays nor appeals the judgment on a timely basis,

the Township may enforce the judgment pursuant to applicable rules of civil procedure.

**210704 Daily Assessment:** Each day a violation continues shall constitute a separate violation,

unless the district magistrate determines that there was a good-faith basis for the defendant to have believed there was no violation, in which case, there shall be deemed to have been only one such violation, until the fifth day following the determination of that violation by the district magistrate. Thereafter each day the violation continues shall constitute a separate violation.

**210705 Collection of Monies:** All judgments, costs, and reasonable attorney fees collected for the

violation of the zoning ordinance shall be paid over to Adams Township.

**210706 Court Ordered Stay of Action:** 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.

ARTICLE 21 - ADMINISTRATION AND ENFORCEMENT

**SECTION 2108: Certificate of Use and Occupancy**

**210801 Certificate Required:** A Certificate of Use and Occupancy shall be required upon the

completion of the work contemplated and listed in the application for a building permit.

**210802 Unlawful Occupancy:** It shall be unlawful to use and/or occupy any structure, building,

and/or land portions thereof that have been in any manner erected, constructed, moved, added to, or structurally altered after the effective date of this ORDINANCE, unless a Certificate of Use and Occupancy has been issued.

1. The application for Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer, or the Adams Township Planning Commission may prescribe.
2. The Zoning Officer shall inspect any structure, building, sign and/or land portions thereof and shall determine the conformity therewith.
3. If the Zoning Officer is satisfied that the work completed is in conformity with this ORDINANCE and with applicable building codes with the work listed in the building permit, a Certificate of Use and Occupancy shall be issued.
4. The Certificate of Use and Occupancy shall be granted or refused, in writing, by the Zoning Officer within ten (10) days from the date of application.
5. If a Certificate of Use and Occupancy is refused, the aggrieved party shall have the right of appeal in accordance with **Article IX, 909.1 (a) 3,** of the **Pennsylvania Municipal Planning Code**.

ARTICLE 21 - ADMINISTRATION AND ENFORCEMENT

**ARTICLE 22 - The Zoning Hearing Board**

**SECTION 2201: Creation and Organization**

**220101 Membership:** This Article hereby establishes a Zoning Hearing Board, pursuant to

**Article IX, 901.** of the **Pennsylvania Municipalities Planning Code,** which has the powers and duties listed herein and whose membership shall be as follows:

1. The Board shall consist of three (3) members, all of which are residents of Adams Township, and each of which shall be appointed to the Board by a majority vote of the Adams Township Board of Supervisors
2. Their individual terms of office shall be three (3) years and shall be so fixed that the term of one member shall expire each year.
3. Members of the Board shall hold no other office in the municipality.
4. The Township Supervisors may appoint at least one (1) but not more than three (3) alternate members to the board, each for a three year term, to serve on the Board in the absence of a regular member.
5. The Board shall promptly notify the Township Supervisors of any vacancies which occur.
6. Appointments to fill vacancies shall only be for the unexpired portion of the term being filled.

**220102 Removal of Members:** Any Board Member may be removed from office for malfeasance,

misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Adams Township Board of Supervisors.

1. The member shall receive fifteen (15) days advance notice of the intent to take such a vote.
2. A hearing shall be held in connection with the vote if the member requests the hearing in writing at least seven (7) days prior to the meeting at which the vote is to be taken.

**220103 Organization of the Board:** The Board shall elect, from its own membership, its officers

who shall serve annual terms as such, and may succeed themselves.

1. The Board may make, alter, and rescind rules and forms for its procedure consistent with ordinances of Adams Township and the laws of the Commonwealth of Pennsylvania.
2. The Board shall keep full public records of its business and shall submit a report of its activities to the Adams Township Board of Supervisors as requested by the supervisors.
3. For the conduct of any hearing and in the taking of any action, a quorum shall be not less then a majority of all the membership of the Hearing Board, but the Hearing Board may appoint a **Hearing Officer** from its own membership to conduct any hearing on its behalf and the parties involved may waive further action by the Board.
4. If, due to the absence or disqualification of one or more Board Members, a quorum is not reached, the chairman of the Board shall designate an alternate member or members to sit on the Board to provide a quorum.
5. The alternate member or members shall continue to serve on the Board in all proceedings involving the issue for which the alternate was initially appointed, until the Board has made its final determination in the matter or case at hand.

ARTICLE 22 - THE ZONING HEARING BOARD

**220104 Expenses:** Within the limits of funds appropriated by the Adams Township Board of

Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services it deems necessary to perform its duties.

1. Members of the Board may receive compensation for the performance of their duties.
2. Alternate members of the Board may receive compensation for the performance of their duties.
3. In no case shall the compensation paid to Zoning Hearing Board members or alternates exceed the rate of compensation paid to the governing body.

**SECTION 2202: Powers and Duties**

**220201 Errors:** In cases of error by the Zoning Officer:

1. The Zoning Hearing Board shall have powers to hear and decide appeals were it is alleged or where there exists any error in any order, requirement, decision, or determination made by the Zoning Officer in the enforcement of this Zoning ORDINANCE.
2. The Board shall, upon reaching a decision in such matters, inform the Adams Township Board of Supervisors in writing of such decision within seven (7) days of the appeal.

**220202 Unnecessary Hardship:** Where it is alleged that the provisions of this Zoning

ORDINANCE inflicts unnecessary hardship upon the applicant, the Boardmay **grant a varianc**e, pursuant to **Article IX 910.2** of the **Pennsylvania Municipalities Planning Code,** if all of the following conditions are found relevant to the given case.

1. That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the neighborhood were zoning district in which the property is located.
2. 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 the zoning ordinance, therefore the authorization of a variance is necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the applicant.
4. That the variance, if authorized, will not alter the central character of the neighborhood or the zoning district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent properties, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief to the applicant and will represent the least modification possible on the regulations in issue.
6. In the granting of any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to uphold the original intent of the regulations of the zoning ordinance with regards to the Zoning District in which the property is located.

