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Article I

GENERAL PROVISIONS

§ 145-1 TITLES.

- A. Short title. This Chapter shall be known and cited as the "Millcreek Township Zoning Ordinance."
- B. Long title: an ordinance of Millcreek Township, Erie County, Pennsylvania to establish zoning regulations for the use of land, structures, open spaces, watercourses and other bodies of water; defining and regulating the size, height, bulk, location, erection, construction, repair, maintenance, alteration, demolition, area, intensity of use and dimensions of land, structures, open spaces and bodies of water for agricultural, business, industrial, residential, public service, environmental or other purposes; the density of population and intensity of use; the provision of design specifications and performance standards; the percentage of lots which may be occupied by buildings; size of yards and open spaces; the establishment of legislative, administrative, enforcement and appeal procedures; prescribing fines and remedies for violations; and including severability and repealer clauses.
- C. Headings and titles. The headings and titles of this Chapter are placed herein for convenience only and shall not be construed or interpreted as limiting the subject matter following the said headings or titles.

§ 145-2 RELATIONSHIP TO COMPREHENSIVE PLAN.

This Chapter is enacted to promote an orderly plan of development according to the goals, objectives and recommendations of the Millcreek Township Comprehensive Plan, as amended and updated (the "Comprehensive Plan"). The Comprehensive Plan includes data on existing conditions with reasonable consideration of the existing character of the various uses within the Township and the respective suitability of particular land uses.

§ 145-3 COMMUNITY DEVELOPMENT OBJECTIVES.

The general purposes, which are the basis for the provisions and regulations of this Chapter, are set forth in the Millcreek Township Comprehensive Plan and in Sections 603 and 604 of the Municipalities Planning Code, as amended. The zoning regulations and districts set forth in this Chapter are made in accordance with the Comprehensive Plan for the general welfare of the Township and are intended, but not limited, to achieve the following objectives:

- A. To create a distinctive and high-quality gateway district to Presque Isle by encouraging a variety of compatible uses in the district, implementing design standards and creating a walkable "complete street" that is a regional asset.

- B. To strengthen neighborhood investment by providing for a variety of housing types that are affordable and attractive to all existing and future residents of all income levels and protecting historical and cultural resources.
- C. To position commercial corridors for adaptation and redevelopment by providing land use flexibility, ensuring quality development and minimizing adverse impacts of such development.
- D. To support business development by providing for adaptive reuse of marginal industrial and commercial properties in designated corridors.
- E. To promote strong and sustainable stewardship of Township infrastructure by protecting parks, recreation area, environmentally sensitive areas, natural resources and agricultural land; ensuring the location and function of streets and other community facilities and utilities; and encouraging open-space planning.

§ 145-4 APPLICABILITY.

The provisions of this Chapter shall apply to all zoning districts, lots, uses, buildings, structures, land developments and subdivisions within the municipal boundaries of Millcreek Township, Erie County, Pennsylvania.

§ 145-5 INTERPRETATION.

The provisions of this Chapter shall be construed and interpreted to constitute the minimum requirements for the promotion of the public health, safety and welfare.

- A. Relationship with other ordinances, rules, regulations and permits. This Chapter is not intended to interfere with, abrogate or annul any ordinance, rule, regulation or permit previously adopted or issued, and not in conflict with any of the provisions of this Chapter, or which shall be adopted or issued, pursuant to the use of buildings or premises and likewise not in conflict with this Chapter, subject to the provisions of § 145-5C.
- B. Relationship to pre-existing agreements. This Chapter is not intended to interfere with, abrogate or annul any easement, covenant or other agreement between parties, subject to the provisions of § 145-5C.
- C. Restrictions in ordinance to control. Where this Chapter imposes greater restrictions upon the use of a building, structure or land, upon the bulk, height or size of a building or structure, coverage of lots, establishes performance standards and regulations or requires larger open spaces than is or are required by other ordinances, regulations or permits or by easements or agreements, the provisions of this Chapter shall govern.
- D. Greater restrictions elsewhere. Where any other ordinance, rule, regulation, permit, easement, covenant or agreement imposes greater restrictions than those set forth in this Chapter, such other restrictions shall govern.

- E. Construction and other standards. Specific standards governing construction as are established in the Millcreek Township Code, Chapter 29, Code Enforcement, Part 3, Uniform Construction Code, and Chapter 125, Subdivision and Land Development, and other ordinance enacted by the Township or other governmental entity shall govern actual construction, this Chapter to govern administration and the submission of and action on applications for Zoning Permits and certificates.
- F. Amendment and restatement. This Chapter constitutes and is intended to be a comprehensive amendment and restatement of the Millcreek Township Zoning Ordinance, first enacted as Ordinance No. 2 on April 4, 1949, amended and restated by Ordinance No. 100, enacted on September 15, 1958, and by Ordinance No. 74-29, enacted on December 30, 1974, including all amendments thereto enacted prior to the effective date of this amended and restated ordinance. All regulations in this Chapter shall be deemed to have been first enacted as of the effective date of the ordinance first establishing such regulation(s).

§ 145-6 COMPLIANCE.

No structure shall be located, erected, demolished, constructed, moved, altered externally, converted or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this Chapter, and the subsequent lawful issuance of all permits and certifications required by this Chapter.

§ 145-7 USES FOR WHICH NO PROVISION IS MADE.

Whenever a use is not specifically authorized within any district established under this Chapter and an individual makes an application to the Zoning Officer for such use, the use may be authorized within a specific district if it is similar to and compatible with uses permitted or authorized within that district and in no way is in conflict with the general purpose and intent of this Chapter or any provision permitting or authorizing the same; provided, that the same shall comply with and follow all requirements of this Chapter. If the Zoning Officer denies the application, it may be appealed to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use.

Article II

DEFINITIONS

§ 145-8 WORD USAGE.

The following rules of construction shall apply to this Chapter:

- A. Words used in the present tense shall include the future.
- B. The singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary. Reference to one gender shall be deemed to include the other.
- C. The words "shall" and "must" are intended to be and shall be deemed to be mandatory. The word "may" is permissive.
- D. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and/or "occupied for."
- E. The words "includes" and "including" shall not limit the term to the specified example, but are intended to extend its meaning to all other instances of similar kind and character.
- F. The particular shall control the general.
- G. If there is a difference in meaning or implication between the text of this Chapter and any caption or illustration, the text shall control.

§ 145-9 TERMS DEFINED ELSEWHERE.

This Chapter intentionally does not include definition of terms that are established in the Pennsylvania Municipalities Planning Code; Millcreek Township Code Chapter 125, Subdivision and Land Development; Chapter 116, Stormwater Management; Chapter 70, Land Use; and Chapter 110, Municipal Solid Waste and Recycling. Where not defined in this Chapter, definitions of terms adopted in the Municipalities Planning Code and the ordinances referenced above are expressly adopted and shall control.

§ 145-10 UNDEFINED TERMS.

Where not defined in this Chapter or in the statute and ordinances referenced in § 145-9 of this Chapter or in other applicable Pennsylvania statutes or Township ordinances, terms shall be given their common or ordinary meaning.

§ 145-11 DEFINITIONS.

As used in this Chapter, the following terms shall have the meanings indicated below:

ABANDONMENT or **ABANDONED** — The relinquishment of property, whether real, personal or otherwise, or a cessation of the use of a real property by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property. A real property use discontinued for a period of one year shall be deemed an intent to abandon.

ACCESSORY STRUCTURE — A detached structure or building customarily incidental and subordinate to the principal structure or use of the lot on which it is located.

ADULT-ORIENTED USE — The use includes all uses regulated under 68 Pa. C.S.A. § 5501 *et seq.*, as amended, as well as the following uses: adult novelty store, adult drive-in movie theaters, adult motels, massage parlors, bath houses, and such other uses housing similar adult sexually oriented activities. Such definitions in 68 Pa. C.S.A. § 5502 are hereby included by reference, including but not limited to, the definitions for “Adult Bookstore,” “Adult Entertainment,” “Adult Mini-Motion Picture Theater,” “Adult Motion Picture Theater,” “Adult-Oriented Establishment,” “Sexual Activities,” “Specified Anatomical Areas” and “Specified Sexual Activities.”

AGRICULTURAL ACTIVITIES — Activities including, but not limited to, livestock and poultry raising, field, row and tree crops, forest and tree products, sale of products produced on the premises and other customary farm structures. The term does not include farm-oriented commercial or industrial activities or operations, such as food or livestock processing plants, holding pens, slaughterhouses or similar uses which handle products not produced on the immediate premises.

AGRITOURISM — The practice of touring agricultural areas to see farms and often to participate in farm activities.

ALTERNATIVE TOWER STRUCTURE — Includes generally man-made trees, clock towers, tall steeples, light poles and similar alternative design that camouflage or conceal the presence of antennas on towers.

AMUSEMENT PARK — An establishment existing primarily for entertainment purposes and offering rides and exhibits for a fee.

ANIMAL DAYCARE — Any premises where domestic animals are dropped off and picked up daily for temporary care on site and where they may be groomed, trained, exercised and socialized, but are not kept or boarded overnight, bred, sold or let for hire.

ANTENNA — Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities as defined herein.

ARCHITECT — An architect registered by the Commonwealth of Pennsylvania.

AVIATION FIELD — Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

AWNING — A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid and rigid materials on a supporting framework.

BACKYARD POULTRY — The raising of poultry birds for domestic and/or commercial uses as an accessory use to a residence. For purposes of this Chapter, poultry birds shall be defined to include domestic chickens and ducks only; no geese, turkeys or other fowl shall be permitted unless as part of a farm permitted under Agricultural Activities.

BED AND BREAKFAST INN — An owner/manager occupied single-family dwelling, detached that contains not more than three guest bedrooms in which short-term lodging not exceeding seven consecutive days or nights is provided for compensation and in which meals for lodgers may also be provided. This use shall not include group residence facilities.

BEEKEEPING — The keeping of one or more colonies of bees.

BOTTLE CLUB — An establishment operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the Pennsylvania Liquor Code, 47 P.S. § 1-101 *et seq.* The permissibility of a use of land involving to any extent a bottle club shall be determined according to the principal intended use.

BREWERY — An industrial use which brews ales, beers, meads, spirits and/or other similar alcoholic beverages and does not serve the beverages on site in a tavern or restaurant, but which may include a public tasting room. Breweries are classified as a

use which manufactures more than 15,000 barrels of beverage (all beverages combined) annually. This also includes uses which manufacture 15,000 barrels of beverage or less, but which do not include an eating and drinking establishment use. For purposes of this ordinance, the term “brewery” shall include distilleries, cideries, meaderies and other producers of alcoholic beverages for sale and distribution.

BUFFER YARD/BUFFER AREA — A strip of land, a portion of which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall, fence or sign in compliance with this Chapter.

BUILD TO LINE — The line which defines the required placement of the building from the street on which the building fronts, measured from the edge of street right-of-way. On a corner lot, the build to line is located on each side of a lot abutting a street.

BUILDABLE AREA — The area of a lot remaining after the minimum yard and open space requirements of this Chapter have been met.

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 building, each portion of such structure shall be considered a separate building.

BUILDING CODE OFFICIAL — The person employed or retained by the Township to administer and enforce the Construction Code, including any inspectors and designees.

BUILDING HEIGHT — Distance measured from finished grade located within two (2) feet of the foundation wall to the highest point on the building or structure (excluding elements such as chimneys, flag poles, skylights, etc.).

ELEVATION — A building face, or scaled drawing of the same, from ~~finished~~finished grade to the highest point on the structure.

EXISTING GRADE — The existing condition of the elevation of the ground surface at the time of permit application and which represents (1) the natural grade prior to placement of fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation including grading approved in conjunction with the subdivision of the site.

FINISHED GRADE — The final grade of the site after all clearing and grading has been completed that conforms to an approved grading plan.

BUILDING LINE — A line determined by the original developer or property owner as located on a recorded plat within a property, generally parallel to the street line, between which and the adjacent right-of-way no structure may be built.

BUILDING MATERIAL FACILITY/LUMBERYARD — A facility for the sale of home, tools, hardware and construction materials such as brick, lumber, concrete, piping and other similar materials, either within or without an enclosed building.

BUSINESS SERVICES — Includes any commercial activity providing services such as ~~financial advice, stock or bond brokerage services, insurance sales and service, real estate services,~~ utility sales and services, court reporting services, cell phone and communications services, employment and/or recruiting services, small copy, printing and video services, shoe repair, watch repair, valet or courier service and whose principal operation does not involve on-site retail sales.

BUILDING TRADE — The engagement in the improvement of real property for monetary consideration and encompasses, but is not limited to, the following crafts, trades or business: site construction, demolition, earthwork, utilities, paving, plumbing, electrical, masonry, carpentry, general construction, waterproofing, insulation, roofing, siding, plastering, drywalling, tile setting, flooring, painting, sign building and erecting, and landscaping.

CAMPGROUND — Temporary or permanent buildings, tents or other structures licensed by Millcreek Township for occupancy by transients using recreational vehicles, motor homes, mobile trailers and/or tents for dwelling, lodging or sleeping purposes. This definition does not apply to mobile or manufactured home parks.

CANOPY — A shelter, constructed of any material, projecting from but not necessarily supported by the building and which includes awnings or similar devices.

CAR WASH — Any building or premises or portion thereof used for washing automobiles and light trucks.

CAR WASH, ACCESSORY — A single-bay Car Wash used in conjunction with and accessory to the principal use and located in a Nonresidential Zoning District.

CEMETERY — Property used for the interment of the dead.

CERTIFICATE OF OCCUPANCY — A certificate issued by the Zoning Officer under the Pennsylvania Construction Code, as adopted by Millcreek Township, upon completion of construction of a building, structure or addition or alteration thereof, which authorizes occupancy of the premises.

CLINIC -- An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, [optometrist](#), other medical personnel, psychologists, or social workers and where such examination and treatment generally require a stay of less than 24 hours.

CO-LOCATION — The mounting of one or more wireless communication facilities (WCFs), including antennas, on an existing tower-based WCF, or on any structure that already supports at least one non-tower WCF.

COMMERCIAL MESSAGE — Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity or is otherwise defined as "commercial speech" by the Pennsylvania Supreme Court, the United States District Courts in Pennsylvania, the Third Circuit Court of Appeals, or the United States Supreme Court for purposes of interpreting the United States Constitution or Pennsylvania constitution regarding freedom of expression or speech.

CONSTRUCTION PERMIT — A permit issued by the Building Code Official under the Pennsylvania Construction Code, indicating that proposed construction, alteration or reconstruction of a structure or other work regulated by the Construction Code is in accordance with the Construction Code authorizing the applicant to proceed with such work or activity. This term shall be deemed to include "building permit" or "UCC permit." Such permit is distinct from a "zoning permit" and is not issued, administered or reviewed under this Chapter.

CONTINUING CARE FACILITY — As defined in current Commonwealth of Pennsylvania licensee requirements, a residential facility or development designed, operated and maintained for adults, which may also include skilled nursing, intermediate care, personal care, or assisted living facilities.

PERSONAL SUPPORT SERVICES FOR A CONTINUING CARE FACILITY — Services provided to residents of a continuing care facility, located within a main building, such as beauty shop, barbershop, gift shop, pharmacy, bank, and laundry and cleaning services and facilities. Shall be authorized and conducted as a use accessory to the permitted use as a continuing care facility.

CONVENIENCE STORE, LARGE — A ~~retail establishment~~ [Retail Business Establishment](#) with a Gross Floor Area of ~~6,250~~ [greater than 2,500](#) square feet ~~or~~ [but less than 10,000 square feet](#) otherwise meeting the criteria for a Small Convenience Store but has a Vehicle Fuel Station, Retail with more than four fuel islands or more than eight fuel pumps on the premises.

CONVENIENCE STORE, NEIGHBORHOOD — A ~~retail establishment~~[Retail Business Establishment](#) with a Gross Floor Area of 2,500 -square feet or less offering [goods](#) for sale, [including, but not limited to,](#) food products, household items, newspapers, magazines or freshly prepared foods that may be available for on-site or off-site consumption, including all accessory activities authorized in a Small Convenience Store, excluding the sale of liquefied petroleum gas and/or vehicle fuel. This use shall not include any Vehicle Fuel Station, Retail and the sale of vehicle fuels is expressly prohibited.

CONVENIENCE STORE, SMALL — A ~~retail establishment~~[Retail Business Establishment](#) with a ~~sales area of~~ Gross Floor Area of 2,500 square feet or less offering [goods](#) for sale, [including, but not limited to,](#) food products, household items, newspapers, magazines, or freshly prepared foods that may be available for on-site or off-site consumption. Accessory activities may include the operation of no more than two arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, lottery tickets and a Vehicle Fuel Station, Retail that does not exceed more than four fuel island or more than eight fuel pumps. Convenience store shall not include the repair or service of vehicles.

CORRECTIONAL FACILITY — A publicly or privately operated facility housing persons awaiting trial, serving a sentence after being found guilty of a criminal offense, being within the jurisdiction of a federal, state or local probation, parole or corrections agency and/or receiving treatment other than at a hospital while under the jurisdiction of such authority or agency. The term shall include but not be limited to jails, prisons, juvenile detention centers, work release centers, prerelease centers and treatment centers.

CREMATORY, ACCESSORY — An establishment containing a furnace where a human or animal remains can be burned and reduced/cremated to ashes as permitted by the Pennsylvania Department of Environmental Protection.

DAY-CARE CENTER — A facility licensed by the Commonwealth of Pennsylvania, located within a building not used as a dwelling unit, for care during part of a twenty-four-hour day, of children under the age of 16 or handicapped or elderly persons.

DENSITY — The maximum number of dwelling units per acre of developable land in a development.

DEVELOPABLE LAND ~~---~~

- A. That land proposed for development which excludes therefrom all portions thereof:

1. Dedicated or to be dedicated or devoted for use as public or private streets and/or for interior traffic circulation by other means;
 2. Dedicated or to be dedicated or devoted to use as public or private improvements, including but not limited to stormwater management improvements;
 3. Defined by the Pennsylvania Department of Environmental Protection as wetlands;
 4. Defined by appropriate federal or state agencies as being within a one-hundred-year floodplain; and
 5. Having a slope in excess of 25%.
- B. Where land proposed for development involves other factors prohibiting or rendering impractical development of areas due to particular easements or other circumstances, the Zoning Officer shall have authority to deem such areas of the lot nondevelopable.

DISABILITIES — Means, with respect to a person, a physical or mental impairment that substantially limits one or more major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment.

DISTRIBUTED ANTENNA SYSTEMS (DAS) — Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DISTRIBUTION FACILITY — Any premises or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution.

DRIVE-THROUGH FACILITY — A facility which offers in-car service or takeout service for a permitted use in a nonresidential zoning district, including but not limited to financial institutions, food stores, restaurants and drugstores, but not including drive-in theaters or car washes. This term generally refers to an accessory use or manner of conducting a permitted use and is not intended as a distinct form of use.

DWELLING — Any building, structure, or portion thereof which is occupied as, designed or intended for occupancy as a residence having one or more dwelling units, but not including hotels, motels and/or continuing care facilities. The following dwelling types are included in this Chapter:

- A. **DWELLING, DUPLEX** — A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced party wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
- B. **DWELLING, MULTI-FAMILY** — A residential building designed exclusively for occupancy by three or more families living independently of one another and containing three or more dwelling units that may have common corridors and shared exit and entrance facilities. This definition includes condominiums and apartments.
- C. **DWELLING, SINGLE-FAMILY ATTACHED** — A building containing more than one dwelling unit attached to two or more dwelling units by common vertical wall(s). Single-family attached dwellings each shall have separate access to the outdoors not shared with the access of other dwelling units. This definition includes rowhouses and townhouses.
- D. **DWELLING, SINGLE-FAMILY DETACHED** — A detached residential building which is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit. This term shall be deemed to include "Single-Family Dwelling, ~~Dethached~~Dethatched".