ARTICLE 22 - THE ZONING HEARING BOARD

**220203 Special Exceptions:** In any instance where the Board is empowered to consider a request

for a Special Exception, the Board should determine that the following guidelines be met before granting the requested special exception.

1. The science, scope, extent, and character of the Special Exception, variance or use requested is consistent with the current Comprehensive Plan of Adams Township and promotes the harmonious and orderly development of the zoning district involved.
2. The proposed changes or modification in the Special Exception constitutes an appropriate use consistent with the character and type of development in the area surrounding the location for which such request is made.
3. That the request for Special Exception will not substantially impair, alter, or detract from the use of surrounding properties or the character of the neighborhood in light of the zoning classification of the area affected.
4. The effect the Special Exception will have on other properties in the area especially noting the following:
   1. The extent and scope of nonconforming uses existing in the area.
   2. The presence or absence in the neighborhood of conditions or uses which are the same or similar in character to the special exception being requested.
5. The proposed uses suitable with respect to traffic and highways in the area and provides for adequate access and off street parking arrangements in order to protect major streets and highways from undue congestion and hazard.
6. That major streets and highway frontage will be developed so as to limit the total number of access points.
7. That the proposed changes are reasonable in terms of logical, efficient, and economical extensions of the public services and facilities such as public water, sewers, police, fire protection, and public schools and assures adequate arrangements for sanitation in specific instances.
8. That all commercial or industrial parking, loading, access, or service areas will be adequately illuminated at night while in use.
9. That conditions shall be imposed upon the granting of the request for Special Exception to ensure that the general-purpose and intent of this Zoning ORDINANCE is complied with and that uses of the properties adjacent to the land involved in the Special Exception are adequately safeguarded with respect to harmonious design of buildings, aesthetics, landscaping, hours of operation, lighting, ventilation, noise, sanitation, safety, smoking fume control, and the minimizing of noxious, offensive, or hazardous elements.
10. That where the lot for which the Special Exception is being requested, abuts any residential areas, a planting of trees and shrubs shall be made and maintained as a buffer zone with regards to site and sound.
11. The proposed change protects and promotes the safety, health, morals, and general welfare of Adams Township.

ARTICLE 22 - THE ZONING HEARING BOARD

**220204 Appeals:** Upon appeal, the Zoning Hearing Board shall be empowered, pursuant to **Article**

**IX 912.1** of the **Pennsylvania Municipalities Planning Code** to permit the following special exceptions in addition to those otherwise specifically set forth in this Zoning ORDINANCE for the various zoning districts.

1. To permit the reconstruction of a zoning district where the boundary line of the district divides any lot of record of single ownership.
2. To permit the reconstruction, alteration, extension, or enlargement of a nonconforming building as provided in Article 20 of this ORDINANCE.
3. To interpret the provisions of this Zoning ORDINANCE where there is a disparity between the actual physical layout, on the ground, of various streets and lot boundaries to those shown on the Official Zoning Map, which is attached to and made a part of this ORDINANCE.
4. To vary the parking regulations of the Zoning ORDINANCE whenever the character or use of a building is such as to make unnecessary the full provision of parking facilities required or when such regulations would impose an unreasonable hardship upon the use of the lot as contrasted with merely granting an advantage or convenience.
5. In granting a Special Exception, The Board may attach such reasonable conditions and safeguards, in addition to those expressed in this ORDINANCE as the Board may deem necessary. (For further provisions relating to Special Exceptions, See Article 17 of this ORDINANCE.)

**220205 Zoning Challenges:** The Zoning Hearing Board shall exercise the privileges given to it

under **Article IX §909.1 Jurisdiction** of the **Pennsylvania Municipalities Planning Code** in reference to any challenges to the validity of any specific provision of the Zoning ORDINANCE or the Zoning Map.

1. In exercising its powers, the Zoning Hearing Board may reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination made by a Township Officer, regarding the enforcement of these regulations to which appeal is being sought and to that end shall have the powers of the Township Officer from whom the appeal is taken.
2. In considering all appeals, the Board shall, before making any finding of fact in a specific case, first determine that the proposed change will not establish a non-permitted use for the zoning district, nor will it impair an adequate supply of light and air, or increase the danger of fire, or materially diminish established property values within the surrounding area, or in any other respect threaten the public health, safety, comfort, morals, and welfare of the citizens of Adams Township.
3. Every change, granted or denied, by the Zoning Hearing Board shall be accompanied by a **written finding of fact,** as based upon sworn testimony and evidence specifying the reasons for granting or denying the requested variation.
4. The decision of the Zoning Hearing Board, as a result of a hearing, shall be made part of the requirements to fulfill the building permit on which a variation has been granted.
5. A concurring vote of a majority of the members of the Zoning Hearing Board shall be necessary to reverse any order, requirement, decision, or determination of the Adams Township Zoning Officer, or to decide in favor of an applicant’s appeal upon any matter which is required under this ORDINANCE, or to allow any variance or special exception of this ORDINANCE to be granted.

ARTICLE 22 - THE ZONING HEARING BOARD

1. Any party before the Board, any Officer of the Township, or an Aggrieved Party may appeal to the Commonwealth Court of Common Pleas any decision made by the Zoning Hearing Board.
   1. All zoning appeals shall be filed with the Cambria County Prothonotary not later than 30 days after issuance of notice of the decision or report made by the zoning board.
   2. Appellants procedures shall follow the requirements as set forth in the Pennsylvania Municipalities Planning Code, pursuant to Article X-A.

**SECTION 2203: Procedures**

**220301** The Zoning Hearing Board shall hear and decide appeals filed with the Board in writing,

when it is alleged by any person aggrieved, or by proxy of the aggrieved, that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.

**220302** The Zoning Hearing Board may also hear all challenges to the validity of the Zoning

Ordinance or the Zoning Map, **except those brought before the governing body pursuant to sections 609.1 and 916.1(a)(2).**  of the **Pennsylvania Municipalities Planning Code** and shall hear all requests for variations, or special exceptions filed with the Board by any land owner, or tenant with the permission of such land owner.

**220303** The Zoning Hearing Board shall conduct hearings and make decisions in accordance with

the following requirements.

1. Public notice shall be given to the public, the applicant, the Cambria County Planning Commission, the Adams Township Zoning Officer, and other such persons as the Adams Township Board of Supervisors shall designate by ordinance or to any person who has made a timely request for such notification.
   1. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or in the absence of ordinance provision, by or rules of the Board.
   2. In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior 20 schedule hearing.
   3. The Adams Township supervisors may prescribe reasonable fees with respect to said hearings before the Board, which may include compensation for the Secretary and members of the Board, notice and advertising costs, and necessary administrative overhead connected with said hearing.
   4. The costs shall not include legal expenses of the Board, engineering expenses of the Township, fees for architectural or other technical consultants, or expert witness costs.
2. A scheduled hearing shall be held within 60 days from the date of the applicant's written request, unless the applicant has agreed in writing to an extension of time.
3. The hearing may be conducted by the entire Zoning Hearing Board or the Board may appoint any member of the Board as a Hearing Officer.
   1. The parties to the hearing shall be any person who is entitled to notice under SECTION 220303 (1) without special request therefore, or who has made timely appearance of record before the Board, and/or any other person permitted to appear by the board.

ARTICLE 22 - THE ZONING HEARING BOARD

* 1. The final decision, or were no decision is required, the official statement of findings shall be made by an affirmative vote of a majority of the Board.
  2. Affected parties may, prior to any decision, waive the need for a decision or statement of findings by the entire Board, and except the decision or findings of the Hearing Officer as final.

1. The acting Chairman of the Board or the presiding Hearing Officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers including witnesses and documents by the parties.
2. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues
3. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded from testimony.
4. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record all the proceedings.
   1. The appearance fees for this stenographer shall be shared equally by the applicant and the Zoning Hearing Board.
   2. The cost of printing the original transcript shall be paid by the Hearing Board if a printed transcript is ordered by the Board or the Hearing Officer.
   3. The cost of printing the original transcript shall be paid by the person appealing any decision of the Board if an appeal is made and no printed transcript exists.
   4. Any additional copies of the printed transcript shall be paid by the person or persons requesting such additional copies.
   5. In all other cases, the party requesting a printed copy of the hearing transcript shall the bear the cost thereof.

**220304** The Zoning Hearing Board or the Hearing Officer while in the process of conducting a

hearing shall not:

1. Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate.
2. Take notice of any communication, reports, staff memoranda, or other materials except advice from their solicitor unless all the parties are afforded an opportunity to contest the material so noticed.
3. Inspect the site or its surroundings with any party or his representatives unless all parties are given an opportunity to be present.

ARTICLE 22 - THE ZONING HEARING BOARD

**220305** The Zoning Hearing Board or the Hearing Officer, as the case may be, shall render a

written decision, or when no decision is called for, make written findings of fact on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer.

1. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor.
2. Conclusions based on any provisions of this act or any ordinance, rule, or regulation shall contain a reference to the provisions relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
3. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decisions are final, the Board shall make his report and recommendations available to all parties within thirty (30) days of the conclusion of the hearing, and the parties shall be entitled to make written representations thereon to the Board prior to any final decision or entry of findings by the Board.
4. The Board's final decision shall be entered no later than forty-five (45) days after the report of the Hearing Officer.
5. Where the Board has power to render the same within the period required by this clause, and fails to do so, the decision shall be deemed to be rendered in favor of the applicant.
6. A copy of the final decision, or where no decision is called for, a copy of the findings of fact shall be delivered to the applicant personally or mailed to him or her not later than the day following its date.
7. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of its decision or findings and a statement of the location where the full decision or findings may be examined.

**SECTION 2204: Stay of Proceedings**

**220401** Upon filing any proceeding referred to in **Article IX, § 913.3 of the Pennsylvania**

**Municipal Planning Code,** and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer, or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer, or any other appropriate agency or body, certifies to the Board facts indicating that such stay would cause eminent pearl to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court having jurisdiction over zoning appeals, on the petition, after giving notice to the Zoning Officer or other appropriate agency or body.

1. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction over zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.
   1. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous.
   2. At the hearing, evidence may be presented on the merits of the case.

ARTICLE 22 - THE ZONING HEARING BOARD

* 1. It shall be the burden of the applicant for a bond to prove the appeal is frivolous.
  2. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond.

1. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
2. The question whether or not such petition should be granted and the amount of the bond to be posted, shall be within the sound discretion of the Court.
   1. An order denying a petition for bond shall be interlocutory.
   2. An order directing the responding party to post a bond shall be interlocutory.

**220402 Court Costs on a Sustained Appeal:** If an appeal is taken by a respondent to the petition

for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, and the appellate court sustains the order of the lower court to post a bond, the respondent to the petition for a bond, upon motion of the petitioner, and after a hearing in the court having jurisdiction over zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

1. A fee of two hundred fifty ($250) shall be paid by the applicant at the time any appeal or request for hearing is filed.
2. At the conclusion of the hearing or proceedings, the Township may assess the applicant for additional costs incurred by the Zoning Hearing Board or the Township in the conduct of the proceedings, pursuant to Section 2203 of this ORDINANCE.
3. All Fees shall be paid to Adams Township in the form of cash, certified check, personal check or money order, to be deposited in the General Fund.