DWELLING UNIT — A single unit providing complete, independent living facilities for the exclusive use of a single family maintaining a household, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTRACTIVE INDUSTRY — The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum and gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as part of the extractive activity.

EATING AND DRINKING ESTABLISHMENT — An establishment designed and operated for the express purpose of providing food and beverage service within the confines of a structure.

EAVES — The lowest horizontal line of a sloping roof.

EDUCATIONAL INSTITUTION — A structure, part of a structure or structures designed and used for training and teaching of children, youths or adults, including laboratories appurtenant thereto. This category includes public and private schools, as well as

professional schools, trade schools, art schools and similar facilities. This category does not include Day-Care Centers.

EMERGENCY — A condition that:

- A. Constitutes a clear and immediate danger to the health, welfare, or safety of the public; or
- B. Has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

END CAP — When used in this Chapter, shall mean and refer to a defined area installed at the end of a row of off-street parking separating parking from the drive aisles and used for green space and vegetation.

ENFORCEMENT NOTICE — A notice as provided in Section 616.1 of the MPC and/or this Chapter, sent by the Township to the owner or occupant of record of a lot on which a violation of this Chapter has occurred.

ERECT — To build, construct, attach, hang, suspend, affix, alter, structurally repair, remove, relocate, add to, demolish, renew. With respect to signs, includes painting on a wall or any other background surface.

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance, by public utilities regulated by the Pennsylvania Public Utility Commission or municipal or other governmental agencies, of underground, surface or overhead gas, electrical, [cable](#), steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings and/or structures, excluding communications towers and communications antennas as defined in this Chapter.

[**EXTERMINATING SERVICES** — A person or business establishment specializing in the elimination of vermin, insects, etc., from a building, apartment, etc., especially by the controlled application of chemicals.](#)

FAMILY — An individual or two or more persons related by blood or marriage living together; or a group of individuals of not more than three persons, not related by blood or marriage, but living together as a single housekeeping unit (exclusive of any natural born or adopted children of an adult resident). In each instance, the family shall be understood to include the necessary domestic workers. The foregoing restrictions do not apply to persons with disabilities as defined in the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*

FCC — Federal Communications Commission.

FENCE — An artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected for the enclosure of [or separation of](#) areas.

FENCE, ORNAMENTAL — A fence designed in such a manner, and of such material, that the main purpose is to decorate or enhance the appearance of the front or side yard setback. Fences consisting of chain link mesh, welded or woven wire or sheet metal are excluded under this definition.

FENCE, SOLID — Any fence that presents a solid surface without gaps in materials.

FINANCIAL INSTITUTION — Any commercial institution that lends money or engages in a finance-related business, including but not limited to stock brokerage firms, securities firms, banks, credit unions and savings associations.

FLOOR AREA, RETAIL NET — All that space used by customers and retail employees to consummate retail sales, and to include display areas used to indicate the variety of goods available for sale but not to include office space and other general administrative areas, [including stock room, loading or storage areas.](#)

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.

FUEL DISPENSER/FUEL PUMP — A device which dispenses vehicle fuel and/or kerosene and which may contain multiple hoses or be capable of serving more than one fueling position simultaneously.

FUEL ISLAND — A building(s), premises or portions thereof which are used, arranged, designed, or intended to be used for the dispensing of gasoline or other fuel for motor vehicles, boats or aircraft.

FUELING POSITION — A location at which a single vehicle may be fueled from a fuel dispenser.

FUNERAL HOME — A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles.

GARAGE, PRIVATE — An accessory use which is attached to or an integral part of a residential building or dwelling unit, or an Accessory Structure used for the storage of motor vehicles and other personal property owned and used by the residents of the residential building or dwelling unit.

GARAGE, PUBLIC — A building or structure available to the general public in which motor vehicles are temporarily stored but which is not used for the repair or maintenance thereof.

GHOST KITCHEN — A commercial space where food is prepared and cooked for off-premise consumption only. Also known as dark, cloud, shadow, zombie or virtual kitchens.

GLARE — The effect produced by brightness sufficient to alter or impair visual performance and visibility.

GROSS FLOOR AREA (GFA) — The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

GROUP RESIDENCE FACILITY — A residential facility licensed by the Pennsylvania Department of Human Services, to provide room, board and supervised care, but not continuous nursing care, for children under the age of 18, individuals age 62 or older and/or persons with one or more disabilities. This definition shall not include a facility housing persons released from or under the jurisdiction of a government bureau of corrections or similar institution. See definition of “Disabilities”. In addition, the term does not include current illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C § 802).

HEALTH CLUB — Any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include massage therapy, aerobics and physical fitness services (e.g., aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

HEAVY INDUSTRY/MANUFACTURING — Manufacturing that includes the production, processing, cleansing, testing and distribution of materials, foods, foodstuffs and

products that due to the nature of the materials, equipment or process utilized, is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

HEIGHT OF A SIGN — The vertical distance measured from the ground at the sign base to the top of the sign.

HEIGHT OF A TOWER-BASED WCF — The vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennas mounted on the tower and any other appurtenances.

HOME OCCUPATION — An accessory use of a service character customarily conducted within a dwelling by the residents, not meeting all standards of a no-impact home-based business, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof. The following clarifications apply:

- A. The office of a physician, surgeon, dentist, architect, lawyer or other professional person, each with not more than one paid assistant, shall be deemed to be a home occupation. Instructions in violin, piano or other individual musical instruments, limited to a single person at a time, shall be deemed a home occupation. The occupations of dressmaker, watchmaker, milliner, seamstress, typist or other persons who offer skilled services to clients and are not professionally engaged in the purchase or sale of economic goods and who have not more than one paid assistant may be deemed to be home occupations.
- B. Dancing instruction, band instrument instruction in groups, personal, business and professional services, funeral homes, continuing care facilities and retail sales establishments or businesses of any kind not listed above shall not qualify as home occupations.

HOSPITAL — An institution providing acute medical or surgical care and treatment for sick or injured humans, as defined in the current state licensure requirements. The term includes outpatient surgical and treatment facilities not constituting a correctional facility, sanitarium, clinic, continuing care facility and any other place for the diagnosis, treatment or other care of human ailments.

HOTEL — A facility offering transient lodging accommodations to the general public and which may provide additional services, such as restaurants, meeting rooms and recreational facilities. The structure(s) have an interior hall and lobby with access to each room from such.

INDUSTRIAL PARK — An area of land arranged and/or constructed in accordance with a plan for a group of industrial purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting uses.

IN-LAW APARTMENT — A separate living space within a single-family dwelling, detached consisting of separate sleeping, cooking and bathroom facilities and which is to be occupied by an in-law of, in-laws of or a member of the family unit occupying the main portion of the dwelling.

JUNK — Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal or other use or disposition; includes any discarded material or article, including but not limited to scrap metal; scrapped, abandoned or junked Vehicles (including boats, trailers and recreational vehicles); the storage of Vehicles which are not operable but which are being stored so that their parts can be removed; tires; vehicle parts; machinery; equipment; glass; paper; containers; rags; metal; building materials; household appliances; brush; wood; lumber; food waste; garbage; solid waste; leaf, grass and tree or shrubbery waste or recyclable materials. The term does not include municipal waste, recyclable materials and leaf waste kept in a proper container for the purpose of prompt and proper disposal.

JUNKYARD — Any area, lot, land, parcel, building or structure, or part thereof, used wholly or in part for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap and discarded goods, materials, machinery or two or more unregistered and/or inoperable Vehicles or other types of junk.

KENNEL — A use of land and structures in combination under which four or more domestic animals or pets six months or older are groomed, bred, trained and/or boarded for compensation. This term includes animal shelters operated by non-profit organizations. A use meeting the definition of "pet grooming establishment" is not intended to be a "kennel."

KENNEL, ACCESSORY — A use in conjunction with and accessory to the principal use of a veterinary clinic, Animal Daycare, or pet grooming establishment or animal hospital which includes the interior housing only for animals under treatment and no outdoor operations or boarding for compensation.

LANDSCAPING MATERIAL — Includes any combination of living plants such as trees, shrubs, vines, flowers, ground cover and grass, and shall not be deemed to include stone and/or other nonvegetative cover.

LAWN AND GARDEN CENTER — A commercial operation offering for retail sale plants, flowers, lawn and garden supplies and other items which may include a nursery or greenhouse so long as that use is accessory to the principal commercial use, but does not include bulk sales of stone, bark and other materials piled or stored outside or the use of high lifts.

LAWN AND GARDEN SUPPLY FACILITY — A lawn and garden center which also includes sale in bulk of stone, bark and other materials, repair services of more than an incidental nature and/or regular use of high lifts, loaders in the conduct of its sale and distribution activities.

LIGHT INDUSTRY/MANUFACTURING — Manufacturing that includes the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products that by the nature of the materials, equipment and process utilized, is considered to be clean, quiet, and free of any objectionable or hazardous elements.

LIMITED LODGING — The rental of a dwelling [unit](#) in the following districts: MU-1, MU-2, MU-3 and PI Districts [and/or](#) the Limited Lodging Overlay. There are two categories:

- A. **LIMITED LODGING, [HOMELONG TERM](#)** — The rental of all or a portion of a dwelling unit for a period of not less than 90 days but no more than 180 days per year.
- B. **LIMITED LODGING, [SHORT TERM](#)** — The rental of all or a portion of a dwelling unit for a period of not more than 90 days per year.

LIMITED LODGING OVERLAY — Areas shown on the Millcreek Township Zoning Map, one bounded to the west by the west line of the Hartt Estates subdivision, recorded in Erie County Recorder of Deeds Office in Map Book #2, Page 488; to the south by the north right-of-way line of West Lake Road; to the north by Lake Erie; and to the east by the Presque Isle zoning district boundary, and the second bounded by the east line of Calvary Cemetery to the west; West 11th Street to the south, the Corridor Mixed Use 3 boundary to the east; and the Presque Isle District Boundary to the north. Should a dispute concerning the overlay boundary arise, an initial determination shall be made by the Township's Zoning Officer and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

LOADING SPACE — A space within the main building or on the same lot therewith providing for the standing, loading or unloading of vehicles.

LOT — As defined in Section [10107.107](#) of the MPC, [53 P.S. § 10107](#).

LOT AREA — The total area within the lot lines of a single lot not including any portion of a dedicated street right-of-way.

LOT, CORNER — A lot that has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersects at an angle of less than 135°.

LOT COVERAGE — The area of a lot or parcel that is covered by ~~principal~~[Principal](#) and/or Accessory ~~Structures or structures~~[Buildings](#).

LOT DEPTH — The average distance between the edge of the street right-of-way and the rear lot line, measured perpendicular or radial to the right-of-way. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

LOT FRONTAGE — That side of a lot abutting on the street right-of-way.

LOT, INTERIOR — A lot where the side property lines do not abut a street.

LOT LINE/PROPERTY LINE — A line bounding a lot that divides one lot from another or from a street or any other public or private space.

LOT WIDTH — The mean horizontal distance across the lot, between the side lot lines, measured at right angles to the depth.

MAINTENANCE — With respect to signs, the cleaning, painting, repair, refurbishing or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, illumination or structure of the sign.

MAKERSPACE — A shared location where users can create, construct, repair or modify objects using light manufacturing and light industrial equipment, new technologies and traditional tools.

MEDICAL MARIJUANA — Marijuana for certified medical use as set forth in the Pennsylvania Medical Marijuana Act.

MEDICAL MARIJUANA DISPENSARY — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana. This does not include a health care medical marijuana organization.

MEDICAL MARIJUANA GROWER/PROCESSOR — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana. "Medical marijuana." Marijuana for certified medical use as set forth in this act. This does not include a Health Care Medical Marijuana Organization.

MEDICAL MARIJUANA ORGANIZATION — A medical marijuana dispensary or medical marijuana grower/processor.

MEDICAL MARIJUANA PERMIT — An authorization issued by the Pennsylvania Department of Health to a medical marijuana organization to conduct activities under this Act.

MIXED USE OCCUPANCY — Occupancy of a building or land for more than one use permitted in the zoning district in which the building or land is located.

MIXED USE OCCUPANCY (RESIDENTIAL/COMMERCIAL) — Occupancy of a building or land for residential as well as commercial uses.

MIXED USE OCCUPANCY (COMMERCIAL) — Occupancy of a building or land for multiple commercial uses.

MONOPOLE — A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connecting appurtenances.

MOTEL — A structure in which lodging is provided for the accommodation of guests, offered to the public for compensation, which includes an office supervised by a person in charge at all hours with a majority of all rooms having direct access to the outside. "Motel" does not include boarding house, group residence facility or continuing care facility.

MULTIPLE-ESTABLISHMENT CENTER — A group of uses consisting of three or more non-~~retail establishments~~[Retail Business Establishments](#) forming a cohesive group of uses in a single building having direct access to the outdoors or in a group of two or more buildings arranged and constructed on a lot or site according to a plan and sometimes having common parking.

MUNICIPALITIES PLANNING CODE (MPC) — The Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 *et seq.*, as amended.

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential

dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with the residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

NONCONFORMING LOT — As defined in Section [10107107](#) of the MPC, ~~53 P.S. § 10107.~~

NONCONFORMING STRUCTURE — As defined in Section [10107107](#) of the MPC, ~~53 P.S. § 10107.~~

NONCONFORMING USE — As defined in Section [10107107](#) of the MPC, ~~53 P.S. § 10107.~~

OFFICE/BUSINESS PARK — An area of land arranged and/or constructed in accordance with a plan for a group commercial or business office purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting uses. ~~All land involved in an office park or a business park must be owned by a single owner and the park must be developed as a single entity.~~

OPEN PORCH — A roofed, open structure projecting from the front, side or rear wall of a building and having no enclosed features of glass, wood, or other material more than 30 inches above the floor thereof, except the necessary columns to support the roof.

OVERLAY DISTRICT — An area of the Township subject to the regulations set forth in Article III, Section 145-12B of this Chapter.

PaDEP — The Pennsylvania Department of Environmental Protection.

PARAPET — The portion of a facade or wall that is raised above the roof.

PARKING BAY — When used in this Chapter, shall mean and include that area consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

PATIO — A portion of a structure which may or may not be partially or totally enclosed by a roof and one or more walls.

PennDOT — The Pennsylvania Department of Transportation.

PENNSYLVANIA CONSTRUCTION CODE — The Pennsylvania Construction Code, 35 P.S. § 7210.101 *et seq.*, as amended, and as adopted by Millcreek Township by Ordinance No. 2004-9 (Chapter 29, Code Enforcement, Part 3, Uniform Construction Code), as amended.

PERMIT — A document issued by Millcreek Township authorizing an applicant to undertake certain activities.

PERSON — An individual, partnership, public or private association or corporation, limited liability company, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PERSONAL SERVICES — Any commercial activity conducted for profit which primarily offers services to the general populace, these including barber shops, beauty shops, manicure or pedicure salons, nail salons, therapeutic massage establishments, tanning salons, [laundromats](#), [dry cleaners](#) and similar services and activities which are related to the personal needs of people.

PET GROOMING ESTABLISHMENT — A business activity that is operated and conducted within an enclosed premises and includes and is limited to the grooming and/or washing of pets and/or domestic animals and which shall not include any training or boarding of animals and/or any outdoor activities.

PLACE OF WORSHIP/ASSEMBLY — A public or private lot of land, building or structure that is designed for the assembly or collection of persons, for civic, political, religious, educational, social purposes and where recreation, amusement or dining occur as accessory activities.

PREMISES — A separate lot or tax parcel with individual frontage abutting the street line. A premises may include multiple uses or occupancies.

PRINCIPAL STRUCTURE — The structure or portion thereof housing the main use of the land.

PROFESSIONAL SERVICES — Includes offices of professionals offering and providing legal, engineering, accounting, architectural, insurance, financial, [real estate](#), appraisal, [optical](#), land surveying, landscape architectural and like services.

PUBLIC OR PRIVATE SCHOOL — Any academic institution licensed or registered by the Commonwealth to provide elementary and/or secondary education to school-age children. Educational uses other than those of a public or private school are not permitted in a residential zoning district.

PUBLIC BUILDINGS AND STRUCTURES — Includes a building or structure to be constructed, owned and operated by a federal, state, county, or municipal entity (including authorities). Public buildings and structures include, but are not limited to, meeting halls, fire stations, mail facilities, post offices, libraries, museums, or other like type place that is a public community facility.

PUBLIC UTILITY — The Erie City Water Authority, their respective successors and assigns, or any supplier of utility services regulated by the Pennsylvania Public Utility Commission.

RECREATION FACILITY, COMMERCIAL — An indoor or outdoor establishment operated by a for-profit entity for the pursuit of sports and recreational activities available to the general public for a fee, including but not limited to [arcade](#), miniature golf, golf or batting practice facilities, ice or roller rinks, playing fields, racquet clubs, swimming pools, indoor trampoline parks and similar facilities.

RECREATION FACILITY, PRIVATE — Developed or undeveloped open spaces and/ or structures and facilities which are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation. Such facilities include but are not limited to country clubs, golf courses, sportsmen's clubs, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools and similar facilities.

Such facilities do not include private swimming pools accessory to a Dwelling, Single Family Detached use.

RECREATION FACILITY, PUBLIC — Developed or undeveloped open spaces and/or structures and facilities that are provided by a governmental or non-profit body for public use for the purposes of play, amusement relaxation or education. Such uses may include sports facilities, parks, playgrounds, swimming pools, assembly buildings, passive areas, gardens, nature preserves, nature centers and related amenities.

RECREATIONAL VEHICLE — A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure-time or recreational use. Recreational vehicles or units include but are not limited to the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, auto, buses or trucks adapted for vacation use, snowmobiles, minibikes, all-terrain vehicles, go-carts, boats, boat trailers, and utility trailers. A tent, travel trailer, pickup camper or motor home shall be considered a recreational vehicle. A recreational vehicle does not include a manufactured or mobile home, industrialized housing and/or any incidents of long-term or permanent residence, including, but not limited to skirting, removal of wheels, sheds, etc.

RECYCLABLE MATERIALS PROCESSING FACILITY — A facility employing a technology process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

RELATED EQUIPMENT — Any piece of equipment related to, incidental to, or necessary for, the operation of a tower-based WCF or non-tower WCF. By way of illustration, not limitation, related equipment includes generators and base stations.

RESEARCH AND DEVELOPMENT — A structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor. Such use shall be categorized as light industrial or heavy industrial dependent upon the specific nature of its operations.

RETAIL BUSINESS ESTABLISHMENT — A commercial use involving the sale of commodities and services directly to consumers. This term is intended to encompass all uses involving retail sales that are not specifically provided for or are not generally equivalent to uses that are specifically provided for. Where a use is specifically provided for, that specific provision shall control. In uses such as bakeries, candy stores, grocery stores and florists, accessory uses may include the baking or making products solely for

the purpose of retail sale on that premises so long as all such activities are conducted indoors. In uses such as sale of auto parts, accessory uses may include the installing or assisting with installation of purchased items

RIGHT-OF-WAY — Land dedicated, reserved and/or accepted for use as a road, street, alley or crosswalk.

SANITARY LANDFILL — An engineered land burial facility for the disposal of solid waste which is so located, designed, constructed, and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

SELF-STORAGE FACILITY — An establishment that rents storage space for personal use by the renter and where no materials of a hazardous nature (toxins, highly inflammable, etc.) are stored. The warehousing of wholesale and/or retail materials and/or products shall not be permitted.

SELF-SUPPORTING TOWER — A tower that is free standing and not guyed or anchored with cables. This term shall include monopoles, three- and four-sided steel lattice towers and other tower structures that include their own support and are freestanding.