**SECTION 2205: Time Limitations and Appeals**

**220501** No person shall be allowed to file any proceeding with the Zoning Hearing Board later

than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal official, agency, or body, if such proceeding is designed to secure a reversal, or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

1. If such person had succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
2. The failure of anyone, other than the landowner, to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the Pennsylvania Municipal Planning Code, or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or zoning map, pursuant to Section 916.2, shall preclude an appeal from a final approval, except in the case where a final submission substantially deviates from the approved tentative approval.

**220502** All appeals from determinations, which are adverse to the land owner, shall be filed by the

land owner within thirty (30) days after notice of the determination is issued.

ARTICLE 22 - THE ZONING HEARING BOARD

**ARTICLE 23 - CHANGES AND AMENDMENTS**

**SECTION 2301: Amendments**

**230101 Zoning Ordinance May be Amended:** Whenever it is deemed desirable in order to meet

the public needs, promote the convenience and welfare of the public, conform with good zoning practice, and fulfill the intent and purpose of this ORDINANCE by adhering to the guiding principles of the current Comprehensive Plan for Adams Township, the Board of Supervisors may amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by this ORDINANCE, subject to the procedures provided in this section.

**230102 Initiated Actions:** Any amendment, supplement, reclassification, modification, or change

to the Zoning Ordinance or the Official Zoning Map may be initiated by any of the following:

1. The Adams Township Planning Commission may initiate action by filing a written report to the Adams Township Board of Supervisors; or
2. The Adams Township Board of Supervisors may initiate action by filing a written request to the Adams Township Planning Commission; or
3. If fifty one (51%) percent of the owners of frontage properties found between two intersecting streets agree to propose a change, the owners may submit a notarized petition of appeal to the Township;
4. The owner of a tract of land may submit a petition for consideration of a Special Exception to the Zoning Hearing Board.

**230103 Citizen Petition:** Any township citizen or group citizens, owning land in a zoning district,

may petition for a change of district boundaries or reclassification of the district as shown on the Official Adams Township Zoning Map, and include:

1. A narrative description which defines the limits of the requested change by street name or recognizable physical feature.
2. A statement of the specific reason for the requested change.
3. A statement of the specific use, type of development, and type of structure to be erected under the proposed change.
4. A map and/or preliminary site plans of the area to be rezoned for reference and review by the Planning Commission.

**230104 Forward Preliminary Report:** After the facts are presented and the data and information

from the petition are studied and reviewed by the Adams Township Planning Commission, the petition and the commission’s preliminary recommendations shall be forwarded to the Adams Township Board of Supervisors.

1. The report of preliminary recommendations shall be forwarded within fifteen (15) days following the next regularly scheduled meeting from the time the petition was received by the Planning Commission.
2. The preliminary report shall not establish final approval of the petition’s requests but serve as a means to provide the Township Supervisors with additional information to facilitate their review and possible action.
3. The preliminary report may have attached to it a recommendation by the Planning Commission for approval or refusal, based upon its findings, or the Planning Commission may remain neutral.

ARTICLE 23 - CHANGES AND AMENDMENTS

**230105 Scheduled Public Hearing:** Upon receipt of the petition and the preliminary report, the

Board of Supervisors shall fix a time and date for a public hearing on the petition, pursuant to Public Notice Requirements of the Municipal Planning Code.

1. Public notice shall include:
   1. A brief description of the proposed change,
   2. the time and place of the public hearing for consideration of the proposal,
   3. and state when and where a copy of the proposal will be available for public inspection.
2. In addition, if the proposal involves a zoning map change, notice of the said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township, along the perimeter of the property tract, to notify neighboring property owners of the proposed change.
3. The affected property tract or area shall be posted at least one (1) week prior to the scheduled date of the public hearing.

**230106 Adams Township Planning Commission Informed:** For proposed amendments,

supplements, or changes that have not been initiated by the Adams Township Planning Commission, the commission shall be informed by the Board of Supervisors in writing of the proposed amendment, supplement, or change at least thirty (30) days prior to the scheduled public hearing.

**230107 Cambria County Planning Commission Informed:** The Board of Supervisors shall

submit any proposed amendment, supplement, or change, to the Zoning Ordinance or the Official Zoning Map, regardless of its origin, to the Cambria County Planning Commission for its recommendations at least thirty (30) days prior to the scheduled public hearing.

**SECTION 2302: Conduct of Public Hearing**

**230201 Presiding Officer:** The Chairman of the Board of Supervisors, or an Examining Officer

appointed by the Township Board of Supervisors, shall be responsible for the conduct of any public hearings relative to amendments, supplements, or changes to the Zoning Ordinance or Official Zoning Map.

1. The purpose of the public hearing is to receive relevant facts, data, and other material desirable and necessary for making a decision on the petition for change.

**230202 Powers:** The Chairman or Acting Chairman of the Board or the Presiding Hearing Officer

shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by all parties.

1. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence an argument and cross-examine adverse witnesses on all relevant issues.
2. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

ARTICLE 23 - CHANGES AND AMENDMENTS

**230203 Records Kept:** The Board, Compliance Zoning Officer or the Hearing Officer, as the case

may be, shall keep a record of the proceedings, either steno graphically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

**230204 Changes Require New Public Hearing:** If after the public hearing the proposed

amendment is changed substantially, or is revised to utilize land previously not affected by it, the Township supervisors shall hold another public hearing, pursuant to public notice requirements, prior to proceeding to vote on the amendment.

**230204 Review by Planning Commission:** Following the public hearing, the Adams Township

Planning Commission shall review all material, data, testimony and facts submitted for consideration in the petition for change.

1. The Commission shall make a final report on the petition setting forth in detail reasons wherein public necessity, convenience, and general welfare do or do not justify the proposed change.
2. The Commission shall make a determination as to whether the proposed change is or is not in accordance with the general objectives of the current Adams Township Comprehensive Plan and good zoning practices.
3. The Commission shall forward its findings and recommendations to the Adams Township Board of Supervisors within thirty (30) days following the last public hearing.