SETBACK — The distance of separation between a building and a property line, other building, or other feature. Where used generally in this Chapter, setbacks are intended to apply to buildings, including principal and accessory buildings. Other than structures attached to a building (which shall comply with the general setback regulations), setbacks are not intended to apply to structures that are not buildings unless and to the extent that such setback regulations are expressly provided for them in this Chapter. Structures as to which this Chapter does not impose setbacks include, but are not limited to fences, [landscape features](#), playground equipment, HVAC units, driveways, sidewalks, basketball hoops, concrete, paved and like pads at grade and at-grade patios.

SHOPPING CENTER — ~~One~~[A building or buildings consisting of four](#) or more ~~retail stores~~[units housing any Retail Business Establishment](#) and/or other authorized uses in the zoning district in which it is ~~an authorized use, developed, located that is planned, owned, and managed~~ as a ~~single~~[total](#) entity ~~with~~ on ~~a~~[site, whether parking, loading areas separated from customer access, unified design, landscaping and signage in accordance with an approved plan. Shopping centers shall include at least one building containing multiple uses. Shopping centers may be](#) developed at one time or in phases by different owners. Shopping centers shall be categorized as follows:

- A. **SHOPPING CENTER, COMMUNITY** — A shopping center having from 50,000 to 300,000 square feet (SF) of gross floor area (GFA).

- B. **SHOPPING CENTER, NEIGHBORHOOD** — A shopping center having less than 50,000 SF of GFA.
- C. **SHOPPING CENTER, REGIONAL** — A shopping center having more than 300,000 SF of GFA.

SIGN — Any device, fixture, placard, structure, painting, emblem or visual that uses any color, form, graphic, illumination, symbol or writing to identify and communicate, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public. Decorations are not signs. A sign shall be deemed to include its frame and/ or structure. Types of signs include:

- A. **ABANDONED SIGN** — A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of off-premises signs, or at least 360 days, in the case of on-premises signs.
- B. **BILLBOARD/COMMERCIAL OUTDOOR ADVERTISING SIGN** — A permanent off-premises sign erected, maintained or used for the purpose of providing copy area for advertising messages for rent or lease.
- C. **BUILDING SIGN** — Any sign attached to any part of a building (i.e., not a freestanding sign).
- D. **CHANGEABLE COPY SIGN** — A sign or portion thereof with characters, letters and/or illustrations which can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time and temperature portion of a sign and not a changeable copy sign for purposes of this Chapter. This term includes public service information, displays or any sign which features automatic, manual or other switching or changing of its message content.
- E. **DIRECTIONAL/INFORMATION SIGN** — Any on-premises sign generally informational, that has a purpose secondary to the use of the lot or site on which it is located, such as "No Parking," "Entrance," "Exit," "One Way," "Loading Only," "Telephone" and other similar directives, and provided that such sign does not exceed four square feet. Directional/ informational signs shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.

- F. **ELECTRONIC MESSAGE CENTER** — An on-premises sign, or portion thereof, that displays electronic static images, static graphics or static pictures, with or without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights, including but not limited to light-emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message is displayed.
- G. **FLAG** — Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.
- H. **FREESTANDING SIGN** — Any sign supported by structures or supports that are placed on or are anchored in the ground and that are independent from any building or other structure. Also referred to as a "pole sign." This includes a ground sign.
- I. **GOVERNMENT/REGULATORY SIGN** — Any sign erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties and/or required by state or federal law, including, but not limited to, traffic control signs, directional signs, area identification signs, monuments, street signs, warning signs, parking control signs, handicapped parking signs, railroad crossing signs, signs prohibiting or controlling access to property and signs of public service companies indicating danger or construction.
- J. **HIGH-RISE SIGN** — A freestanding sign having a maximum height of eight (80) feet.
- K. **ILLUMINATED SIGN** — A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign or a component of its structure.
- L. **MONUMENT** — A sign in which a stone or brick structure is used to mount the sign area on, in or as an integral part of such structure. The permissible sign area of such sign shall begin at a height not greater than four feet above normal grade.
- M. **NONCONFORMING SIGN** — Any sign legally existing at the time of the passage of this Chapter that does not conform in use, location, height, or size with the regulations of the district in which such a sign is located.

- N. **OFF-PREMISES SIGN** — A sign located on premises that directs attention to a business, person, commodity, or service not sold or located upon the premises, e.g., billboards and commercial outdoor advertising.
- O. **ON-PREMISES SIGN** — A sign located on premises that directs attention to a business, person, commodity, or service sold or located upon the premises, or a service being provided at the premises during the period of time the service is being provided.
- P. **PERMANENT SIGN** — A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign.
- Q. **PORTABLE SIGN** — A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure (including, but not limited to, transportation by means of wheels, signs converted to "A" or "T" frames, sandwich-board signs, balloons used as signs, umbrellas used for advertising and/or signs attached to, placed in, atop of or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business).
- R. **ROOF SIGN** — A sign erected upon the roof or parapet of a building, the entire face of which is situated above the eaves or highest architectural point of the building to which it is attached, and which is wholly or partially supported by said building.
- S. **ROTATING SIGN** — A type of freestanding sign which rotates 360°.
- T. **SANDWICH-BOARD SIGN** — A type of freestanding, portable sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (also known as "A-frame sign").
- U. **SNIFE SIGN** — A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner (also known as "bandit sign").
- V. **TEMPORARY SIGN** — A sign that is not permanently affixed to the property, such as a sign without a foundation or sign constructed using wire, stake or similar material to place on the ground or insert into the ground, and whose display

area is made in part or in whole of paper, cardboard, plastic, fabric, wallboard, plywood or similar nonpermanent material.

- W. **VEHICULAR SIGN** — Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or commercial activity during all or part of the day. Vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes. Vehicles of any kind upon which a sign has been painted will be subject to the restrictions regarding temporary and portable signs as they apply to the location of the vehicles when parked on a business's own premises.
- X. **WALL SIGN** — A sign which is painted on or attached directly to a fence or on the surface of approved building walls, and which extends not more than 15 inches from the face of the fence or wall. Includes fascia sign.
- Y. **WINDOW SIGN** — A sign affixed to or within 12 inches of the interior surface of a window with its message visible to the outside of said window surface. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

SMALL WIRELESS FACILITIES (terms related to this use are defined below)

- A. **ACTION OR TO ACTON ON A SITING APPLICATION** — A siting authority's grant of a siting application or issuance of a written decision denying a siting application.
- B. **ANTENNA** (consistent with 47 C.F.R. § 1.1320(d)) — An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under part 15 of this chapter.
- C. **ANTENNA EQUIPMENT** (consistent with 47 C.F.R. § 1.1320(d)) — Equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.
- D. **ANTENNA FACILITY** — An antenna and associated antenna equipment.

- E. **COLLOCATION** (consistent with 47 C.F.R. § 1.1320(d)) and the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas, appendix B of this part, section I.B) — (1) Mounting or installing an antenna facility on a pre-existing structure; and/or (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure. (3) The definition of “collocation” in 47 C.F.R. § 1.6100(b)(2) applies to the term as used in that section.
- F. **FACILITY OR PERSONAL WIRELESS SERVICE FACILITY** — An antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.
- G. **MODIFICATION OR MODIFY** — The improvement, upgrade or expansion of existing Small Wireless Facilities on an existing structure if the movement, upgrade, expansion or replacement does not substantially change the physical dimensions of the structure.
- H. **SITING APPLICATION OR APPLICATION** — A written submission to a siting authority requesting authorization for the deployment of a personal wireless service facility at a specified location.
- I. **SITING AUTHORITY** — A State government, local government, or instrumentality of a State government or local government, including any official or organizational unit thereof, whose authorization is necessary prior to the deployment of personal wireless service facilities.
- J. **SMALL WIRELESS FACILITY** (consistent with 47 C.F.R. § 1.6002(l)) — a facility that meets each of the following conditions:
 - 1. The structure on which antenna facilities are mounted:
 - (i) is 50 feet or less in height; or
 - (ii) is no more than 10 percent taller than other adjacent structures; or
 - (iii) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height, whichever is greater, as a result of the collocation of new antenna facilities;
 - 2. Each antenna associated with deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;
 - 3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-

existing associated equipment on the structure, is no more than 28 cubic feet in volume;

4. The facility does not require antenna structure registration;
5. The facility is not located on Tribal lands; and
6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by federal law.

K. **STRUCTURE** — A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

L. **SUBSTANTIALLY CHANGE OR SUBSTANTIAL CHANGE** — A modification substantially changes the physical dimensions of an eligible support structure, as defined in 47 C.F.R. §1.6100(b)(4), if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
 - a. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Middle Class Tax Relief and Job Creation Act (the "Spectrum Act"), 47 U.S.C. 1401 *et seq.*
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 4. It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;
 5. It would defeat the concealment elements of the eligible support structure; or
 6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in 47 C.F.R. § 1.6100(b)(7)(i) through (iv).
- M. **WIRELESS INFRASTRUCTURE PROVIDER** — a person that owns, controls, operates, or manages a Small Wireless Facility or portion thereof within the right-of-way.
- N. **WIRELESS SERVICE PROVIDER** — An entity that provides wireless services to end users.

SOLAR ENERGY — Radiant energy (direct, diffuse, and reflected) received from the sun.

SOLAR ENERGY SYSTEMS — Any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity that may be mounted on a building or on the ground. For purposes of this Chapter, Solar Energy Systems have been broken into two categories: Solar Energy Systems, Private and Solar Energy Utility System.

SOLAR ENERGY SYSTEM, PRIVATE — A Solar Energy System that provide power for the principal use of the property on which it is located and shall not be used to intentionally generate power for the sale of energy to the electrical utility or other off property users.

SOLAR ENERGY UTILITY SYSTEM — A solar energy system that generates power for the primary purpose of resale to utilities and/or other offsite users. No Solar Energy Utility System shall be located on a lot that is less than five (5) acres in size.

SOLAR PANELS — A structure containing one or more receptive cells, the purpose of which is to convert solar energy into useable electrical energy by way of a Solar Energy System.

STEALTH TECHNOLOGY — Camouflaging methods applied to wireless communications towers, antennas and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STREET/ROAD — 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.

STRUCTURAL ALTERATIONS — Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

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

STUDIO, DANCING OR MUSIC — The use of a premises by a teacher of music and/or dance where students are taught these arts for a fee and where more than one student may be taught in a class at one time. This term is synonymous with "dancing school" and "music school" and similar terms.

TARGETED COMMERCIAL CORRIDORS — The following streets in Millcreek Township are designated as targeted commercial corridors: West 8th Street from Sommerheim Drive to Pittsburgh Avenue; West 12th Street from Marshall Drive to Pittsburgh Avenue; West 26th Street from Powell Avenue to City of Erie Line; and Peach Street from City of Erie Line to Summit Township Line.

TEMPORARY STORAGE FACILITY — Includes any structure, including but not limited to tractor trailer box units, covered and completely enclosed trailer units, which is

designed, used and/or intended for use for the temporary storage of items and/or materials.

THEATER – A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical or other live performances.

THROUGH LOT — An interior lot having frontage on two streets.

TOWER — A structure other than a building, such as a monopole or self-supporting tower, designed and used to support any facility or another structure, other than communications antennas. Guyed towers shall not be deemed within this term and are not permitted. This term shall be broadly interpreted so as to include, without limitation, all such structures.

TOWING SERVICES — A business engaged in the towing or storing of motor vehicles.

TRANSPORTATION DEPOT — Any building or land where buses, trucks, or tractor trailers are rented, leased, kept for hire, stored, or parked for commercial purposes only.

TREATMENT CENTER — A use, other than a prison, which provides housing, treatment, rehabilitation and/or counseling to persons under the jurisdiction or control of any court, parole, probations or corrections agency. The term shall not apply to a hospital providing acute or needed medical treatment to a person not placed in such facility other than for such acute treatment.

TRUCK STOP ESTABLISHMENT — A site in excess of two acres providing specialized facilities for retail fueling services for large trucks; the site may include related facilities including but not limited to restaurants and overnight parking.

USE — Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land. The Uses authorized in this Chapter can be found in Article III of this Chapter and the Appendices. Each zoning district under this Chapter identifies the particular Uses allowed in that district.

ACCESSORY USE — Located on the same lot as the principal use, but subordinate and incidental.

CONDITIONAL USE — A use permitted subject to a public hearing in front of the Board of Supervisors and subject to compliance with any additional conditions or requirements of this Chapter.

PERMITTED USE — A Use permitted by right.

SPECIAL EXCEPTION USE— A use permitted subject to a public hearing in front of the Zoning Hearing Board and subject to compliance with any additional conditions or requirements of this Chapter.

USE CERTIFICATE — A certificate issued upon a change in use of a building or other structure or a lot of land or upon request therefor which certifies that the premises complies with the provisions of this Chapter and identifies the authorized Use of the building, other structure or tract of land.

VEHICLE — A means of carrying or transporting something, including but not limited to cars, trucks, recreational vehicles, campers, motorbikes, boats, planes, trailers or other vehicles required by law to be registered and/or licensed with the state.

VEHICLE DETAIL — Any building, premises or land in which or upon which a business or individual performs or renders a service involving the detailing and servicing of an automobile or other motor vehicle. Detailing and servicing shall include any cleaning, buffing, striping, glass replacement, and audio installation or repair, but shall not include vehicle service and repairs including, but not limited, to inspections, body work, collision repair, engine repair, mechanical repair, oil changes, tire sales and service, or muffler repair/replacement.

VEHICLE FUEL SERVICE STATION — An establishment where the principal use is the retail sale of gasoline, oil, or other motor vehicle fuel and no more than 15% of the floor area is used for convenience and variety goods. The premises may include as an accessory use only, facilities for polishing, detailing, greasing, washing, or otherwise cleaning, servicing, or repairing motor vehicles, but does not include liquefied petroleum gas distribution facilities.

VEHICLE FUEL STATION, RETAIL — An accessory use for the dispensing of gasoline, oil, or other motor vehicle fuel for retail sale.

VEHICLE FUEL STATION, NON-RETAIL — An accessory use for the dispensing of gasoline, oil, or other motor vehicle fuel not for retail sale for vehicles used in association with or as part of the principal use.

VEHICLE SALES, RENTAL, SERVICE AND REPAIR — A facility for the sales, rental, service and/or repair and washing of Vehicles, including ~~body work and painting, but not limited to, inspections, body work, painting, collision repair, engine repair, mechanical repair, oil changes, tire sales and service, or muffler sales and service.~~

VETERINARY CLINIC — A structure or use for the treatment, housing, and indoor boarding of domestic animals being treated [see ~~kennel, accessory~~ [Kennel, Accessory](#)], including but not limited to horses, cattle, dogs, cats, rabbits, and fowl.

WAREHOUSE — A structure primarily used for the storage of goods and materials.

WHOLESALE ESTABLISHMENT — An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WBCA — Pennsylvania Wireless Broadband Collocation Act, 53 P.S. § 11702.1 *et seq.*

WIND ENERGY SYSTEM (WES) — For purposes of this Chapter, Wind Energy Systems includes Wind Energy Utility System and Wind Turbine System, Small.

WIND ENERGY UTILITY SYSTEM (WEUS) — Any wind turbine whose main purpose is to convert wind power into another form of energy such as electricity or heat for resale to utilities and/or other offsite users, consisting of one or more wind turbines and other Accessory Structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. This term does not include Wind Turbine Systems, Small.

WIND TURBINE — A wind energy system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any. A turbine is any of various machines in which the kinetic energy of a moving fluid is converted to mechanical power by the impulse or reaction of the fluid with a series of buckets, paddles or blades arrayed about the circumference of a wheel or cylinder.

WIND TURBINE HEIGHT — The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

WIND TURBINE SYSTEM, SMALL — Wind turbines designed to produce up to 100 kWh of electricity and which are designed and used primarily to generate power to serve a principal and/or Accessory Structure located on the lot on which said device is situated which is owned and operated by the lot owner and which shall not be used to intentionally generate power for the sale of energy to the electrical utility or other off property users. This term does not include Wind Energy Utility System.

WIRELESS — Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF) — The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications service. For purposes of this Chapter, WCF includes Wireless Communications Facility, Tower and Wireless Communication Facility, Non-Tower. This does not include Small Wireless Facilities.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT) — Any person who applies for a wireless communication facility construction and/or Zoning Permit or permission to use the public right-of-way (ROW) or other Township-owned land or property.

WIRELESS COMMUNICATIONS FACILITY, TOWER (TOWER WCF) — Any structure that is used for the purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs.

WIRELESS COMMUNICATIONS FACILITY, NON-TOWER (NON-TOWER WCF) — All non-tower wireless communications facilities, including but not limited to antennas and related equipment. Non-tower WCF shall not include support structures for antennas or any related equipment that is mounted to the ground or at ground level.

WIRELESS COMMUNICATIONS FACILITY, SMALL — See definition of Small Wireless Facilities.

WIRELESS SUPPORT STRUCTURE — A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township.

YARD — An open space at grade between the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. Types of yards regulated in this Chapter include:

- A. **FRONT YARD** — A yard extending along the full length of a front lot line and back to a line drawn parallel to the front lot line at a horizontal distance that is equal to the depth of the required minimum front Setback or the Building Line, whichever is greater.
- B. **REAR YARD** — A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a horizontal distance that is equal to the depth of minimum rear Setback.

- C. **SIDE YARD** — An area between side lot line and the minimum side Setback, extending from the front yard to the rear yard, or on through lots, from one front lot line to the opposite front lot line.

YARD SALE — A sale of limited duration conducted from the yard, porch or garage of a single-family, detached or duplex dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard Sales shall be limited to not more than six (6) days or any part of a day in a calendar year. Yard, porch or garage sales shall be considered a temporary use and not a home occupation.

ZONING APPROVAL — Approval under the provisions of this Chapter certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this Chapter.

ZONING OFFICER — The person appointed by the Millcreek Township Supervisors, having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer this Chapter and such other ordinances that may be assigned by the Township Supervisors.

ZONING DISTRICT — For purposes of this Chapter, the zoning districts are defined as follows:

- A. **RESIDENTIAL ZONING DISTRICT** — Refers to the following districts: CR, R1, R2, and R3
- B. **NONRESIDENTIAL ZONING DISTRICT** — All districts except CR, R1, R2, and R3.
- C. **COMMERCIAL ZONING DISTRICT** — Refers to the following districts: C1, C2, C3, MU-1, MU-2, MU-3, and PI.
- D. **INDUSTRIAL ZONING DISTRICT** — Refers to the following districts: I1 and I2.
- E. **MIXED USE ZONING DISTRICT** — Refers to the following districts: MU-1, MU-2, MU-3, and PI.
- F. **MULTI-FAMILY RESIDENTIAL ZONING DISTRICT** — Refers to the following districts: R3, MU-2, and MU-3.

ZONING PERMIT — A permit issued that indicates that a proposed use, building, structure or activity is in accordance with the provisions of this Chapter and other applicable ordinances and regulations of the Township, and which authorizes the applicant to proceed with such use, construction or other activity. The zoning permit shall be the means by which the Township regulates use or activities other than

construction and other actions expressly regulated by the Pennsylvania Construction Code, but which otherwise govern such activities. Action on a zoning permit that relates to regulations of this Chapter shall be subject to appeal under this Chapter. Action on a zoning permit that relates to regulations under other laws or ordinances shall be subject to review as specified in such laws and other ordinances.

Article III

DISTRICT REGULATIONS

§ 145-12 ESTABLISHMENT OF ZONING DISTRICTS.

- A. The Township is divided into the zoning districts listed below and shown by the zoning district boundary lines on the Millcreek Township Zoning Map.