**230205 Presumed Approval:** If the Planning Commission fails to file such a report within the

specified time, or in the specified manner, it shall be presumed that the Planning Commission has approved the proposed amendment, supplement, or change.

**230206 Recommendation Not Binding:** In any event the recommendation on the Planning

Commission shall be regarded as advisory in nature and shall not be binding on the Township or any other party of the issue.

**SECTION 2303: Enactment of Proposed Amendment**

**230301 Give Public Notice:** If a determination by the Adams Township Board of Supervisors

results in proposed enactment of an amendment to the Zoning Ordinance, notice of the proposed enactment shall be made public.

1. Such notice shall include the time and place of the meeting where passage will be considered, and a reference to the place were copies of the amendment may be examined without change or obtained at cost.
2. The Adams Township Board of Supervisors shall publish the proposed amendment once each week for two successive weeks in a newspaper of general circulation in Adams Township.
   1. Such notice shall state the time, place of the meeting, and the particular nature of the matter to be considered at the meeting.
   2. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the meeting.
   3. Publication of the proposed amendment shall include either the full text or the title and a brief summary of the proposed amendment prepared by the Township solicitor.

ARTICLE 23 - CHANGES AND AMENDMENTS

* 1. If the full text is not included, a copy will be supplied to the newspaper at the time public notice is to be published, and an attested copy of the proposed ordinance will be filed at the Cambria County Law Library.

1. If substantial changes are made to the amendment after this point, the Township Supervisors shall re-advertise a brief summary, setting forth all provisions and changes, according to the aforementioned notice for enactment in a newspaper of general circulation in Adams Township.

**230302 Vote and Passage:** The passage of an ordinance amending, supplementing, or changing

the regulations, district boundaries, or classification of property, now or hereafter established by this ORDINANCE, shall require the affirmative vote of a majority of the members of the Adams Township Board of Supervisors.

1. If any ordinance amending, supplementing, or changing the regulations, district boundaries, or classifications of property hereinafter established by this ORDINANCE, is not passed by the Township Board within sixty (60) days after the required public hearing, there shall be required a new public hearing, prior to the Board of Supervisors taking any action on the item.
2. The Adams Township Board of Supervisors shall forward a copy of the approved amendment to the Cambria County Planning Commission within thirty (30) days after it is enacted.

**230303 Filing Fees:** Any person other than the Adams Township Supervisors or the Adams

Township Planning Commission that requests a Curative Amendment be made to this Zoning ORDINANCE shall pay a preliminary fee of two hundred fifty dollars ($250.00) at the time the request is filed with the Township Secretary.

1. At the conclusion of the proceedings pertaining to the proposed amendment the Township may assess the applicant for costs incurred by the Township in the conduct of the proceedings relative to adopting or denying the amendment.
2. All such fees shall be paid to the Township and be deposited in the General Fund.
3. Regardless of whether the amendment proposal is adopted or refused, no part of any fees paid, pursuant to this action, shall be refunded to the applicant.

**230304 Review and Hearing:** Any individual, person, or corporation aggrieved by any decision

on a curative amendment, modification, or special exception made by the Township Board of Supervisors, may within thirty (30) days after such decision by the Township, seek a review and hearing by the Adams Township Zoning Hearing Board in a manner provided under Article 22 of this ORDINANCE.

ARTICLE 23 - CHANGES AND AMENDMENTS

**SECTION 2304: Landowner Proposed Curative Amendment**

**230401 Validity Challenge:** Any landowner who desires to challenge, on substantial grounds, the

validity of the Zoning Ordinance, the Official Zoning Map, or any provision thereof which prohibits or restricts the use or development of land in which he has any interest, may submit a Curative Amendment to the Adams Township Board of Supervisors in the form of a written request that his challenge and proposed amendment be heard and decided.

**230402 Scheduled Public Hearing:** The Township supervisors shall commence a public hearing

within sixty (60) days of the written request by the landowner or his legal representative.

1. The hearing shall be conducted in accordance with the requirements set forth in Article 22, Section 2203 of this ORDINANCE, and all references therein to the Zoning Hearing Board shall, for the purposes of this section, refer to the Township Board of Supervisors.
   1. Public Notice requirements for the hearing are the same as outlined in Article 21 Section 2110 of this ORDINANCE.
   2. The Adams Township Planning Commission and the Cambria County Planning Commission shall be notified and given a written copy of the proposed amendment, at least thirty (30) days prior to any public hearing on the matter.
2. In addition to the curative amendment, plans, and information submitted by the landowner, the Township Supervisors shall also consider the following.
   1. A report of the proposal on roads sewer facilities, water supplies and other public facilities.
   2. A report of residential proposals on regional housing needs and their effectiveness in providing housing units of the type available to and affordable by persons otherwise excluded by the challenged ordinance or map.
   3. Site suitability in relation to fit geographic features.
   4. A report of the proposed use on physiographic and environmental considerations.
   5. A report on agricultural preservation, public health and public welfare considerations.
3. If it is determined that the challenge has merit, the Township Supervisors may accept the landowner’s curative amendment with or without revision, or may adopt an alternative amendment which cures the challenged defects.

**230404 Severability:** If the landowner’s curative amendment is not accepted and a Court

subsequently rules that the challenge has merit, the court’s decision shall not result in a declaration of invalidity for the entire Zoning Ordinance, or the Official Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

ARTICLE 23 - CHANGES AND AMENDMENTS

**SECTION 2305: Municipal Proposed Curative Amendment**

**230501 Determination and Declaration:** The Township Supervisors may determine that this

Zoning ORDINANCE or sections or portions thereof are substantially invalid.