CR	Conservation Residential District
R1	Single-Family Residential District
R2	Low-Density Residential District
R3	Moderate-Density Residential District
C1	Corridor Commercial District
C2	Regional Commercial District
C3	Interstate Commercial District
MU-1	Neighborhood Mixed Use District
MU-2	Corridor Mixed Use 2 District
MU-3	Corridor Mixed Use 3 District
PI	Presque Isle Gateway District
I1	Light Industrial District
I2	Heavy Industrial District

- B. In addition to the zoning districts above, the Township includes the following overlay districts.
1. Airport Overlay (see Millcreek Township Code, Chapter 70, Part 2).
 2. Floodplain Ordinance (see Millcreek Township Code, Chapter 70, Part 7).
 3. Limited Lodging Overlay. (see Zoning Map for boundaries). The purpose of this overlay is to permit Limited Lodging as a use by right in identified areas near Presque Isle State Park.

§ 145-13 ESTABLISHMENT OF TOWNSHIP ZONING DISTRICT MAP.

- A. A map entitled the "Millcreek Township Zoning Map" is hereby adopted as part of this Chapter that identifies the boundaries of the zoning districts. The Township Zoning Map and all notations, references and other information shown thereon are a part of this Chapter and have the same force and effect as if they were all fully set forth or described herein. The original, properly attested zoning district map shall be available for examination at the Township office and may be amended as deemed necessary by the Board of Supervisors.
- B. District Boundaries.
 - 1. General intent. The district boundaries on the Township Zoning District Map are intended to follow property lines; center lines of streets, watercourses or railroads; other definable physical features; or measured distances from property lines, center lines or identifiable physical features.
 - 2. Split lot zoning. Where a district boundary line divides a lot held in single or separate ownership, resulting in differing and nonuniform requirements for the lot, where the lot is large enough to be subdivided into two or more lots, each within a single zoning district, no zoning approval will be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require a subdivision.

§ 145-14 CR CONSERVATION RESIDENTIAL DISTRICT.

- A. Purpose. The CR District provides incentives to protect natural amenities and contribute to a community-wide network of open space, enhancing the community's overall quality of life by arranging development in a less land-consumptive manner that permanently preserves property with sensitive environmental features, potential recreation utility or other public value.
- B. Permitted Uses. Uses and their Accessory Structures permitted in the CR District include:
 - 1. Agricultural Activities.
 - 2. Dwelling, Duplex.
 - 3. Dwelling, Multi-Family.
 - 4. Dwelling, Single-Family Attached.
 - 5. Dwelling, Single-Family Detached.
 - 6. Essential Services.

7. Forestry.
 8. Group Residence Facility (up to 6 residents).
 9. Place of Worship/Assembly.
 10. Public Buildings and Structures.
 11. Public or Private School.
 12. Recreation Facility, Public.
 13. Solar Energy Utility System.
 14. Wireless Communications Facility, Non-Tower.
- C. Uses permitted by Special Exception. The Zoning Hearing Board may approve a use by Special Exception for the following Uses and their Accessory Structures where it finds that all general criteria as set forth in Article IV of this Chapter and all criteria applicable to the Use as set forth in Article V of this Chapter are satisfied:
1. Adaptive Reuse of Nonresidential Structures.
 2. Bed and Breakfast Inn.
 3. Campground.
 4. Cemetery.
 5. Recreation Facility, Private.
- D. Uses permitted by Conditional Use. The Board of Supervisors may approve a use by Conditional Use for the following uses where it finds that all general criteria in Article IV of this Chapter and all criteria applicable for the use as set forth in Article V of this Chapter are satisfied:
1. Wind Energy Utility Systems.
- E. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:
1. Agritourism.
 2. Backyard Poultry.
 3. Beekeeping.
 4. Keeping of Horses and Ponies.
 5. No-Impact Home-Based Business.

- 6. Garage, Private or Accessory Structure, separate from a dwelling, subject to the regulations in §§ 145-27 and 145-28 of this Chapter.
 - 7. Solar Energy System, Private.
 - 8. Small Wireless Facility.
 - 9. Wind Turbine System, Small
 - 10. Yard Sale.
- F. Accessory Uses permitted by Special Exception. The Zoning Hearing Board may approve a use by Special Exception for the following Accessory Uses and their associated structures where it finds that all general criteria as set forth in Article IV of this Chapter and all applicable criteria for the Use as set forth in Article V of this Chapter are satisfied:
- 1. Home Occupation.
 - 2. In-Law Apartment.
- G. Dimensional Standards.

Minimum Lot Size	15,000 sq. ft.
Minimum Lot Depth	150'
Minimum Lot Width (at ROW)	100'
Maximum Dwelling Unit/net acreage Density	2.5
Minimum Front Setback	30'
Minimum Rear Setback	40'
Minimum Side Setback	7'
Maximum Building Height	35'
Maximum Lot Coverage	25%

§ 145-15 R1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

- A. Purpose. The R1 District is intended to preserve the character of existing single-family neighborhoods. This district is primarily for single-family dwellings, detached and activities that are compatible with residential areas.
- B. Permitted uses. Uses and their Accessory Structures permitted in the R1 District

include:

1. Dwelling, Single-Family Detached.
 2. Essential Services.
 3. Forestry.
 4. Group Residence Facility (up to 6 residents).
 5. Place of Worship/Assembly.
 6. Public Buildings and Structures.
 7. Public or Private School.
 8. Recreation Facility, Public.
 9. Wireless Communications Facility, Non-Tower.
- C. Uses permitted by Special Exception. The Zoning Hearing Board may approve a use by Special Exception for the following Uses and their Accessory Structures where it finds that all general criteria as set forth in Article IV of this Chapter and all criteria applicable to the Use as set forth in Article V of this Chapter are satisfied:
1. Adaptive Reuse of Nonresidential Structures.
 2. Bed and Breakfast Inn.
 3. Recreation Facility, Private.
- D. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:
1. Beekeeping.
 2. No-Impact Home-Based Business.
 3. Garage, Private or Accessory Structure, separate from a dwelling, subject to the regulations in §§ 145-27 and 145-28 of this Chapter.
 4. Solar Energy System, Private.
 5. Small Wireless Facility.
 6. Yard Sale.
- E. Accessory Uses permitted by Special Exception. The Zoning Hearing Board may approve a use by Special Exception for the following Accessory Uses and their associated structures where it finds that all general criteria as set forth in Article IV

of this Chapter and all applicable criteria for the Use as set forth in Article V of this Chapter are satisfied:

1. Home Occupation.
2. In-Law Apartment.

F. Dimensional Standards.

Minimum Lot Size	7,200 sq. ft.
Minimum Lot Depth	120'
Minimum Lot Width (at ROW)	60'
Maximum Dwelling Unit/net acreage <u>Density</u>	4.25
Minimum Front Setback	25-35' <u>25'</u> when front façade faces collector or higher classification street, 15- <u>25'</u> <u>15'</u> when front façade faces any other street classification
Minimum Rear Setback	30'
Minimum Side Setback <u>Setback</u>	7'
Maximum Building Height	35'
Maximum Lot Coverage	32%

§ 145-16 R2 LOW-DENSITY RESIDENTIAL DISTRICT.

- A. Purpose. The R2 District provides alternatives to single-family housing to diversify the housing opportunities available within the township.
- B. Permitted uses. Uses and their Accessory Structures permitted in the R2 District include:

1. Dwelling, Duplex.
 2. Dwelling, Single-Family Attached.
 3. Dwelling, Single-Family Detached.
 4. Essential Services.
 5. Forestry.
 6. Group Residence Facility (up to 6 residents).
 7. Place of Worship/Assembly.
 8. Public Buildings and Structures.
 9. Public or Private School.
 10. Recreation Facility, Public.
 11. Wireless Communication Facility, Non-Tower.
- C. Uses permitted by Special Exception. The Zoning Hearing Board may approve a use by Special Exception for the following Uses and their Accessory Structures where it finds that all general criteria as set forth in Article IV of this Chapter and all criteria applicable to the Use as set forth in Article V of this Chapter are satisfied:
1. Adaptive Reuse of Nonresidential Structures.
 2. Bed and Breakfast Inn.
 3. Continuing Care Facility.
 4. Recreation Facility, Private.
- D. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:
1. No-Impact Home-Based Business.
 2. Garage, Private or Accessory Structure, separate from a dwelling, subject to the regulations in §§ 145-27 and 145-28 of this Chapter.
 3. Personal Support Services for Continuing Care Facility.
 4. Recreation Facility, Private.
 5. Solar Energy System, Private.
 6. Small Wireless Facility.

7. Yard Sale.

E. Accessory uses permitted by Special Exception. The Zoning Hearing Board may approve a use by Special Exception for the following Accessory Uses and their associated structures where it finds that all general criteria as set forth in Article IV of this Chapter and all applicable criteria for the Use as set forth in Article V of this Chapter are satisfied:

1. Home Occupation.
2. In-Law Apartment.

F. Dimensional Requirements.

Minimum Lot Size	5,000 sq. ft.
Minimum Lot Depth	100'
Minimum Lot Width (at ROW)	50'
Maximum Dwelling Unit/net acreage <u>Density</u>	8.0
Minimum Front Setback	25'
Minimum Rear Setback	30'
Minimum Side Setback	7'
Maximum Building Height	35'
Maximum Lot Coverage	32%

§ 145-17 R3 MODERATE-DENSITY RESIDENTIAL DISTRICT.

A. Purpose. The R3 District permits multi-family dwellings and other relatively intense residential development to support population concentration near major thoroughfares, transit and related facilities.

B. Permitted uses. Uses and their Accessory Structures permitted in the R3 District include:

1. Continuing Care Facility.
2. Dwelling, Multi-Family.
3. Dwelling, Single-Family Attached.

4. Essential Services.
 5. Garage, Public.
 6. Group Residence Facility (up to 12 residents).
 7. Forestry.
 8. Place of Worship/Assembly.
 9. Public Buildings and Structures.
 10. Public or Private School.
 11. Recreation Facility, Public.
 12. Wireless Communications Facility, Non-Tower.
- C. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:
1. Garage, Private or Accessory Structure, separate from a dwelling, subject to the regulations in §§ 145-27 and 145-28 of this Chapter.
 2. No-Impact Home-Based Business.
 3. Personal Support Services for Continuing Care Facility.
 4. Recreation Facility, Private.
 5. Small Wireless Facility.
 - 5-6. Solar Energy System, Private.
 - ~~6-1. Small Wireless Facility.~~
- E. Dimensional Standards.

Minimum Lot Size	12,000 sq. ft.
Minimum Lot Depth	120'
Minimum Lot Width (at ROW)	70'
Maximum Dwelling Unit/net acreage Density	24.0
Minimum Front Setback	25'
Minimum Rear Setback	30'

Minimum Side Setback	30'
Maximum Building Height	50'
Maximum Lot Coverage	40%

§ 145-18 C1 CORRIDOR COMMERCIAL DISTRICT.

- A. Purpose. The C1 District is intended primarily for local retail, office and service uses necessary to satisfy the needs of nearby residential neighborhoods.
- B. Permitted uses. Uses and their Accessory Structures permitted in the C1 District include:
1. Animal Daycare.
 2. Business Services.
 3. Car Wash.
 4. Clinic.
 5. Continuing Care Facility.
 6. Convenience Store, ~~Small~~[Neighborhood](#).
 7. Convenience Store, ~~Neighborhood~~[Small](#).
 8. Day-Care Center.
 9. Eating and Drinking Establishment.
 10. Educational Institution.
 11. Essential Services.
 12. Financial Institutions.
 13. Forestry.
 14. Funeral Home.
 15. Ghost Kitchen.
 16. Health Club.
 17. Hospital.
 18. Lawn and Garden Center.
 19. Makerspace.

20. Medical Marijuana Dispensary.
 21. Mixed Use Occupancy (Commercial).
 22. Multiple-Establishment Center.
 23. Personal Services.
 24. Pet Grooming Establishment.
 25. Professional Services.
 26. Public Buildings and Structures.
 27. Recreation Facility, Commercial.
 28. Recreation Facility, Public.
 29. Retail Business Establishment.
 30. Shopping Center, Neighborhood.
 31. Shopping Center, Community.
 32. Studio, Dancing or Music.
 33. Vehicle Detail.
 34. Vehicle Sales, Rental, Service and Repair.
 35. Veterinary Clinic.
 36. Wireless Communications Facility, Non-Tower.
- C. Uses permitted by Conditional Use. The Board of Supervisors may approve a use by Conditional Use for the following uses where it finds that all general criteria in Article IV of this Chapter and all criteria applicable for the use as set forth in Article V of this Chapter are satisfied:
1. Garage, Public.
- D. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:
1. Car Wash, Accessory.
 - ~~1-2.~~ Drive-Through Facility.
 - ~~2-3.~~ Kennel, Accessory.
 - ~~3-4.~~ Personal Support Services for a Continuing Care Facility.

5. Small Wireless Facility.

~~4.6.~~ Solar Energy System, Private.

~~5.1. Small Wireless Facility.~~

~~6.7.~~ Temporary Uses.

~~7.8.~~ Vehicle Fuel Station, Retail.

~~8.9.~~ Wind Turbine System, Small.

H. Accessory uses permitted by Conditional Use. The Board of Supervisors may approve an accessory use by Conditional Use for the following accessory uses where it finds that all general criteria in Article IV of this Chapter and all criteria applicable for the accessory use as set forth in Article V of this Chapter:

1. Crematory, Accessory.

I. Dimensional Standards.

Minimum Lot Size	N/A
Minimum Lot Depth	100'
Minimum Lot Width (at ROW)	40'
Maximum Dwelling Unit/net acreage <u>Density</u>	N/A
Minimum Front Setback	10'
Minimum Rear Setback	20'
Minimum Side Setback	10'
Maximum Building Height	35'
Maximum Lot Coverage	60%

§ 145-19 C2 REGIONAL COMMERCIAL DISTRICT.

A. Purpose. The C2 District is intended to foster orderly growth in areas where primarily commercial establishments serve a consumer population well beyond township borders.

B. Permitted uses. Uses and their Accessory Structures permitted in the C2 District

include:

1. Animal Daycare.
- [2. Business Services.](#)
- [3. Clinic.](#)
- [4. Day-Care Center.](#)
- ~~2-5.~~ Eating and Drinking Establishment.
- ~~3-6.~~ Educational Institution.
- ~~4-7.~~ Essential Services.
- ~~5-8.~~ Financial Institutions.
- ~~6-9.~~ Forestry.
- ~~7-10.~~ Garage, Public.
- ~~8-11.~~ Ghost Kitchen.
- ~~9-12.~~ Health Club.
- ~~10-13.~~ Hotel.
- ~~11-14.~~ Lawn and Garden Center.
- ~~12-15.~~ Medical Marijuana Dispensary.
- ~~13-16.~~ Mixed Use Occupancy (Commercial).
- [17. Multiple-Establishment Center.](#)
- ~~14-18.~~ Personal Services.
- ~~15-19.~~ Pet Grooming Establishment.
- ~~16-20.~~ Professional Services.
- ~~17-21.~~ Public Buildings and Structures.
- ~~18-22.~~ Recreation Facility, Commercial.
- [23. Recreation Facility, Public.](#)
- ~~19-24.~~ Retail Business Establishment.
- ~~20-25.~~ Shopping Center, Community.
- ~~21-26.~~ Shopping Center, Regional.

~~22-27.~~ Studio, Dance or Music.

~~23-28.~~ Theater.

29. Vehicle Sales, Rental, Service and Repair.

~~24-30.~~ Wireless Communications Facility, Non-Tower.

C. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:

1. Car Wash, Accessory.

~~1-2.~~ Drive-Through Facility.

3. Small Wireless Facility.

~~2-4.~~ Solar Energy System, Private.

~~3-1. Small Wireless Facility.~~

~~4-5.~~ Temporary Uses.

~~5-6.~~ Vehicle Fuel Station, Non-Retail.

7. Vehicle Fuel Station, Retail.

8. Vehicle Detail.

~~25-1. Vehicle Sales, Rental, Service and Repair.~~

~~6-9.~~ Wind Turbine System, Small.

D. Dimensional Requirements.

Minimum Lot Size	N/A
Minimum Lot Depth	100'
Minimum Lot Width (at ROW)	50'
Maximum Dwelling Unit/net acreage Density	N/A
Minimum Front Setback	10'
Minimum Rear Setback	20'
Minimum Side Setback	10'

Maximum Building Height	50'
Maximum Lot Coverage	50%

§ 145-20 C3 INTERSTATE COMMERCIAL DISTRICT.

A. Purpose. The C3 District is intended primarily to accommodate uses oriented to and serving commercial transportation.

B. Permitted uses. Uses and their Accessory Structures permitted in the C3 District include:

[1. Building Trade.](#)

~~1.2.~~ Car Wash.

~~2.3.~~ Convenience Store, Large.

~~3.4.~~ Eating and Drinking Establishment.

~~4.5.~~ Essential Services.

[6. Exterminating Services.](#)

~~5.7.~~ Forestry.

~~6.8.~~ Ghost Kitchen.

~~7.9.~~ Hotel.

~~8.10.~~ Kennel.

~~9.11.~~ Medical Marijuana Dispensary.

~~10.12.~~ Motel.

~~11.13.~~ Public Buildings and Structures.

~~12.14.~~ Retail Business Establishment.

[15. Towing Services.](#)

[16. Transportation Depot.](#)

~~13.17.~~ Truck Stop Establishment.

~~14.18.~~ Vehicle Detail.

~~15.19.~~ Vehicle Fuel Service Station.

~~16-20.~~ Vehicle Sales, Rental, Service and Repair.

~~17-21.~~ Wireless Communication Facility, Non-Tower.

C. Uses permitted by Conditional Use. The Board of Supervisors may approve a use by Conditional Use for the following uses where it finds that all general criteria in Article IV of this Chapter and all criteria applicable for the use as set forth in Article V of this Chapter are satisfied

1. Adult-Oriented Use.
2. Bottle Club.
3. Correctional Facility.
4. Manufactured Home Park.

D. Uses permitted by Special Exception. The Zoning Hearing Board may approve a use by Special Exception for the following Uses and their Accessory Structures where it finds that all general criteria as set forth in Article IV of this Chapter and all criteria applicable to the Use as set forth in Article V of this Chapter are satisfied:

1. Wireless Communication Facility, Tower.

E. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:

[1. Car Wash, Accessory.](#)

~~1-2.~~ Drive-Through Facility.

~~2-3.~~ Solar Energy System, Private.

~~3-4.~~ Small Wireless Facility.

~~4-5.~~ Temporary Uses.

~~5-6.~~ Vehicle Fuel Station, Non-Retail.

~~6-7.~~ Vehicle Fuel Station, Retail.

~~7-8.~~ Wind Turbine System, Small.

F. Dimensional Requirements.

Minimum Lot Size	N/A
Minimum Lot Depth	100'

Minimum Lot Width (at ROW)	50'
Maximum Dwelling Unit/net acreage Density	8.5
Minimum Front Setback	30'
Minimum Rear Setback	20'
Minimum Side Setback	20'
Maximum Building Height	50'
Maximum Lot Coverage	50%

§ 145-21 MU-1 NEIGHBORHOOD MIXED USE DISTRICT.

- A. Purpose. The MU-1 District adds use flexibility to encourage compact, pedestrian-oriented development.
- B. Permitted uses. Uses and Accessory Structures permitted in the MU-1 District shall include:
 - 1. Animal Daycare.
 - 2. Business Services.
 - 3. Clinic.
 - 4. Convenience Store, Neighborhood.
 - 5. Day-Care Center.
 - 6. Dwelling, Single-Family Attached.
 - 7. Eating and Drinking Establishment.
 - 8. Essential Services.
 - 9. Financial Institutions.
 - 10. Forestry.
 - 11. Ghost Kitchen.
 - 12. Health Club.

13. Mixed Use Occupancy (Residential/Commercial).
14. Mixed Use Occupancy (Commercial).
15. Personal Services.
16. Pet Grooming Establishment.
17. Place of Worship/Assembly.
18. Professional Services.
19. Public Buildings and Structures.
20. Public or Private School.
21. Recreation Facility, Public.
22. Retail Business Establishment.
- [23. Shopping Center, Neighborhood.](#)
- ~~23-24.~~ Studio, Dance or Music.
- ~~24-25.~~ Wireless Communications Facility, Non-Tower.

C. Uses permitted by Special Exception. The Zoning Hearing Board may approve a use by Special Exception for the following Uses and their Accessory Structures where it finds that all general criteria as set forth in Article IV of this Chapter and all criteria applicable to the Use as set forth in Article V of this Chapter are satisfied:

1. Bed and Breakfast Inn.
2. Funeral Home.

D. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:

- [1. Car Wash, Accessory.](#)
- [2. Drive-Through Facility.](#)
- ~~1-3.~~ Garage, Private.
- ~~2-4.~~ Garage, Public.
- ~~3-5.~~ Limited Lodging, [HomeLong Term.](#)
- ~~4-6.~~ Limited Lodging, Short Term.
- ~~5-7.~~ No-Impact Home-Based Business.

~~6-8.~~ Solar Energy System, Private.

~~7-9.~~ Small Wireless Facility.

~~8-10.~~ Temporary Uses.

E. Dimensional Requirements.

Minimum Lot Size	N/A
Minimum Lot Depth	100'
Minimum Lot Width (at ROW)	50'
Maximum Dwelling Unit/net acreage Density	12.0
Minimum Front Setback	Maximum setback-15' when front façade faces collector or higher classification street, 5' when front façade faces any other street classification
Minimum Rear Setback	20'
Minimum Side Setback	7'
Maximum Building Height	35'
Maximum Lot Coverage	60%

§ 145-22 MU-2 CORRIDOR MIXED USE 2 DISTRICT.

- A. Purpose. The MU-2 District is intended to incorporate compatible housing options with office, service and related uses, activating this corridor with a built-in worker base and density of users.
- B. Permitted uses. Uses and their Accessory Structures permitted in the MU-2 District shall include:

1. Animal Daycare.
2. Business Services.
3. Car Wash.
4. Clinic.
5. Convenience Store, Neighborhood.
6. Day-Care Center.
7. Dwelling, Multi-Family.
8. Eating and Drinking Establishment.
9. Educational Institution.
10. Essential Services.
11. Financial Institutions.
12. Forestry.
13. Ghost Kitchen.
14. Health Club.
15. Hospital.
16. Hotel.
17. Light Industry/Manufacturing.
18. Makerspace.
19. Mixed Use Occupancy (Residential/Commercial).
20. Mixed Use Occupancy (Commercial).
21. Multiple-Establishment Center.
22. Personal Services.
23. Pet Grooming Establishment.
24. Professional Services.
25. Public Buildings and Structures.
26. Recreation Facility, ~~Public~~[Commercial](#).
27. [Recreation Facility, Public](#).

~~27-28.~~ Research and Development.

~~29.~~ Shopping Center, Community.

~~30.~~ Shopping Center, Neighborhood.

~~28-31.~~ Studio, Dance or Music.

~~29-32.~~ Vehicle Sales, Rental, Service and Repair.

~~30-33.~~ Veterinary Clinic.

~~31-34.~~ Wireless Communications Facility, Non-Tower.

C. Uses permitted by Conditional Use. The Board of Supervisors may approve a use by Conditional Use for the following uses where it finds that all general criteria in Article IV of this Chapter and all criteria applicable for the use as set forth in Article V of this Chapter are satisfied:

1. Convenience Store, Large.

2. Convenience Store, Small.

~~3.~~ Crematory, Accessory

~~4-3.~~ Garage, Public.

D. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:

~~1.~~ Car Wash, Accessory.

~~1-2.~~ Drive-Through Facility.

~~2-3.~~ Garage, Private.

~~3-4.~~ Garage, Public.

~~4-5.~~ Kennel, Accessory.

~~5-6.~~ Limited Lodging, HomeLong Term.

~~6-7.~~ Limited Lodging, Short Term.

~~7-8.~~ No-Impact Home Business.

~~8-9.~~ Solar Energy System, Private.

~~9-10.~~ Small Wireless Facility.

~~10-11.~~ Temporary Uses.

~~11-12.~~ Vehicle Fuel Station, Retail.

- E. Accessory uses permitted by Conditional Use. The Board of Supervisors may approve an accessory use by Conditional Use for the following accessory uses where it finds that all general criteria in Article IV of this Chapter and all criteria applicable for the accessory use as set forth in Article V of this Chapter are satisfied:

1. Crematory, Accessory.

~~1-2.~~ Vehicle Fuel Station, Non-Retail.

- F. Dimensional Requirements.

Minimum Lot Size	N/A
Minimum Lot Depth	100'
Minimum Lot Width (at ROW)	50'
Maximum Dwelling Unit/net acreageDensity	16.0
Minimum Front Setback	10'
Minimum Rear Setback	20'
Minimum Side Setback	7'
Maximum Building Height	50'
Maximum Lot Coverage	60%

§ 145-23 MU-3 CORRIDOR MIXED USE 3 DISTRICT.

- A. Purpose. The MU-3 District is intended to incorporate compatible housing options with retail, service and related uses, activating this corridor with a built-in customer base and density of users.
- B. Permitted uses. Uses and their Accessory Structures permitted by right in the MU-3 District shall include:
1. Animal Daycare.
 2. Business Services.
 3. Clinic.

4. Convenience Store, Neighborhood.
5. Dwelling, Multi-Family.
6. Eating and Drinking Establishment.
7. Educational Institution.
8. Essential Services.
9. Financial Institution.
10. Forestry.
11. Ghost Kitchen.
12. Health Club.
13. Hotel.
14. Light Industry/Manufacturing.
15. Makerspace.
16. Mixed Use Occupancy (Residential/Commercial).
17. Mixed Use Occupancy (Commercial).
18. Personal Services.
19. Professional Services.
20. Public Buildings and Structures.
21. Recreation Facility, Commercial.
22. Recreation Facility, Public.
23. Research and Development.
24. Retail Business Establishment.
- [25.](#) Shopping Center, [Community](#).
- ~~25-26.~~ [Shopping Center](#), Neighborhood.
- ~~26-27.~~ Studio, Dance or Music.
- ~~27-28.~~ Veterinary Clinic.
- ~~28-29.~~ Wireless Communications Facility, Non-Tower.

- C. Uses permitted by Conditional Use. The Board of Supervisors may approve a use

by Conditional Use for the following uses where it finds that all general criteria in Article IV of this Chapter and all criteria applicable for the use as set forth in Article V of this Chapter are satisfied:

1. Convenience Store, Large.
 2. Convenience Store, Small.
 3. Garage, Public.
- D. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:

1. Car Wash, Accessory.

~~1.2.~~ Drive-Through Facility.

~~2.3.~~ Garage, Private.

~~3.4.~~ Garage, Public.

~~4.5.~~ Home Occupation.

~~5.6.~~ Limited Lodging, ~~Home~~Long Term.

~~6.7.~~ Limited Lodging, Short Term.

~~7.8.~~ No-Impact Home-Based Business.

9. Small Wireless Facility.

~~8.10.~~ Solar Energy System, Private.

~~9.1. Small Wireless Facility.~~

~~10.11.~~ Temporary Uses.

~~11.12.~~ Vehicle Fuel Station, Retail.

- E. Accessory uses permitted by Conditional Use. The Board of Supervisors may approve an accessory use by Conditional Use for the following accessory uses where it finds that all general criteria in Article IV of this Chapter and all criteria applicable for the accessory use as set forth in Article V of this Chapter:

1. Vehicle Fuel Station, Non-Retail.

- F. Dimensional Requirements.

Minimum Lot Size	N/A
------------------	-----

Minimum Lot Depth	100'
Minimum Lot Width (at ROW)	50'
Maximum Dwelling Unit/net acreage Density	16.0
Minimum Front Setback	10'
Minimum Rear Setback	20'
Minimum Side Setback	7'
Maximum Building Height	50'
Maximum Lot Coverage	60%

§ 145-24 PI PRESQUE ISLE GATEWAY DISTRICT.

- A. Purpose. The PI District is intended as a pedestrian-friendly mixed-use area where strong design and beautification create a suitably iconic entrance that connects and strengthens major community attributes.
- B. Permitted uses. Uses and their Accessory Structures permitted by right in the PI District shall include:
 - 1. Amusement Park.
 - 2. Animal Daycare.
 - 3. Clinic.
 - ~~3.4.~~ Convenience Store, Neighborhood.
 - ~~4.5.~~ Eating and Drinking Establishment.
 - ~~5.6.~~ Essential Services.
 - ~~6.7.~~ Forestry.
 - ~~7.8.~~ Ghost Kitchen.
 - ~~8.9.~~ Hotel.
 - ~~9.10.~~ Mixed Use Occupancy (Residential/Commercial), provided that the residential consists of Single Family Dwellings, Attached or Multi-Family Dwellings.
 - ~~10.11.~~ Mixed Use Occupancy (Commercial).

~~11-12.~~ Personal Services.

~~12-13.~~ Professional Services.

~~13-14.~~ Public Buildings and Structures.

~~14-15.~~ Recreation Facility, Commercial.

~~15-16.~~ Recreation Facility, Public.

~~16-17.~~ Retail Business Establishment.

~~17-18.~~ Shopping Center, ~~Neighborhood~~[Community](#).

[19. Shopping Center, Neighborhood.](#)

~~22-1.~~ ~~Shopping Center, Community.~~

~~18-20.~~ Theater.

~~19-21.~~ Wireless Communications Facility, Non-Tower.

C. Uses permitted by Conditional Use. The Board of Supervisors may approve a use by Conditional Use for the following uses where it finds that all general criteria in Article IV of this Chapter and all criteria applicable for the use as set forth in Article V of this Chapter are satisfied:

1. Financial Institution.
2. Garage, Public.

D. Uses permitted by Special Exception. The Zoning Hearing Board may approve a use by Special Exception for the following Uses and their Accessory Structures where it finds that all general criteria as set forth in Article IV of this Chapter and all criteria applicable to the Use as set forth in Article V of this Chapter are satisfied:

1. Bed and Breakfast Inn.

E. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:

1. Garage, Private.
2. Garage, Public.
3. Limited Lodging, [HomeLong Term](#).
4. Limited Lodging, Short Term.
5. No-Impact Home-Based Business.

6. Small Wireless Facility.

~~6-7.~~ Solar Energy System, Private.

~~7.1. Small Wireless Facility.~~

F. Dimensional Requirements.

Minimum Lot Size	N/A
Minimum Lot Depth	100'
Minimum Lot Width (at ROW)	50'
Maximum Dwelling Unit/net acreage Density	N/A
Build To Line	10' required
Minimum Rear Setback	20'
Minimum Side Setback	N/A
Maximum Building Height	As dictated by the Airport Overlay District Regulations, Chapter 70, Part 2.
Maximum Lot Coverage	80%

§ 145-25 I1 LIGHT INDUSTRIAL DISTRICT.

- A. Purpose. The I1 District provides a suitable environment to encourage the development of light industrial enterprise by designating space for such uses and others which may be mutually complementary, subject to standards which protect nearby residential, agricultural, commercial and public uses from hazards, noise and other disturbances.
- B. Permitted uses. Uses and their Accessory Structures permitted in the I1 District shall include:
 - 1. Animal Daycare.
 - 2. Brewery.

3. Building Material Facility/ Lumberyard.
4. Business Services.
- [5. Building Trade.](#)
- ~~5-6.~~ Educational Institution.
- ~~6-7.~~ Essential Services.
- [8. Exterminating Services.](#)
- ~~7-9.~~ Forestry.
- ~~8-10.~~ Garage, Public.
- ~~9-11.~~ Health Club.
- ~~10-12.~~ Industrial Park.
- ~~11-13.~~ Kennel.
- ~~12-14.~~ Lawn and Garden Supply Facility.
- ~~13-15.~~ Light Industry/Manufacturing.
- ~~14-16.~~ Makerspace.
- ~~15-17.~~ Office/Business Park.
- ~~16-18.~~ Professional Services.
- ~~17-19.~~ Public Buildings and Structures.
- ~~18-20.~~ Recreation Facility, Commercial.
- ~~19-21.~~ Research and Development.
- ~~20-22.~~ Self-Storage Facility.
- ~~21-23.~~ Solar Energy Utility System.
- [24. Towing Services.](#)
- [25. Transportation Depot.](#)
- ~~22-26.~~ Vehicle Detail.
- ~~23-27.~~ Vehicle Sales, Rental, Service and Repair.
- ~~24-28.~~ Warehouse.
- ~~25-29.~~ Wholesale Establishment.

~~26-30.~~ Wireless Communication Facility, Non-Tower.

C. Uses permitted by Conditional Use. The Board of Supervisors may approve a use by Conditional Use for the following uses where it finds that all general criteria in Article IV of this Chapter and all criteria applicable for the use as set forth in Article V of this Chapter are satisfied

1. Aviation Field.
2. Wind Energy Utility Systems.

D. Uses permitted by Special Exception. The Zoning Hearing Board may approve a use by Special Exception for the following Uses and their Accessory Structures where it finds that all general criteria as set forth in Article IV of this Chapter and all criteria applicable to the Use as set forth in Article V of this Chapter are satisfied:

1. Medical Marijuana Grower/Processor.
2. Wireless Communication Facility, Tower.

E. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:

1. Car Wash, Accessory.

~~1-2.~~ Drive-Through Facility.

~~2-3.~~ Garage, Private.

~~3-4.~~ Garage, Public.

5. Small Wireless Facility.

~~4-6.~~ Solar Energy System, Private.

~~5-1.~~ ~~Small Wireless Facility.~~

~~6-7.~~ Temporary Uses.

~~7-8.~~ Vehicle Fuel Station, Non-Retail.

~~8-9.~~ Wind Turbine System, Small.

F. Dimensional Requirements.

Minimum Lot Size	N/A
Minimum Lot Depth	100'

Minimum Lot Width (at ROW)	50'
Maximum Dwelling Unit/net acreage	N/A
Minimum Front Setback	20'
Minimum Rear Setback	30'
Minimum Side Setback	7'
Maximum Building Height	50'
Maximum Lot Coverage	70%

§ 145-26 I2 HEAVY INDUSTRIAL DISTRICT.

- A. Purpose. I2 District accommodates industrial activities which may produce moderate nuisance hazards in areas that are relatively remote from residential development. The I2 District is intended to allow industrial operations such as manufacturing, fabricating, processing, warehousing. Regulations governing this district are intended to protect the Township and its residents from harmful impacts often associated with heavy industrial operations and to confine external physical effects of industrial development within the boundaries of the I2 District, so as to minimize the impact from such uses upon natural resources and residential uses.
- B. Permitted uses. Uses and their Accessory Structures permitted in the I2 District shall include:
1. Animal Daycare.
 2. Brewery.
 3. Building Material Facility/Lumberyard.
 - [4. Building Trade.](#)
 - ~~4.5.~~ Distribution Facility.
 - ~~5.6.~~ Essential Services.
 - [7. Exterminating Services.](#)
 - ~~6.8.~~ Forestry.
 - ~~7.9.~~ Garage, Public.
 - ~~8.10.~~ Heavy Industry/Manufacturing.

~~9-11.~~ Industrial Park.

~~10-12.~~ Kennel.

~~11-13.~~ Lawn and Garden Supply Facility.

~~12-14.~~ Light Industry/Manufacturing.

~~13-15.~~ Makerspace.

~~14-16.~~ Medical Marijuana Grower/Processor.

~~15-17.~~ Public Buildings and Structures.

~~16-18.~~ Research and Development.

~~17-19.~~ Self-Storage Facility.

~~18-20.~~ Solar Energy Utility System.

[21. Towing Services.](#)

[22. Transportation Depot.](#)

~~19-23.~~ Vehicle Sales, Rental, Service and Repair.

~~20-24.~~ Warehouse.

~~21-25.~~ Wholesale Establishment.

~~22-26.~~ Wireless Communications Facility, Non-Tower.

C. Uses permitted by Conditional Use. The Board of Supervisors may approve a use by Conditional Use for the following uses where it finds that all general criteria in Article IV of this Chapter and all criteria applicable for the use as set forth in Article V of this Chapter are satisfied:

1. Extractive Industry.
2. Junkyard.
3. Recycling Materials and Processing Facility.
4. Sanitary Landfill.
5. Wind Energy Utility Systems.

D. Uses permitted by Special Exception. The Zoning Hearing Board may approve a use by Special Exception for the following Uses and their Accessory Structures where it finds that all general criteria as set forth in Article IV of this Chapter and all criteria applicable to the Use as set forth in Article V of this Chapter are

satisfied:

1. Treatment Center.
 2. Wireless Communication Facility, Tower.
- E. Accessory uses permitted by right. The following uses and their accompanying structures which are accessory to an approved Permitted Use, Special Exception, or Conditional Use are permitted by right:

1. Car Wash, Accessory.

~~1.2. Drive-Through Facility~~

~~2.3. Garage, Private.~~

~~3.4. Garage, Public.~~

5. Small Wireless Facility.

~~4.6. Solar Energy System, Private.~~

~~5.1. Small Wireless Facility.~~

~~6.7. Temporary Uses.~~

~~7.8. Vehicle Fuel Station, Non-Retail.~~

~~8.9. Wind Turbine System, Small.~~

- F. Dimensional Requirements.

Minimum Lot Size	N/A
Minimum Lot Depth	150'
Minimum Lot Width (at ROW)	100'
Maximum Dwelling Unit/net acreage	N/A
Minimum Front Setback	20'
Minimum Rear Setback	30'
Minimum Side Setback	7'
Maximum Building Height	60'
Maximum Lot Coverage	80%

Article IV

GENERAL REGULATIONS

§ 145-27 GENERAL REQUIREMENTS.

- A. Adjustments where private water and/or sewer provided.
 - a. Where both water supply and sewage disposal are to be provided on a lot in any zoning district:
 - i. The minimum lot area shall be 20,000 square feet; and
 - ii. The minimum lot width at the right-of-way line shall be 100 feet.
 - b. Where public water will serve the lot in any zoning district but on-lot sewage disposal is provided:
 - i. The minimum lot area shall be 15,000 square feet; and
 - ii. Minimum lot width shall be 80 feet.
 - c. Where public sewer will serve the lot in any zoning district but on-lot water supply is provided:
 - i. The minimum lot area shall be 10,500 square feet; and
 - ii. Minimum lot width shall be 70 feet.
- B. Irregular lots.
 - a. In measuring the depth of a yard, in cases where the front or rear line is not parallel with the street line, average dimension may be used.
 - b. In all zoning districts, where lots front on a cul-de-sac or on a Township street having a center-line radius of 200 feet or less, the minimum width shall be measured on the Building Line or on the Setback in the absence of a recorded Building Line.
- C. Corner lots.
 - a. In ~~lots abutting all zoning districts where a lot abuts~~ public streets on more than one side ~~in, all zoning districts, frontages must meet the actual minimum front yard shall be setback~~ as per the regulations of ~~this Section and that for the second and any other front yard shall be twenty (20) feet (twenty five (25) feet in I1 and I2 Districts),~~ zoning district.

- b. On a corner lot in a residential district, the sum of the required rear yard and side yards setback distances may be reduced in an amount equal to that which allocated between the similarly located rear and side yards, but at no time may the side yard is increased over be less than the required minimum side yard setback.
- D. Projections into yards authorized. The following may project into the required yards established in this Section:
- a. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers;
 - b. Ordinary projection of chimneys and flues into the rear or side yard not exceeding 3 1/2 feet in width and placed so as not to obstruct light or ventilation; and
 - c. Sills, eaves, belt courses, cornices and ornamental features not wider than eighteen (18) inches.