1. Upon such determination the Board of Supervisors shall declare by formal action the Articles, Sections, or specific portions of the Ordinance that are substantially invalid and propose a Curative Amendment to overcome this invalidity.
2. Within thirty (30) days of such declaration and proposal the Board of Supervisors shall:
   1. Make specific findings setting forth the declared invalidity which may include specific uses, class of uses, or references to the entire ordinance; and,
   2. begin to prepare and consider a Curative Amendment to correct the declared invalidity.
3. Within one hundred eighty (180) days of the declaration and proposal, the Township Board of Supervisors shall enact the Curative Amendment, or reaffirm the existing validity of the Zoning Ordinance pursuant to the procedures outlined above in this section.

**230502 Limitations:** After using this procedure, the Township may not entertain making another

Curative Amendment for a period of thirty six (36) months following the date of the Curative Amendment’s enactment, or following the reaffirmation of the Zoning Ordinance because the Curative Amendment fails to get a majority vote of the Board.

**230503 Imposed Duties:** The Township may use the provisions of this section before the thirty

six (36) month moratorium on amendments has expired, if Pennsylvania Statute or an Appellate Court imposes a new duty or obligation upon the Township.

ARTICLE 23 - CHANGES AND AMENDMENTS

**ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS**

**SECTION 2401: Scope**

**240101** An article regulating and restricting the height to which structures may be erected, or

objects of natural growth be placed, and otherwise regulating the use of property in the vicinity of the Greater Johnstown-Cambria County Airport by:

1. Creating the appropriate zones and establishing the boundaries thereof;
2. Providing for changes in the restrictions and boundaries of such zones;
3. Defining certain terms used herein;
4. Referring to the Greater Johnstown-Cambria County Airport Height Limitation Overlay and Adams Township Official Zoning District Map which is incorporated in and made a part of this ORDINANCE;
5. Providing for enforcement;
6. Establishing a zoning hearing board;
7. And imposing penalties.

**SECTION 2402: Policy**

**240201** This **ARTICLE** is adopted pursuant to the authority conferred by 1984 PA Laws 164,

codified at 74 PA Cons. Stat. 5105 et. seq.

**240202** It is hereby found that:

1. An obstruction has the potential for endangering lives and property of users of the Greater Johnstown-Cambria County Airport, and property or occupants of land in its vicinity;
2. An obstruction and may affect existing and future instrument approach minimums of the Greater Johnstown-Cambria County airport;
3. An obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Greater Johnstown-Cambria County airport and the public investment therein.

**240203** Accordingly, it is declared that:

1. The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region servants serviced by the Johnstown Cambria County airport.
2. It is necessary in the interest of the public health, safety, morals, and general welfare that the creation or establishment of obstructions which are a hazard to air navigation be prevented.
3. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS

**SECTION 2403: Definitions**

**240301** The following words and phrases when used in this Article shall have the meaning

listed in this section unless the context clearly indicates otherwise:

**“Aircraft,”**

Any contrivance, except an unpowered hang glider or parachute, used four-man ascent into or flight through the air.

**“Airport,”**

Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft in any of pertinent areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term airport includes public airports but excludes private airports and help ports. Public and private airports are defined separately in this section.

**“Airport Elevation,”**

The highest point of airports usable landing area measured in feet above sea level.

**“Airport Hazard,”**

Any structure or object, natural or man-made, or use of land which obstructs the air space required for flight of aircraft in landing or taking of an airport or is otherwise hazardous as defined by airport hazard in 74 P. A.. COM as. As DAT. 5102.

**“Airport Hazard Area,”**

Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this article and act 164 0 1984 Pennsylvania Laws Relating to Aviation.

**“Approach Surface,”**

Of surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in section 4 of this article. Implant the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

“**Approach, Transitional, Horizontal, and Conical Surface Zone's,”**

The zones are set forth in section 2404 of this article.

**“Board of Appeals or Adjustment,”**

A board appointed by the authority adopting these regulations. The number of members, powers, governing roles, etc. of the Board are set forth in section 2409 of this article.

**“Conical Surface,”**

A and surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance 4,000 feet.

ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS

**“Department, (PennDOT)”**

The Pennsylvania Department of Transportation.

**“FAA,”**

The Federal Aviation Administration of the United States Department of Transportation.

**“Height,”**

For the purpose of determining the height limits in all zones set forth in this Article and shown on the Official; Adams Township Zoning Map, the data shall mean sea level elevation unless otherwise specified.

**“Horizontal Surface,”**

A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

**“Larger Then Utility Runway,”**

A runway debt is constructed for any intended to be used by propeller driven aircraft of > 12,500 pounds maximum gross read weight and jet powered aircraft.

**“Nonconforming Use,”**

Any pre-existing structure, object, or natural growth, or use of land which is inconsistent with the provisions of this ARTICLE or an amendment thereto.

**“Line Precision Instrument Runway,”**

A runway having an existing instrument approach procedure utilizing air navigation facilities with only a horizontal guidance, or area type navigation equipment, for which a straight in line precision instrument approach procedure has been approved or planned.

**“Obstructions,”**

Any structure, growth, or other object included a mobile object, which exceeds a limiting height set forth in any section of this article.

**“Person,”**

An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, including a trustee, a receiver, an assignee, or a similar representative of any of them.

**“Precision Instrument Runway,”**

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on approved airport layout plan or any other planning document.

ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS

**“Primary Surface,”**

A surface longitudinally centered on the runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways, or when the runway has no special prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth by FAA standards. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**“Private Airport,”**

An airport which is privately owned in which is not open or intended to be open to the public as defined in 74 PA Cons. Stat. 5102

**“Public Airport,”**

An airport which is either publicly or privately owned in which is open to the public as defined in 74 PA Cons. Stat. 5102

**“Runway,”**

A defined area on airport prepared for landing and takeoff of aircraft along its length.

**“Structure,”**

An object including a mobile home object constructed or installed by man including but without limitation buildings towers cranes smokestacks earth formation and overhead transmission lines.