E. Build-to Line.

- a. Buildings shall be arranged to orient towards the public streets and to frame the corner at the intersection of two (2) public streets.
- b. The following are prohibited to be placed between the building and right of way line:
 - i. Motor vehicle parking;
 - ii. Motor vehicle access drives, drive lanes or aisles, except those necessary to provide direct access to a public street.

§ 145-28 ACCESSORY USES, BUILDINGS AND STRUCTURES.

- A. Accessory Uses shall comply with applicable lot and yard regulations; provided, that only those setback regulations in this Chapter which expressly refer to or include application to a structure or to a type of structure shall constitute "applicable" regulations.
- B. No Accessory Structure shall be constructed upon a lot until construction of the principal structure has commenced and, except as provided elsewhere in this Chapter, no Accessory Structure shall be used for living space.
- C. Unless otherwise provided in this Chapter, no part of an Accessory Structure Structures shall be located nearer than two (2) feet from meet all applicable setbacks in the lot boundary line underlying zoning district; provided, that in residential zoning districts, an

Accessory Structure may be located a minimum of two (2) feet from the lot's boundary line so long as the building or structure is at least ten (10) feet to the rear of a dwelling and at least five (5) feet from a porch, patio or deck attached to the dwelling. The measurement is to be taken in a radius from the nearest point of the residence. If an Accessory Structure is within ten (10) feet of a ~~principle~~principal structure, then it is considered attached and must meet all required setbacks. See Appendices.

- D. An Open Porch may be erected in a front yard, extending for a distance of not more than ten (10) feet beyond the required setback, provided that it is located no closer to an adjoining lot's property line than the required width of the side yard. At no time is an Open Porch permitted beyond the Building Line shown on the recorded plat for the property, if one exists.
- E. No more than two (2) Accessory Structures having an area of one hundred (100) square feet of gross floor area or less shall be authorized on any residential lot.
- F. All Accessory Structures shall require a permit, except for one-story detached Accessory Structures with a gross floor area that does not exceed one hundred (100) square feet. Accessory Structures that may be exempt from permit requirements remain obligated to comply with all other applicable Millcreek Township laws and ordinances, including but not limited to Stormwater Management Ordinance, Floodplain Ordinance, and general regulations of this Chapter.
- G. No use ~~that is to be~~ conducted in an Accessory Structure shall violate the permitted uses in the district in which the principal structure is located.

H. In all Residential and Mixed Use Zoning Districts, the maximum height of all Accessory Structures on the lot shall not exceed twenty (20) feet.

~~H.I.~~ A detached private garage or Accessory Structure that is a permitted as an accessory use in the following zoning districts CR, R1, R2, R3, MU-1, MU-2, MU-3, I1, and I2 provided that:

1. Except as provided in Subsection 4 below, front, side and rear yards at least equal to those required for a dwelling on the same lot shall be provided, except that where said detached private garage or Accessory Structure is located at least ten (10) feet radially (see Appendices) from the nearest point of the dwelling proper, and at least five (5) feet from a porch or patio attached to said dwelling, the minimum side yard clearance shall be a minimum of two (2) feet.
2. In no case shall a detached private garage or Accessory Structure be located nearer than nine (9) feet to a dwelling on an adjoining lot.
3. It is not used for Vehicle Sales Rental, Service and Repair. This does not cover repairs to Vehicles owned by the occupant.

4. In any zoning district that permits a multi-family dwelling, a detached garage may be erected upon the same lot as the dwelling for the housing of vehicles of those who reside in such dwellings, provided that none of the garage footprint is located between dwelling and any right-of-way. Such garage must comply with the applicable rear and side yard setbacks and height requirements for the underlying zoning district.
5. An Accessory Structure having an area one hundred (100) square feet or less without a permanent foundation shall meet all other requirements of this Chapter.

§ 145-29 NUMBER OF STRUCTURES PERMITTED.

- A. In the R1 or R2 Districts only one single family dwelling, detached or dwelling, duplex is permitted per lot or parcel. Any lot with a principal structure under authorized use that is not a single family dwelling, detached or a dwelling, duplex may have more than one principal structure located upon the lot or parcel, provided that all such structures conform to all open space, lot and yard requirements governing lots and parcels in the zoning district in which it is located.
- B. In the CR or R3 Districts and all Nonresidential Zoning Districts, more than one principal structure may be located upon the lot or parcel, provided that all such structures conform to all open space, lot and yard requirements governing lots and parcels in the zoning district in which it is located.

§ 145-30 BUFFER YARDS, LANDSCAPING AND SCREENING.

- A. Intent. The regulations in this Section are intended to encourage preservation of existing trees and vegetation; identify landscape standards and plant classifications; reduce radiant heat from surfaces and conserve energy; to provide shade; reduce wind and air turbulence; minimize potential nuisances such as the transmission of noise, dust, odor, litter and glare of automobile headlights; provide visual buffering and for the separation of spaces; enhance the beautification of the Township; reduce the amount of impervious surfaces and stormwater runoff; safeguard and enhance property values; protect public and private investment and public health, safety and general welfare. Provisions of this Section shall apply and supersede other general provisions of this Chapter, including but not limited to area and yard regulations.
- B. To minimize potential physical and/or visual conflicts between uses, buffer areas shall be provided in certain situations (see Table IV-1). Buffer areas shall be required in conjunction with the development of any lot. Naturally existing wooded or vegetative areas may be able to serve as any of the required buffer areas. The Township may

require additional plantings to supplement the naturally preserved buffer area. Walls or fences can be used as the buffer requirement. See § 145-32 of this Chapter for additional regulations regarding fencing.

Table IV-1: BUFFER AREAS			
Proposed Development	Required Buffer		
	Buffer Area A	Buffer Area B	Buffer Area C
<i>Multifamily</i>			
Adjoining any different zoning district		X	
<i>Nonresidential</i>			
Adjoining a residential zoning district	X		
Adjoining the Right-of-Way (except in PI District)			X
<i>Parking lot (or driveways)</i>			
Abutting a Right-of-Way or lot line			X

C. Buffer Areas are defined as follows (See Appendices for illustrations of each buffer type):

1. Buffer Area A is a minimum of twenty-five (25) feet wide.
 - a. No structures or uses, including but not limited to buildings, Accessory Structures, parking spaces, [and curbs, access drives and lighting devices](#), may be located closer than twenty-five (25) feet to any front, side or rear lot line, except that access drives [may be located in the front buffer area directly to the street or adjacent properties, underground structures, retaining walls, earthen retention systems, natural landscape materials, sidewalks connected to public walks, signs, and lighting devices may be located in the buffer area.](#) The buffer area shall follow the entire length of the lot line.
 - b. High- and low-level screening are both required and shall be provided in Table IV-2. The low-level screen shall [abut adjacent to](#) the lot line.

Table IV-2: Buffer Area A			
High-Level Screen		Low-Level Screen	
<i>Plants</i>	<i>Spacing</i>	<i>Plants</i>	<i>Spacing</i>

Evergreens 5 to 6 feet high	Intervals of less than or equal to 10 feet	Shrubs or hedges planted at an initial height greater than or equal to 2 feet	Intervals of less than or equal to 5 feet and in alternating rows to produce a more effective barrier
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- c. The buffer area shall be provided on the lot or parcel. A separate area or open space is not required.
2. Buffer Area B is a minimum of fifteen (15) feet wide.
- a. No structures or uses, including but not limited to buildings, Accessory Structures, parking spaces, ~~curbs, access drives and lighting devices~~ and curbs, may be located any closer than fifteen (15) feet to any front, side or rear lot line except that access drives ~~may be located in the front buffer area directly to the street or adjacent properties, underground structures, retaining walls, earthen retention systems, natural landscape materials, sidewalks connected to public walks, signs, and lighting devices may be located in the buffer area.~~ The buffer area shall follow the entire length of the lot line.
 - b. High- and low-level screening are both required and shall be provided as follows. The low-level screen shall ~~abut~~ be adjacent to the lot line.

Table IV-3: Buffer Area B			
High-Level Screen		Low-Level Screen	
<i>Plants</i>	<i>Spacing</i>	<i>Plants</i>	<i>Spacing</i>
Evergreens 5 to 6 feet high	Intervals of less than or equal to 10 feet	Shrubs or hedges planted at an initial height greater than or equal to 2 feet	Intervals of less than or equal to 5 feet and in alternating rows to produce a more effective barrier

3. Buffer Area C.
- a. No structures or uses, including but not limited to buildings, Accessory Structures, parking spaces, and curbs, ~~access drives and lighting devices~~, may be located any closer than ~~ten (10)~~ seven (7) feet to any front or rear lot line, except that access drives directly to the street or adjacent properties, underground structures, retaining walls, earthen retention systems, natural landscape materials, sidewalks connected to public walks, signs, and lighting devices may be located in the ~~front~~ buffer area. The buffer area shall follow the entire length of the lot line. To the extent shared parking that crosses a rear lot line is

approved, the rear yard buffer requirements shall not apply to the shared lot line.

- b. No structures or uses, including but not limited to buildings, Accessory Structures, parking spaces, and curbs, ~~access drives and lighting devices~~, may be located any closer than five (5) feet to any side lot line, except that access drives directly to the street or adjacent properties, underground structures, retaining walls, earthen retention systems, natural landscape materials, sidewalks connected to public walks, signs, and lighting devices. The buffer area shall follow the entire length of the lot line. To the extent shared parking that crosses a side lot line is approved, the side yard buffer requirements shall not apply to the shared lot line.
- c. One (1) deciduous street tree with a diameter at breast height of ~~3 1/2~~ (2) inches and not less than ~~eight (8)~~ seven (7) feet high and ten (10) shrubs greater than two (2) feet in height shall be planted for every thirty-five (35) feet of linear footage. ~~All~~ A minimum of 75% of the ground cover shall be grass within ~~a landscaped~~ the landscape area along a public road.

D. Buffer Area Maintenance.

- 1. The buffer area shall be provided and maintained by the landowner, developer or tenant of the said lot between any nonresidential or mixed-use district or use and contiguous residentially zoned districts, except where natural or physical man-made barriers exist that will duplicate the effect of the landscape screen.
- 2. In a buffer area, the ~~Existing Grade shall be maintained for a distance of at least eight (8) feet to provide adequate width for plant material, and the maximum grade in the remainder of the buffer area~~ shall not exceed three (3) feet horizontal to one (1) foot vertical.
- 3. All plants not surviving the planting season or subsequent winters shall be replaced.

E. Parking lot landscaping standards. The following landscaping requirements shall apply to parking lots that accommodate or may accommodate fifteen (15) or more parking spaces and are intended to increase pervious surfaces to increase groundwater recharge and mitigate runoff and encourage the planting of appropriate vegetation to enhance the built environment.

- 1. Planting island. One planting island shall be provided for each fifteen (15) parking spaces, at a minimum, and at the end of each parking row, unless an end cap island is required.

- a. The pervious surface area of each planting island shall be ~~seventeen (17) feet long and~~ a minimum of ~~twelve (12)~~ two hundred (200) square feet ~~wide~~.
 - b. Where two or more planting islands are required in a parking row, they shall be placed so that in no instance are the planting islands separated by more than fifteen (15) spaces.
 - c. All planting islands shall contain, at a minimum, one (1) deciduous street tree per planting island. The tree shall have a clear trunk at least six (6) feet above the finished grade to allow vehicular circulation and visibility beneath the canopy.
2. End cap planting island. An end cap planting island shall be required at each end of each row of parking to separate the rows of parking and drive aisles and shall meet all the minimum requirements for planting islands.
 3. Planting median. A planting median, meaning a strip of land landscaped as required by this subsection, shall be placed between every third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking aisles.
 - a. All planting medians shall be a minimum of fifteen (15) feet wide and may include a sidewalk, where necessary or appropriate for pedestrian circulation.
 - b. All planting medians, at a minimum, shall include the following vegetation:
 - i. One (1) deciduous tree, planted thirty-five (35) feet on center, in a continuous or staggered row; and
 - ii. Ten (10) shrubs for every tree required, planted in rows or clustered groups.
 - iii. All planting medians shall contain defined breaks, as necessary, to provide pedestrian circulation between bays of parking. The bays shall allow for handicap accessibility from one side of the planting median to the other and onto the any sidewalk located within the planting median.
 4. Ground cover. In addition to any other required plantings, all parking lot planting areas shall be planted with turf grass, ornamental grasses (not exceeding twenty-four (24) inches at maturity) or other ground cover plant material. Mulch, stone or similar materials may be used sparingly.
 5. Pervious surface. In parking lots with an area of 1/2 acre or more, a minimum of 7% of parking lot area must be and remain pervious within the interior of the parking lot.

- a. Pervious surface calculations shall include all pervious area within planting islands, end cap islands and planting medians. Sidewalks within a planting median may be included in the pervious surface area calculation for the median.
 - b. To calculate the amount of required pervious surface area, the impervious surface area shall include all parking spaces and drive aisles that access parking spaces.
 - c. If the required minimum number and size of parking lot landscaping areas required above do not result in 7% of pervious surface, the 7% requirement shall be met by increasing the size and number of the required planting islands, end cap islands or planting medians.
6. All nonresidential parking and loading areas and parallel circulation and service lanes shall be separated from the right-of-way line of a public street or state highway by a planting strip at least ten (10) feet in depth.

§ 145-31 EXTERIOR LIGHTING.

- A. Intent and purpose. These regulations are intended to maintain ambient lighting levels as low as possible to enhance the Township's community character and maintain dark skies. Area lighting should provide good visibility, minimum glare and minimum spillage onto abutting properties or into the sky. It is the intent of this Section to encourage, through the regulation of the types, kinds, construction, installation and uses of outdoor electrically powered illuminating devices, lighting practices and systems to conserve energy without decreasing safety, utility, security and productivity while enhancing nighttime enjoyment of property and night skies. These regulations are intended to be consistent with the requirements of the National Electrical Code (NEC), as referenced in the International Residential Code and the International Building Code.
- B. Exterior lighting shall be:
 1. Architecturally integrated with the character of the associated structures, site design, landscape and zoning districts.
 2. Directed downward and shielded, or specifically directed to walls, landscape elements or other similar features, so that light is confined with the boundaries of the subject lot.
 3. Installed so that lights do not blink, flash or be of unusually high intensity or brightness.
 4. Appropriate in height, intensity and scale to the uses and the site they are serving.

5. Installed in conformance with the provisions of this Section, Chapter 29, Part 3 of the Millcreek Township Code, and any approved lighting plan
- C. Exceptions. The following outdoor lighting is not subject to the provisions of this Section:
1. All outdoor light fixtures existing and legally installed prior to the effective date of this Section except:
 - a. When 50% or more of the existing luminaires are reconstructed or replaced; or
 - b. When a tenant or use change causes a change in the hours of operation or intensity of nighttime use.
 2. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.
 3. In single family residential zones, fixtures containing lamps emitting less than ~~1,800~~2,000 lumens (26 watts for fluorescent lighting, 50 watts for high-intensity discharge, ~~and~~ 100 watts for incandescent, and 18 watts for LED), provided that the light fixture is fully shielded and properly focused downward to minimize glare and spill light into the night sky and onto adjacent properties and does not exceed a height of ~~fifteen (15)~~twenty-five (25) feet.
 4. Streetlights erected on public or private right-of-way. Streetlight design shall be in compliance with the Township street lighting policy.
- D. Lighting standards.
1. Parking area illumination levels.
 - a. The minimum maintained illumination requirement is one (1) foot-candle in the general parking areas. "General parking areas" are defined as being 80% of a parking lot, excluding entrances or traffic lanes directly in front of store entrances, for commercial zones with a maximum illumination of eight (8) foot-candles and an average not to exceed three (3) foot-candles, in general parking areas. Lighting plans should be designed so that higher traffic areas have sufficient lighting. Vertical lamps shall be utilized for lights on poles. Wall-mounted lights may utilize horizontal lamps, provided that they are fully shielded. Lenses shall not protrude below the lamp screening material.
 2. Entrance lighting. Multifamily residential and nonresidential development shall provide glare-free light fixtures at building entrances and exits. Nonresidential developments shall provide for lighting in accordance with this Section at all vehicle and pedestrian entrances and on-site vehicle intersections. Entrance lighting may not exceed a height of twelve (12) feet and must be high-pressure sodium. To

promote safety, lighting levels at entrances shall be equal to the average level of the associated parking lot.

3. Spillover lighting. With the exception of light sources that do not exceed a height of three feet above finished grade, light sources must have a full cutoff so as to not direct light skyward, and shall be so arranged by means of filters or shields to avoid directing light onto adjoining properties or streets. Lighting fixtures shall be properly focused and shielded to minimize spill light and glare onto adjacent properties and into the night sky.
4. Height.
 - a. In nonresidential zoning districts, the height of parking lot lighting must be in scale with the building and structure heights on the site. The lighting between the building and the property line shall be full cutoff, shielded wall-mounted or shielded freestanding light poles.
 - b. Building-mounted lights may be mounted no higher than eighteen (18) feet and must be a full cutoff. Lighting may not be mounted above the roofline.
 - c. In all commercial zoning districts, pole heights shall not exceed twenty-five (25) feet. For noncommercial uses, such as a church or a community facility in a residential zoning district, the height of freestanding light poles shall not exceed twenty (20) feet in height.
5. Hours of operation.
 - a. All off-street parking areas associated with multifamily residential, commercial, industrial, and nonresidential uses shall be illuminated at night. Multifamily residential lighting systems shall provide the full illumination required herein throughout the night hours. Nonresidential uses shall provide the full illumination required during hours the facility is accessible to customers, employees, and other users with a maximum of 50% of full illumination provided throughout the remainder of the night.
 - b. Outdoor lighting used for illumination for walkways, private roadways and streets, equipment yards and outdoor security may remain on all night.
 - c. Outdoor lighting used for outdoor sales and eating areas, assembly or repair areas, signs, recreational facilities and other similar applications shall be off between the 30 minutes after the closing of the business and sunrise. Areas which contain approved permanent outdoor storage may be lighted at 50% of full illumination.
6. Permitted lamp fixture types.

- a. Lighting in parking areas is limited to high-pressure sodium. Metal halide may be utilized to light architectural elements and pedestrian walkways.
- b. Lighting of private recreational facilities in the single family and multifamily residential zoning districts shall be directed downward and shielded so that light is confined to the recreation facility and within the boundaries of the property. Lights shall only be on when the facility is in use.

§ 145-32 FENCES AND HEDGES.

Subject to these standards, fences and hedges may be erected along boundaries of a lot:

- A. A solid fence, enclosure wall or similar item shall not exceed six (6) feet, unless it is located in a commercial, mixed use or industrial district. A solid fence, enclosure wall or similar item shall not exceed eight (8) feet in height in a commercial, mixed use or industrial district. Along any front yard street line in any district-the maximum height of any solid fence, enclosure wall, similar item or hedge in front of the building front plane shall not exceed four (4) feet. When a fence is within fifteen (15) feet of a driveway, Section B shall prevail for the height of the fence.
- B. Any solid fence proposed in front of the building front plane that is located within fifteen (15) feet of a driveway that intersects a front property line or is located within fifteen (15) feet of the intersection of two front property lines shall not exceed three (3) feet in height above the center line of the adjacent street surface. (See Appendices).
- C. For purposes of this Section only, the front yard for corner lots shall be determined by the address of the property.
- D. An Ornamental Fence exceeding the height specified in this Section for a solid fence shall have a ratio of solid portion not in excess of one to four.
- E. Whenever a solid fence is located in a residential district, the finished side of the fence shall face the street.
- F. Walls and fences constructed in accordance with this Section shall be exempt from front, side, and rear yard regulations.

§ 145-33 MINIMUM DWELLING SIZE.

- A. In an R1 or R2 Residential District, no dwelling shall be erected, constructed or placed

upon a lot that has a living area per family of less than nine hundred (900) square feet.

- B. In the CR Conservation Residential District, no dwelling shall be erected, constructed or placed upon a lot that has a living area per family of less than one thousand two hundred (1,200) square feet.
- C. Such living area shall be computed from the exterior dimensions of the dwelling, exclusive of basement, porches, patios, decks, breezeways, garages and Accessory Structures or structures.

§ 145-34 WASTE/RECYCLING RECEPTACLE SCREENING.

- A. On any nonresidential premises, receptacles for the storage of municipal waste, recyclable materials or other materials shall be entirely screened or enclosed by an eight (8) feet tall complete visual barrier type of fence wall, or hedge.
- B. Servicing of receptacles/compactors. Receptacles and/or compactors for municipal waste, recyclable materials and other materials located on a nonresidential lot or parcel that is contiguous or adjacent to, or which abuts a residentially zoned property shall not be accessed for pickup, delivery or removal between the hours of 10:00 p.m. and 6:00 a.m.

§ 145-35 OUTSIDE STORAGE.

- A. No lot or parcel shall be used as a storage area for Junk or Abandoned Vehicles, appliances, scrap, recyclable materials, or other materials unless expressly authorized in the zoning district or other approval.
- B. Storage of any materials outside on property which abuts any public right-of-way and/or any residential zoning district must provide screening at all times parallel to the right-of-way and/or residential zoning district by means of solid fence six (6) feet in height.
- C. Commercial equipment including trucks over one-ton capacity, tandems, tractor-trailers, school buses, tractors or other commercial construction, earth-moving or cargo-moving vehicles and/or equipment shall not be stored or parked overnight in any residential district, provided that pick-up trucks and passenger vans in any district and farm tractors and other related farm equipment used for agricultural purposes in the Conservation Residential District are excluded from this prohibition.

§ 145-36 PATIOS.

Except as otherwise provided in Section 145-28D of this Chapter, a patio or deck constructed at grade level and with no roof or walls may extend into any required yard setback; provided, that at no time may a roof be constructed over or any walls constructed upon or around any portion of a patio or deck located beyond a Building Line or Setback. Construction of a roof or walls over or upon a patio or deck shall not commence without issuance of zoning and construction permits.

§ 145-37 PRIVATE SWIMMING POOLS.

Where permitted, private swimming pools, including above-ground and in-ground pools, shall comply with the following conditions and requirements:

1. The pool shall be intended and used solely for the enjoyment of the occupants of the property on which it is located.
2. The pool shall be located only in the rear yard or side yard of the property on which it is an accessory use.
3. The pool, including above ground decking or any appurtenance, shall not be closer than seven (7) feet from any side or rear property line.
4. The pool area or the entire property on which the pool is located shall meet the barrier requirements as established in the Pennsylvania Construction Code.
5. For corner lots, the pool shall not be permitted beyond the front yard setback line.

§ 145-38 STORAGE AND PARKING OF RECREATIONAL AND CAMPING VEHICLES AND EQUIPMENT.

- A. Recreational vehicles^{77L}, including but not limited to RV homes, travel trailers, camping vehicles and trailers, pickup coaches, motorized homes, boats and boat trailers, and associated equipment may be stored and parked subject to the following requirements:
 1. At no time shall parked or stored recreational vehicles or associated equipment be occupied or used for living or housekeeping purposes; and
 2. Parking or storage of recreational vehicles and associated equipment shall be limited to the interior of garages or other available on-lot Accessory Structures, driveways or that portion of the property located behind the front plane of the principal structure (see Appendices).
- B. Mobile or manufactured homes may be parked, stored and/or occupied only in

manufactured home parks.

§ 145-39 TEMPORARY USES.

The following uses, and only those uses, are authorized temporarily (for a period from one (1) day to thirty (30) days in any calendar year), subject to the standards set forth below.

Produce, fireworks, agricultural and other related items incidental thereto may be sold at temporary stands on premises owned by third parties in only the following zoning districts: C1, C2, C3, MU-1, MU-2, MU-3, I1, and I2, subject to the following requirements:

- A. An application for permit must be submitted and a permit issued by the Zoning Officer prior to commencement of such use. All information required to meet regulations of this Section must be submitted with the application and any request for renewal or extension of the permit. Fees established by resolution adopted by the Board of Supervisors for permits and renewals shall be paid with submission of the application therefor. The Zoning Officer may impose reasonable conditions as are determined by the Zoning Officer to be necessary.
- B. The stand's operator must have a written agreement with the property's owner authorizing such use and defining the stand's location on the property.
- C. Space for off-street parking must be available to the stand which is acceptable to the Zoning Officer and does not result in the principal use of the property's not meeting off-street parking requirements.
- D. The stand must be located off from a street or highway to facilitate exit from and entry onto the adjacent street and ensure there is no parking along such street.
- E. Such stand may operate between the hours of 7:00 a.m. and dusk/sunset during the months of June through October.
- F. Such stand may operate under a permit issued by the Zoning Officer for a period up to thirty (30) days. One (1) extension of a permit is authorized, for a period not exceeding an additional thirty (30) days.
- G. Christmas tree sales may be conducted between Thanksgiving Day and December 25th.

Article V
SUPPLEMENTAL REGULATIONS

§ 145-40 ADAPTIVE REUSE OF NONRESIDENTIAL STRUCTURES.

Land situated in the CR, R1 or R2 Districts which is occupied by at least one (1) structure having a gross floor area in excess of 7,000 square feet constructed for Public Building or Structure, Place of Worship/Assembly, institutional facility, Public or Private School and/or other nonresidential uses which were permitted uses or otherwise lawful uses when first established, and has been actively utilized for a nonresidential use for not less than five (5) consecutive years, and whose use as such has ended may be used as a nonresidential facility for those uses and purposes authorized in Subsection 145-40B, subject to the specific criteria established in this Section and those general criteria for uses by Special Exception set forth in this Chapter.

- A. To be entitled to consideration, the discontinued use must have been a permitted, nonconforming or otherwise lawfully established use when use of said building(s) first commenced. This shall include structures and uses which, under state, federal or local laws then existing could at such time be lawfully constructed and established.
- B. Such land and structure(s), upon the Zoning Hearing Board's determination that all prerequisites, specific criteria and applicable general criteria therefore have been met, may be used for the following purposes:
 - 1. Business Services.
 - 2. Professional Services.
 - 3. Community Center.
 - 4. Continuing Care Facility.
 - 5. Day-Care Facility.
- C. Word usage and definitions. For purposes of this Section, general definitions in § 145-11 of the Code shall apply. In addition:
 - 1. "Community center" shall mean premises offering social, educational, recreational and other services for the benefit of youth, seniors and other persons which is under the control of a public body, an institutional body or a nonprofit corporation.
 - 2. The uses specifically authorized do not include any other use which is not expressly permitted or authorized in such residential district, and are expressly intended not to include any other use authorized in commercial zoning districts and/or other nonresidential zoning district. As an example, professional services

shall not include hospitals, clinics, diagnostic facilities, personal services or outpatient emergency medical facilities. This Section does not authorize any use involving drive-through or like facilities for any allowed use.

D. Specific criteria for use. An applicant for this use on special exception must establish that the application satisfies all of the following specific criteria for the use:

1. The discontinued use meets the definition set forth above in Subsection 145-40A;
2. The use proposed meets one or more of those set forth above in Subsection 145-40B;
3. The applicant shall submit a trip generation report to the Township Engineer for review and approval that compares the anticipated trip generation of the proposed use and that of the existing (or most recently discontinued use). Prior to approval, the Township Engineer shall determine whether the report accurately demonstrates that the proposed use will not generate overall daily trips or peak hour trips that exceed those of the existing (or most recently discontinued) use by more than 5%;
4. The application will meet, at a minimum, all existing regulations in this Chapter, Chapter 116, Stormwater Management, and Chapter 125, Subdivision and Land Development, governing such use when located in the MU-1 District, as is practicable given the existing location of structures and lot boundaries;
5. The said use(s) shall not be open to the public prior to 8:00 a.m. or later than 6:00 p.m. on any day of the week;
6. No addition to the footprint or height of existing structures shall be permitted;
7. As is necessary or appropriate in the facts, the existing structure's exterior shall be preserved and/or maintained so as to be compatible with the adjacent residential uses;
8. Drive-through facilities shall not be permitted;
9. Traffic exiting from said lot shall be directed solely toward the nearest collector or arterial street;
10. Mixed occupancy of uses identified in Subsection 40B may be permitted subject to the provisions of Subsection 40D being met;
11. The Zoning Hearing Board may require such measures, in addition to those specified in Subsection 40D as it deems necessary and appropriate to reduce impact of the use on neighboring residential purposes, including, but not limited

to, screening and buffer areas, exterior lighting, signage and traffic volume limitations as warranted in the facts of the appeal.

§ 145-41 ADULT-ORIENTED USE.

- A. No Adult-Oriented Use shall operate within five hundred (500) feet of the nearest of the following: property line or structure housing any existing Adult-Oriented Use, Public or Private School, Hospital, residential use, Day-Care Center, Group Residence Facility, Place of Worship/Assembly, libraries, and Recreational Facility, Public, as measured from the nearest location of the property line or portion of the structure occupied by the Adult-Oriented Use.
- B. No property, building or structure shall be used for an Adult-Oriented Use without being approved as a Conditional Use and issued a certificate of occupancy for the proposed use first being issued, and the use thereafter shall comply with the terms of the Conditional Use and the issued certificate of occupancy.
- C. In addition to providing information required under any application to the Township, the applicant must identify the owner(s) and/or lessee(s) of the premises and the person(s) responsible for the management and conduct of the Adult-Oriented Use.
- D. All Adult-Oriented Uses shall at all times comply with any applicable statutes and regulations imposed on such uses under the Pennsylvania law, including but not limited to those established in 68 Pa. C.S.A. § 5501 *et seq.*, as may be amended.
- E. Uses authorized under this Chapter shall not be deemed to include activities including or fostering prostitution or other activities declared to be violations of federal, Pennsylvania or Township laws or ordinances.
- F. No more than one (1) sign shall be permitted; said sign shall be a ground or a wall sign.
- G. No person operating an Adult-Oriented Use shall permit or cause to be permitted the display or placement on the building or premises of any document, stock-in-trade or other material of any nature which depicts, describes or relates to specified anatomical areas and/or specified sexual activities and may be viewed from a public street, highway, sidewalk or adjacent property.
- H. Any additional standards that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site defined by the Township Supervisors shall be complied with by the landowner ~~and/or,~~ developer, operator and/or employees.

§ 145-42 AVIATION FIELD.

- A. Shall comply with all lot, buffering, lighting, planting and other regulations generally governing permitted uses in the Light Industrial District.
- B. Shall be considered a land development under Chapter 125, Subdivision and Land Development.

§ 145-43 BACKYARD POULTRY.

- A. A Zoning Permit shall be required to engage in this accessory use.
- B. A site plan shall be required prior to the issuance of a Zoning Permit for Backyard Poultry. The site plan shall show all existing and proposed structures (coops, runs, etc.) and lot lines.
- C. Backyard Poultry shall be permitted as an accessory use to a single-family dwelling, detached in the CR District only.
- D. The number of Backyard Poultry permitted on any one lot is as follows:
 - 1. Lots up to 0.5 acre = 4 birds
 - 2. One (1) bird for each additional 0.25 acres
 - 3. A maximum twelve (12) birds shall be permitted on any one lot.
- E. All buildings, coops and enclosures for birds must be in the rear yard with a minimum setback of ten (10) feet from rear and side property lines and no closer than thirty (30) feet to dwellings on adjacent lots.
- F. No mature roosters shall be permitted.
- G. Killing or dressing of animals raised on the premises shall be permitted if conducted entirely within an enclosed building and disposed of properly.
- H. The keeping of Backyard Poultry shall be permitted within a securely fenced and enclosed area.
- I. H. No other livestock and small farm animals are permitted.
- J. All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.
- K. All animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.

- L. Permit can be revoked if the property owner is in violation of these regulations.

§ 145-44 BED AND BREAKFAST INN.

- A. Bed and Breakfast Inns shall be limited to single-family dwelling, detached with a minimum lot size of 10,000 square feet as a Special Exception in the following zoning districts: CR, R1, R2, MU-1 and PI.
- B. The Bed and Breakfast Inn may be permitted if the single-family dwelling, detached is the only principal structure on the lot. No other principal structures will be permitted on the lot.
- C. No more than five (5) bedrooms may be available or used for such use in any building.
- D. Not more than one (1) ground sign shall be permitted on the lot. The maximum permitted sign area shall be twenty-four (24) square feet.
- E. Service of meals shall be limited to overnight guests of the facility.
- F. The owner and/or manager of the facility shall reside therein.
- G. An overnight guest shall not occupy the facility for more than fourteen (14) consecutive nights in a thirty (30)-day period.
- H. Means of ingress and egress to the lot shall be from an arterial, collector or connector street only.

§ 145-45 BEEKEEPING.

- A. Registration, Certification and Permit.
 - 1. No beekeepers may own or maintain an apiary within the municipality without first registering and maintaining a current permit for all apiaries with the Pennsylvania Department of Agriculture as required by the Pennsylvania Bee Law, 3 Pa. C.S. A. § 2101 et seq., as amended.
 - 2. A beekeeper owning or maintaining an apiary in the municipality shall promptly notify the Zoning Officer within seventy-two (72) hours if the Pennsylvania Department of Agriculture revokes said apiary registration or if said registration has lapsed.
 - 3. No beekeeper shall own or maintain an apiary within the Township without first obtaining a permit from the Zoning Officer. An application for a permit [or permit amendment](#) shall be made in writing and upon such form or in such format as established by the Township, and shall be accompanied by the prescribed permit fee in the amount established from time to time by resolution of the Board of Supervisors. The application shall be accompanied by a lot plan that includes the size

of the lot, the location and number of hives, the location of each water source, the distance of the hives to property lines, and, if required, the location of flyway barriers.

4. A beekeeper who discontinues the owning or maintaining an apiary in the Township shall promptly notify the Zoning Officer of the removal and is required to remove the hive.
5. The application shall also be accompanied by written evidence that the applicant has completed a beekeeping educational course/program with a minimum of eight (8) hours of instructions or has a letter of validation from an officer of the PA State Beekeepers Association, an officer of a local bee club or a certified Master Beekeeper or such other evidence determined to be acceptable to the Zoning Officer.
6. Beekeepers that wish to own or maintain an apiary on property that they do not own must include written permission from the property owner or landlord that explicitly indicates that the beekeeper has permission to own or maintain an apiary on the subject property. Such written permission shall be supplied to the Township as part of the Beekeeping permit application.

B. - Location and Colony Density. Placement of an apiary on a residential property shall conform to the following regulations to minimize and eliminate any possible concerns to adjoining neighbors:

1. Hive Location and Density. Location of hives must comply with the following criteria:
 - a. Hives shall not be located within ten (10) feet of any side or rear property line unless a flyway barrier is in place or the hive(s) are located at least ten (10) feet above grade.
 - b. Hives shall not be located within a front yard.
 - c. Hives shall not be located within fifty (50) feet of a pre-existing swimming pool or a preexisting kenneled animal.
 - d. Apiaries are not permitted within ten (10) feet of any buildings located on adjacent properties.
2. Maximum Number of Hives
 - a. No hives are permitted on a lot with less than 2,000 square feet of lot area.
 - b. For a property with a minimum of 2,000 square feet of lot area, a beekeeper is permitted to keep two (2) hives. For each additional 2,000 square feet of lot

area, the beekeeper is permitted two (2) additional hives with up to six (6) hives maximum.

- c. Exceptions - A beekeeper may exceed these regulations under the following conditions:
 - i. As part of normal honeybee colony management, a beekeeper may also keep, in addition to allowable standard hives, for up to forty-five (45) days between April 15th and August 15th, two nucleus colonies per standard hive, provided they are used for managing colony strength, to minimize reproductive swarming, queen rearing or swarm capture.
 - ii. For each allowed hive, a single nucleus hive may be kept from August 16th to April 14th to allow a beekeeper to mitigate winter bee losses.
 - iii. Apiaries that are pre-existing prior to enactment of this Chapter shall comply with the registration requirements of this Chapter.

C. Hive Type, Orientation and Maintenance.

- 1. All beekeepers shall comply with rules and regulations set forth by the Pennsylvania Bee Law, 3 Pa. C. S. A. § 2101 *et seq.*, as amended.
- 2. All beekeepers shall maintain their colonies consistent with the Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania as established by the Pennsylvania Apiary Advisory Board.
- 3. Hive entrances shall face away from the closest neighboring property and in such a direction that the bees fly across the beekeeper's property at sufficient distance to gain a height of at least the six (6) feet at the property line. The use of barriers may be employed to redirect the bees' flight pathway and establish bee flight pathways above six (6) feet. A flyway barrier shall be placed at least six (6) feet in height, shall be placed along side of the hive(s) that contains the entrance to the hive(s), shall be located within five (5) feet of the hive(s) and shall extend at least two (2) feet on either side of the hive(s). A flyway barrier shall consist of a solid fence, dense vegetation, hedge, or a combination thereof. No flyway barrier is required for hive(s) that are located greater than ten (10) feet from property lines.
- 4. Exceptions to Flyway Barrier - A flyway barrier is not required if the property adjoining the apiary lot line is:
 - a. Undeveloped; or
 - b. An agricultural or industrial use; or

- c. Is a state game land, state park, national forest, state forest, natural park, or conservation area and has no pre-existing human or horse trails located within twenty-five (25) feet of the property line.
 5. All beekeepers shall ensure that a convenient source of fresh water is available to the bees from April 1st through November 1st each year, with such water source being located closer to the apiary than any other water source.
 6. All beekeepers shall ensure that no bee comb or other materials that attract ~~honey bees~~honeybees are left upon the ground of the apiary site. Upon removal from the apiary, all such materials shall be properly maintained in a sealed container or placed within a building or other bee proof enclosure, so long as bees are kept on the property.
- D. Inspection. If an inspection is required as a result of a nuisance complaint or otherwise as deemed necessary by the Township, the Township's designated representative will inspect the property to ensure compliance with applicable Zoning Ordinance provisions.
- E. Nuisance. It shall be unlawful for any beekeeper to keep any hive in such a manner as to cause any unhealthy condition or purposefully interferes with the normal use of adjoining properties. By way of example and not limited to, the following activities are hereby declared a nuisance and therefore unlawful:
1. The use of receptacles for ~~honey bees~~honeybees that does not comply with the Pennsylvania Bee Law, 3 Pa. C.S. A. §§ 2101 *et seq.*, as amended.
 2. Hive placement and related bee movement such that the bees, without provocation, interfere with the reasonable freedom of movement of persons in a public right-of-way, or the location of bees has a proven negative impact to the general safety, health, and welfare of the general public.

§ 145-46 BOTTLE CLUB.

A use involving the use as a Bottle Club, where authorized under this Chapter, shall be located so as not to be less distant than five hundred (500) feet from the nearest property line of any other Bottle Club, Public or Private School, Hospital, residential use, libraries, Day-Care Center, Group Residence Facility, Place of Worship/Assembly, and Recreational Facility, Public.

§ 145-47 CAMPGROUND.

- A. No Campground shall have an area of less than five (5) acres.