**“Transitional Surfaces,”**

These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

**“Tree,”**

Any object of natural growth.

**“Utility Runway,”**

A runway that is constructed for in intended to be used by propeller driven aircraft of twelve thousand-five hundred (12,500) pounds maximum gross weight or less.

**“Visual Runway,”**

A runway intended solely for the operation of aircraft using visual approach procedures.

ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS

**SECTION 2404: Airport Surface Zones**

**240401** In order to carry out the provisions of this Article, there are hereby created and

established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Greater Johnstown-Cambria County Airport.

1. Such zones are shown on the Greater Johnstown-Cambria County Airport Height Limitation and Zoning District Map prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated Spring 1989, which is attached to this ORDINANCE and made apart hereof.
2. Any area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitations.

**240402** The various zones listed are hereby established and defined as follows and are contained as

an overlay on the Adams Township Official Zoning Map.

1. **Non-precision Instrument Approach Surface Zone (**Runway Larger Than Utility with A Visibility Minimum Greater Than ¾ Mile):
   1. Established beneath the non-precision instrument approach surface.
   2. The inner edge of this zone coincides with the width of the primary surface and is five hundred (500) feet wide.
   3. The zone expands outward uniformly tool width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface.
   4. Its centerline is the continuation of the centerline of the runway.
2. **Precision Instrument Runway Approach Surface Zone**:
   1. Established beneath the precision instrument approach surface.
   2. The inner edge of this zone coincides with the width of the primary surface and is one thousand (1,000) feet wide.
   3. The zone expands outward uniformly tool width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface.
   4. It's centerline is the continuation of the centerline of the runway.
3. **Transitional Surface Zones:**
   1. Established beneath the transitional surface adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.
4. **Horizontal Surface Zone**:
   1. Established beneath the horizontal surface, one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arts by drawing lines tangent to those arcs.
   2. The horizontal surface zone does not include the approach surface and transitional surface zone.
5. **Conical Surface Zone**:
   1. Established beneath the conical surface.
   2. This zone commences at the periphery of the horizontal surface and expands outward therefrom a horizontal distance of four thousand (4,000) feet.

ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS

**SECTION 2405: Airport Surface Zone Height Limitations**

**240501 Excess Height Not Permitted:** Except as otherwise provided in this Article, no

structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height limitations herein established for such zones.

**240502 Height Limitation Listings:** Such applicable height limitations are hereby established for

each of the zones in question as follows:

1. **Non-precision Instrument Approach Surface Zone**:
   1. For a Runway larger than utility, with a visibility minimum greater than 3/4 mile:
   2. Slopes thirty four (34) feet outward for each foot upward beginning at the end called and at the same elevation as the primary surface and extending toward horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
2. **Precision Instrument Runway Approach Surface Zone**:
   1. Slopes fifty 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline,
   2. Then slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.
3. **Transitional Surface Zones**:
   1. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is 2,284 feet above mean sea level.
   2. In addition to the foregoing when an airport has a precision instrument runway approach zone, there are established height limitations sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
   3. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limitations sloping at seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at 90 degree angles to the extended runway centerline.
4. **Horizontal Surface Zone**:
   1. Established at one hundred fifty (150) feet above the established airport elevation or at a height of 2,434 feet above mean sea level.
5. **Conical Surface Zone**:
   1. Slopes twenty (20) feet outward for each foot upward beginning at the Perez three of the horizontal surface and at one hundred fifty (150) feet above the established airport elevation and extending to a height of three hundred fifty (350) feet above the established airport elevation or at a height of 2,634 feet above mean sea level.

ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS

**SECTION 2406: Airport Zoning Requirements**

**240601 Reasonableness:** All airport zoning regulations adopted under this Article shall be

reasonable.

1. No requirement or restriction shall be applied unless it is reasonably necessary to effectuate the purpose of this Article.
2. In determining what regulations it may adopt, each municipality and joint airport zoning board shall consider, among other factors,
   1. The character of the flying operations expected to be conducted at the airport,
   2. The nature of the terrain within the airport hazard area,
   3. The character of the neighborhood,
   4. The scheduled uses of the zoned property.

**240602 Use Restriction:** Not withstanding any other provision of this ORDINANCE,

1. No use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals, or radio communication between the airport and aircraft,
2. No use may make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport,
3. No use may impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intended to use the airport.

**240603 Nonconforming Uses:**

1. The Regulations prescribed by this Article, of the Zoning ORDINANCE, shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 2407 relating to permits and variances.
2. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ORDINANCE, and is diligently executed.

**240604 Marking and Lighting:**

1. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon or nearby of such markers and lights as such shall be deemed necessary by the Adams Township Board of Supervisors to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions.
2. Such markers and lights shall be installed cap operated, and maintained at the expense of the Greater Johnstown-Cambria Airport Authority.

ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS

**SECTION 2407: Permits and Variances**

**240701 Permit Needed:** Except as specifically provided in this Article, no material change

shall be made in the use of land, no structure shall be erected or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted.

**240702 Permit Application Requirements:**

1. Each application for permit shall indicate the purpose for which the permit is desired, with sufficient information to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed.
2. If such determinations are in the affirmative, the permit shall be granted.
3. No permit shall be granted which would allow a use to be inconsistent with the provisions of this Article unless a variance has been approved by the Zoning Hearing Board in accordance with this ORDINANCE.

**240703 Horizontal and Conical Zone Calculations:** In the area lying within the limits of the

horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

**240704 Approach Zone Calculations:** In areas lying within the limits of the approach zones, but

at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy five (75) feet of vertical height above the ground, except when, because of the terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such approach zones.

**240705 Transition Zones Calculations:** In the areas lying within the limits of the transition zones

beyond the permit or all the horizontal zones, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transitional zones.

**240706 Documentation Required with Exception Calculations:** In determining exceptions to

height restrictions listed in SECTIONS 240703, 240704, and 240705, the Zoning Officer may require each application to be accompanied by a copy of the *“Notice of Proposed Construction or Alteration,”* (FAA 7460 -- 1 or Bureau of Aviation AV-5 7), and/or require the applicant to perform calculations outlined in this Article and/or request the advice of the Pennsylvania Department of Transportation, Bureau of Aviation, and the Manager of the Greater Johnstown-Cambria County Airport.

ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS

**240707 No Permitted Exception to Height Limitations:**

1. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limitations, established by this Article, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarged or increase the height of any existing structure.
2. Before any nonconforming structure may be replaced, substantially altered, or rebuilt, or any tree to be replanted, a permit must be secured from the municipality authorizing the replacement or change.
3. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Article or any amendments thereto or when the application for a permit is made.

**240707 Nonconforming Uses Abandoned or Destroyed:** Whenever the Zoning Officer

determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Article.

**240708 Variances Require a Hearing:**

1. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any natural object, or otherwise use his property in a nonconforming manner, to the Airport Zoning Regulations may apply to the Zoning Hearing Board for a variance from the Zoning Regulations in question.
   1. A variance shall only be granted after the requirements of Article and Section are satisfied.
   2. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the zoning regulations and this Article.
2. Any variance may be granted subject to any reasonable condition that the Zoning Hearing Board may deem necessary to effectuate the purposes of this Article.

**240709 FAA Determination Required and Airport Manager Informed:**

1. The application for variances shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of their navigation facilities and the safe, efficient use of navigable airspace.
2. Additionally, no application for variance to the requirements of this Article may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager, or personnel equal and description, for advice as to the aeronautical effects of the variance.
3. If the Airport Manager, or personnel equal and description, does not respond to the application within fifteen (15) days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS

**240710 Hazard Marking and Lighting Installed:**

1. In granting any permit or variance under this Section, the Zoning Hearing Board shall, require the installation of such markers and lights as are listed in the guidelines or regulations adopted by the FAA to insure safe operation of the airport.
   1. The owner applicant of the structure or object of natural growth in question may be required to give permission to the airport authority, at its own expense, to install, operate, and maintain such markers and lights or,
   2. The owner applicant of the structure or object of natural growth in question may be required to give permission to the municipality, at its own expense, to install, operate, and maintain such markers and lights or,
2. The Zoning Hearing Board may require **the owner** of the structure or object of natural growth in question, to install, operate, and maintain **their own** such markers and lights at **no expense to the municipality**.

**SECTION 2408: Enforcement**

**240801 Local Enforcement:** It shall be the duty of the Zoning Officer to administer and enforce

the regulations prescribed herein as follows:

1. Applications for permits and variances shall be made to the Zoning Officer upon a form published for that purpose.
2. Applications required by this Article to be submitted to the Zoning Officer shall be promptly considered and granted or denied.
3. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Zoning Officer.

**240802 Notice Given To Department of Transportation:**

1. Notwithstanding any other provision of law, a municipality or Board which decides to grant a permit or variance under this Article shall notify the Department of Transportation of its decision.
2. This notice shall be in writing and shall be sent so as to reach the department at least ten (10) days before the date upon which the decision is to be issued.

**240803 Powers of the Zoning Hearing Board:**

1. To hear and decide appeals from any order, requirements, or decision, or determination made by the Zoning Officer in the enforcement of this Article.
2. To hear and decide Special Exceptions to the terms of this Article upon which such Boards of Adjustment under such regulations may be required to pass.
3. To hear and decide special variances.

**240804 Penalties:** Each violation of this Article shall be punishable as set forth in Article

21, Section 2107 of this ORDINANCE.

ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS

**240805 In Conflicts More Stringent Rules Apply:** In the event of a conflict between any Airport

Zoning Regulations adopted under this Article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, or the use of land, or any other matter, and whether the other regulations were adopted by the municipality which adopted these Airport Zoning Regulations, or by some other municipality, or otherwise, the more stringent limitations or requirements shall govern and prevail.

**SECTION 2409: Calculations for Height Exceptions**

**240901** In cases where the Zoning Officer has determined that an exception may exist relating to

height restrictions as set forth in SECTIONS 240703, 240704, and 240705 above, the applicant may be required to perform the appropriate calculations for submittal with the application.

ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS

ARTICLE 24 - AIRPORT ZONING SPECIAL PROVISIONS

**ARTICLE 25 - SEVERABILITY**

**SECTION 2501: Severability**

**250101** The provisions of this ORDINANCE shall be deemed to be severable, and if any regulation

herein shall be found to be invalid by a Court of Law, the remainder shall, unless the court order determines otherwise, remain in full force and unaffected.

**250102** Any event that a court of competent jurisdiction renders a final order that remains

un-appealed to this ORDINANCE constitutes a taking under the laws of the Commonwealth of Pennsylvania, on the United States of America, then such regulation or determination shall be of no force or affect.

**250103** It is the intention of the Adams Township Board of Supervisors by the adoption of this

ORDINANCE that it supersedes Zoning Ordinance No.99 of 2007, and any and all previous zoning ordinances and amendments thereto of Adams Township as amended to the extent that the provisions of this ORDINANCE, including the Official Zoning Map, are constitutional, legally adopted, and in full force and effect.

ARTICLE 25 - SEVERABILITY

ARTICLE 25 - SEVERABILITY

**SIGNATURE PAGE OF**

**THE ZONING ORDINANCE**

**OF**

**ADAMS TOWNSHIP, CAMBRIA COUNTY**

This ORDINACE shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED this \_\_\_10th \_\_\_\_\_ day of August 2020.

TOWNSHIP OF Adams

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Supervisor

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Supervisor

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Supervisor

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Supervisor

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Supervisor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary

(Seal)