- B. Maximum density of recreational vehicle sites shall be 8.5 spaces or units per developable acre of land.
- C. Campground minimum lot frontage (width) shall be forty (40) feet.
- D. All recreational vehicle and appurtenances shall be located on the lot so as to provide not less than fourteen (14) feet clearance to any other space, unit or structure or to any service building.
- E. Open space areas shall not be used for storage, parking of vehicles, habitation in tents or otherwise.
- F. Parks shall operate to provide occupancy and accommodations for vehicles and persons on a temporary basis only. Spaces may be leased or rented for not more than one (1) season, seasons being defined as involving either the period from March 8th through November 30th ("summer season") or December 1st through February 28th ("winter season").
- G. During the period of December 1st through February 28th, a recreational vehicle may be occupied only at such times as the service building is open and operating.
- H. All parks shall be serviced by a sanitary sewage disposal system which meets all of the following requirements:
 - 1. Public systems. In areas having a public sewer system which is, in the judgment of the Township, reasonably accessible to the park and available for connection thereto, the developer shall provide the park with a complete sanitary sewer system to be connected to the public sanitary sewer system.
 - 2. Private systems. In an area not having a public system, or within an area having a public sewer system which is not reasonable accessible to the park, the park shall be provided with one of the following methods of sewage disposal:
 - a. A complete sanitary sewer system to convey the sewage to a treatment (package plant), to be provided by the developer in accordance with the requirements of the PaDEP and/or its agent the Erie County Department of Health, with adequate provision for the maintenance of such plant.
 - b. A private sewage disposal system on individual lots, consisting of septic tanks and absorption fields when laid out in accordance with minimum standards approved by the Erie County Department of Health and/or PaDEP.
 - 3. All Campgrounds shall comply with standards for sanitary sewage disposal and water systems as established by PaDEP, including 28 Pa. Code § 19.6, as may be amended.

- I. It shall be unlawful and a violation of this Chapter for any person to operate a Campground within the limits of Millcreek Township without first applying for and obtaining a permit issued by the Township.
 1. Application for a permit for the summer season shall be made by the owner or operator of the park not later than March 1st and if issued, the permit shall be valid for the period of March 1st through November 30th.
 2. Application for a permit for the winter season shall be made not later than November 30th and, if issued, the permit shall be valid for the period of December 1st through February 28th.
 3. The permit application fee shall be as established or amended by resolution adopted by the Board of Supervisors.
 4. A permit shall be required to establish or enlarge a Campground. At the time application is made to establish or enlarge such a park, a plot plan shall be submitted showing complete layout, including sanitary facilities and location and design of service buildings. All sites shall be assigned a number to be indicated on the plot plan and on the site proper. No recreational vehicle shall be located other than at a designated site.
 5. It shall be unlawful and a violation of this Chapter for any person to modify or enlarge a recreational vehicle park without first submitting to the Township a plan depicting proposed changes and obtaining the Township's approval of them.
- J. Recreational vehicles shall be permitted only in parks which meet the requirements of this Section. Occupied travel trailers, motor homes, tents or camping vehicles shall meet all of the requirements specified below:
 1. All recreational vehicles shall observe the front yard requirements of the district and be located not less than fifteen (15) feet from a side or rear property line of the park.
 2. Any independent unit , which shall mean a unit containing sanitary facilities and devices for connecting the facilities to a community waste disposal system, situated in a Campground for more than seven (7) consecutive days shall be connected directly to the park's sewage disposal system and water system.
 3. No dependent unit, which shall mean a unit not containing sanitary facilities and/or devices for connecting the facilities to a community waste disposal system, shall occupy a site within the park if said site is located more than three hundred (300) feet from a service building. Occupants of dependent units shall rely solely on the facilities furnished in the service building to meet their sanitary needs. The service building shall contain lavatories and flush toilets in separate restrooms for each sex

and shall be connected directly to the park's water supply and sewer system. Whenever the park is open during the months of December, January or February, the service building shall be heated to a temperature of not less than 65° F.

4. No recreational vehicle or appurtenance thereto shall be placed closer than twenty (20) feet to the center line of any driveway serving the park.
5. Recreational vehicles shall be maintained at all times in a manner acceptable for transportation on public highways in accordance with the rules and regulations of PennDOT.

K. Responsible persons.

1. The owner of a Campground is solely responsible for ensuring that the park is lawfully established and operated in accordance with the approved plan and permits and the regulations of this Section.
2. The owner or occupant of a recreational vehicle is responsible for the vehicle's compliance with the regulations set forth in Subsection J above.
3. The owner of the Campground and the owner or occupant of a recreational vehicle shall be obligated to comply with this Section's provisions pertaining to authorized vehicles.

§ 145-48 CAR WASH.

- A. Supplemental regulations within this Section do not apply to ~~an incidental one-bay washing facility in an automobile service station where washing facilities are purely incidental to the operation~~ a Car Wash, Accessory.
- B. All automated washing facilities shall be in a completely enclosed building. All other car washing facilities shall be under a roofed structure that has at least two (2) walls.
- C. Car wash facilities permitted in commercial zoning districts shall serve only automobiles and light trucks.
- D. Car wash facilities shall comply with all statutes and regulations of federal, state and local governmental units and agencies, and the operator must at all times hold such license(s) as are required by state and federal agencies.
- E. The facility shall be serviced by the public sanitary sewer system and drainage water shall be controlled so it does not flow or drain onto berms, streets or other property.
- F. The facility shall be designed to provide additional parking or vehicle stacking space to accommodate that number of vehicles which can be washed during a fifteen-minute

period and also those being detailed or cleaned on the premises outside of washing bays or lines.

- G. ~~Blowers and other~~ When a Car Wash abuts a residential zoning district, the operation of ~~blowers and other~~ power equipment aside from the wash operation shall be ~~discontinued and are~~ prohibited after 9:00 p.m. and prior to 8:00 a.m. on all days of every week. ~~This provision includes and applies to blowers and other apparatuses used to dry vehicles.~~
- H. Where a car wash facility abuts property in a residential zoning district, the car wash facility shall maintain such buffer yard and planting strip as is required for properties in the C3 District. If the premises is located in a commercial zoning district or, if located in an industrial zoning district, shall maintain such buffer yard and planting strip as are required in that district.

§ 145-49 CEMETERY.

- A. A cemetery shall have access to an arterial or collector street exclusively.
- B. The minimum size of lot shall be twenty (20) acres with the exception of cemeteries accessory to Places of Worship/Assembly.
- C. Burial sites shall comply with the setbacks required for principal structures in the district, and burial structures shall not be located within one hundred (100) feet of any property line adjoining residential use or residential district.
- D. All maintenance equipment shall be stored in an enclosed building when not in use.

§ 145-50 CONTINUING CARE FACILITY.

- A. Minimum lot size shall be one (1) acre.
- B. No combination of structures and impervious surfaces including but not limited to, asphalt, gravel, or concrete paved areas for parking, access driveways, pedestrian access walkways and rock-lined stormwater detention facilities, shall exceed 40% of the lot area of site area of the lot or parcel upon which said improvements are installed.
- C. Shall be served by a public water and sanitary sewer system.
- D. Special Exception Specific Criteria: In instances where this use is designated as a Special Exception, applicants must also submit a traffic study showing the impact of the use on the neighborhood and roadways, including parking.

§ 145-51 CONVENIENCE STORE.

- A. Window placement and design shall allow for window surveillance by employees of ~~all outside areas~~the customer entrances and fuel pumps/fuel islands from the employees' primary work positions. Windows shall be clear of any signs, merchandise, or other materials at all times from between three feet and six (6) feet in height from ground level. No more than fifteen (15) percent of the combined total window area may be covered with signage, advertising, or other coverings, etc., as described in Article VI of this Chapter.

B. Comply with requirements of Section 145-73 of this Chapter.

§ 145-52 CORRECTIONAL FACILITY.

- A. The minimum lot size shall be five acres with minimum frontage of two hundred (200) feet.
- B. Any structures occupied by correctional facility residents shall be located a minimum of five hundred (500) feet from the nearest property line of any existing dwelling or residential zoning district.
- C. Any correctional facility shall comply with all applicable license requirements of the Commonwealth of Pennsylvania.

§ 145-53 CREMATORY.

- A. A business established for cremation of human or animal remains shall be located on property of not less than one (1) acre.
- B. The crematory cannot be constructed closer than seven hundred fifty (750) feet from an existing dwelling, Public or Private School or Day-Care Center. All other district setbacks from property lines shall also be maintained.
- C. Emission Standards. The crematory shall comply with all federal and state air emission standards.
- D. Emission control devices. The crematory shall be equipped with all emission control devices required by federal and state law, and shall be operated in accordance with manufacturer's standards and in compliance with all federal and state air emission permits.
- E. Continuous emission monitoring. The crematory shall be equipped with all required continuous emission monitoring equipment, which shall be operated in accordance with the manufacturer's standards and in compliance with all federal and state air emission permits, including all recordkeeping requirements.

- F. All costs for monitoring shall be borne by the applicant. All operating, monitoring and control equipment are subject to inspection at any time by the Township following an occurrence of emission limit exceedance.
- G. Emission performance testing. The crematory shall conduct initial performance testing as required by all federal and state air emission permits.
- H. Hours of operation. Operating hours shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday.
- I. The cremation unit shall be totally enclosed within a building.
- J. The crematory operator/owner shall provide the Township with copies of all certifications necessary to operate the crematory.
- K. The crematory operator/owner shall provide prior to issuance of a building permit a copy of any required federal or state permit(s). In addition, the crematory shall be operated in conformance with all local, state, and federal laws.
- L. A crematory may provide a room(s) for the private viewing of the cremation by members of the deceased's family but may not be used to conduct public or private funeral home services.
- M. Any additional standards or operational requirements that are needed to protect the public health, safety and welfare or to address unique characteristics of a site as defined by the Township Board of Supervisors shall be complied with by the landowner and/or developer and crematory operator and owner.

§ 145-54 EXTRACTIVE INDUSTRY.

- A. No activities involved in the exploration, production or mining for natural resources shall commence until the owner and/or operator has been issued the requisite federal and/or state permits and copies of same have been delivered to the Township's Zoning Office at least twenty-four (24) hours prior to moving equipment on to the site.
- B. The applicant shall submit the following information to the Zoning Officer:
 - 1. Evidence of compliance with all state and federal laws applicable to the process for which the Conditional Use permit is sought.
 - 2. A description of the character, timing, and duration of the proposed operation, including maps and plans showing the area and extent of the proposed activity, the location and design of all structures, depth of the drilling and/or excavation, areas for storage of soil materials and waste, and facilities for processing, loading and transportation of extracted materials.

3. A description of plans for the transportation of the extracted product, including routes of travel, number and weight of vehicles and measures which will be taken to maintain all roads within the Township which are used to transport minerals and to repair any damages which may result from the use of roads for loads and volumes of traffic which are in excess of their use by vehicles associated with permitted uses in the concerned district.
 4. Plans for the restoration and reclamation of all land affected by the extractive operation to a condition which will support agriculture or other uses which are permitted in the concerned district.
- C. All activities involved in the exploration, production or mining for natural resources shall be limited to the hours of 7:00 a.m. to 11:00 p.m. and are not permitted at any other times of day.
- D. The performance standards contained in all Sections of this Chapter shall be met.
- E. In deciding upon an initial application for extraction or processing, the Board of Supervisors shall evaluate the impact of the proposed activity upon adjacent areas and upon the community at large and shall approve granting of a permit only if they find that:
1. The scale, pace and duration of the proposed activity are reasonable in relation to the ability of other portions of the community to maintain normal patterns of activity while extraction activities are ongoing.
 2. Adequate safeguards are provided to ensure that damage will not be done to property elsewhere in the Township or to the natural environment.
 3. The proposed plan for reclamation and reuse of land is acceptable. If the proposed reclamation plan is for agriculture, forestry or other undeveloped use, grading, drainage and vegetation must be compatible with other such use areas in the Township. If the proposed reclamation is for development, the proposed development shall be in conformance with the purposes and regulations of the district in which it is located.
- F. In deciding upon an application for any expansion or change in a mining or processing application, the Board of Supervisors shall consider all of the factors listed above and in addition shall grant a Conditional Use permit only if the following conditions are met:
1. The performance of the applicant to date has been in conformance with all of the agreements made at the time of the initial Conditional Use approval.
 2. No expansion in area of a mining operation shall be permitted until mining activities have been completed on an equivalent area of land and the land shall have been

graded and vegetation established in accordance with the approved plan for reclamation of the site.

- G. In no case shall a Conditional Use permit granted by the Board of Supervisors extend to an area of land or mode of operation which is larger or in any way different from the scope of permits issued concurrently by state and/or federal permitting authorities for the same existing or proposed mining or processing activity.
- H. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

§ 145-55 FINANCIAL INSTITUTION.

- A. All parking areas shall be designed for easy ingress and egress. In no event shall Vehicles be required to back onto a public right-of-way or street.
- B. Drive-through facilities shall be set back from the street with stacking room for at least six (6) vehicles.
- C. There shall be a clear delineation between the drive-through facilities parking spaces and access drives. Street access and traffic restrictions (i.e., "NO LEFT TURN") shall be clearly marked using approved signage.

~~D. Drive thru lanes shall be screened from view by landscaping, grading treatments, architectural features, or a combination of the above.~~

~~E.D.~~ The canopy shall be architecturally integrated with the principal structure.

~~§ 145-56 FUEL PUMPS / FUEL ISLANDS.~~

~~A. Pumps, canopies, fuel islands, tanks, accessory uses, structures and other devices shall be set back a minimum of one hundred fifty (150) feet from any right of way line and fifty (50) feet from any property line; in the alternative, the principal structure and use (located in compliance with the required yards for the district in which it is located) shall be located in front of the pumps, canopies, fuel islands, tanks, accessory uses, structures and other devices, and the pumps, canopies, tanks, Accessory Structures, and other devices shall be located a minimum of seventy five (75) feet from any right of way line and fifty (50) feet from any property line.~~

~~B.A. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.~~

~~C.A. The canopy shall be architecturally integrated with the principal structure.~~

~~D.A. All canopy lighting must be fully recessed within the canopy.~~

~~§ 145-57~~ **FUNERAL HOME.**

- A. The minimum lot area shall be 40,000 square feet.
- B. The site shall have frontage on and direct vehicular access to an arterial or collector street.
- C. All off-street parking areas which adjoin a residential zoning ~~classification~~district shall be screened by a six (6) foot dense, compact evergreen hedge.
- D. Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.
- E. Special Exception Specific Criteria. In instances where this Use is designated as a Special Exception, crematories are not permitted.

§ 145-57 **GARAGE, PUBLIC.**

- A. No street entrance or exit of a public garage shall be within two hundred (200) feet of a street entrance or exit of any Public or Private School, Day-Care Center, park or playground conducted for and attended by children.
- B. In a Mixed Use District or the Presque Isle District, portions of a Public Garage may be reserved solely for residential use.
- C. At any vehicle exit opening upon a street a minimum of fifteen (15) feet of unoccupied space shall be maintained between any gate or door and the right-of-way line. The height of such open unoccupied space shall be not less than twelve (12) feet. There shall be a clear sight triangle located between a point at the centerline of the doorway and two points on the right-of-way line which are to be located twelve (12) feet on either side of the extension of the centerline of the doorway on the right-of-way line.

§ 145-58 HOME OCCUPATION.

- A. The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- B. All needs for parking generated by the conduct of a home occupation shall be provided for on the lot if the parking exceeds one (1) hour.
- C. In instances where this Use is a Permitted Use or a Special Exception, there shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for pickup and/or delivery.

§ 145-59 IN-LAW APARTMENT.

- A. Must at all times meet all elements of the term's definition as set forth in Article II of this Chapter as well as all criteria for the use and any conditions imposed.
- B. The dwelling in which the in-law apartment is being created must be owner-occupied and the dwelling unit occupied by the owner must be greater than 70% of the total living space, including the in-law apartment. Habitable floor area of the in-law apartment shall not exceed seven hundred twenty (720) square feet or 40% of the principal dwelling's total area, whichever is less. For purposes of this Section, "living space" shall include all of the dwelling's area excluding that of any garage, while "total area" shall include the garage and all other portions of the dwelling.
- C. Only one In-Law Apartment is allowed within any Single-Family Dwelling, Detached.
- D. No more than two bedrooms shall be permitted.
- E. The in-law apartment may be located only within a primary dwelling.
- F. Any addition or modification to the principal dwelling to accommodate an in-law apartment shall be architecturally integrated with the principal dwelling's use as a single-family detached dwelling.
- G. Must meet all requirements of Pennsylvania Construction Code regulations.
- H. The occupancy or rental of an in-law apartment by persons other than in-laws as defined in this Chapter is expressly prohibited.

§ 145-60 JUNKYARD.

- A. The minimum site size shall be five (5) acres.
- B. The site shall be maintained to not constitute a nuisance as set forth in Chapter 40, Article II of the Millcreek Township Code or a menace to public health and safety.
- C. No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried, or disposed of on the site.
- D. The manner of storage of junk shall be arranged in such a fashion that aisles of a minimum width of twenty-five (25) feet between rows of junk are maintained in order to facilitate access for fire-fighting and prevent the accumulation of stagnant water. The proposed layout of the junkyard shall be indicated on the site plan submitted with the application.
- E. No junk shall be stored or accumulated, and no structure shall be constructed within 50 feet of any dwelling unit or within twenty (25) feet of any other lot line or right-of-way of a public street.

- F. The site shall be enclosed by a metal chain-link fence not less than eight (8) feet in height supported on steel posts with self-latching gate.
- G. The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.
- H. All site lines adjoining a residential use or zoning district classification shall be protected by a buffer yard.
- I. Township Supervisors may impose restrictions on access to the facility, storage of Junk on the premises, hours of operation and other such matters as they deem necessary to ensure that there is not adverse impact upon the functioning of the district or adjacent lots.
- J. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

§ 145-61 KEEPING OF HORSES AND PONIES.

- A. The minimum lot size shall be two (2) acres.
- B. Stables and other structures shall be set back one hundred (100) feet from all property lines.

§ 145-62 KENNEL.

- A. Any such facility must be licensed under the Pennsylvania Dog Law, 3 P.S. § 459-101 *et seq.*, as amended.
- B. Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of one hundred fifty (150) feet from any principal structure on adjacent lots and all outdoor exercise areas shall be located at least fifty (50) feet from any property line.
- C. The perimeter of the exterior exercise area must be fenced with a weatherproof material, a minimum of five (5) feet in height, accessible only through a self-latching gate.
- D. Animals shall be permitted to exercise within the exercise areas daily between the hours of 8:00 a.m. and 8:00 p.m.
- E. Any structure used to house animals shall be equipped with building code approved, non-toxic noise-dampening material or acoustic tile.

- F. Odors and harsh noise causing annoyance or discomfort to the public outside of the lot on which the kennel is located shall not be permitted in accordance with Millcreek Township Code, Chapter 8, Animals.
- G. The applicant shall furnish evidence of effective means of animal waste collection and disposal which shall be continuously implemented.

§ 145-63 LIMITED LODGING.

- A. Limited Lodging, [HomeLong Term](#).
 - 1. Use of the dwelling unit shall be for household living only.
 - 2. Any renter shall meet the definition of family.
 - 3. The dwelling unit shall not be rented to the same renter for a period of more than thirty (30) consecutive days.
 - 4. Owner of the dwelling unit is required to maintain records of all rentals for a period of two (2) years.
 - 5. This ~~limited lodging, home~~[Limited Lodging, Long Term](#) use requires a use certificate.
 - 6. All parking shall be provided on the lot. No on-street parking will be permitted.
 - 7. The use shall be subject to any applicable permitting requirements, safety standards, or rules and regulations.
 - 8. The owners of record of any Limited Lodging, [HomeLong Term](#) shall, within [thirty \(30\)](#) days after commencement of the use and/or the listing of the Limited Lodging, [HomeLong Term](#) on a booking agent website, provide and supply to the Zoning Officer the name(s), address(s), phone number(s) and other requested information of a contact person to ensure that a representative of the Limited Lodging, [HomeLong Term](#) can be contacted at all times in case of an emergency.
- B. Limited Lodging, Short Term.
 - 1. Use of the dwelling unit shall be for household living only.
 - 2. Any renter shall meet the definition of family.
 - 3. The dwelling unit shall not be rented to the same renter for a period of more than thirty (30) consecutive days.
 - 4. Owner of the dwelling unit is required to maintain records of all renters for a period of two (2) years.

5. This limited lodging, short term use does not require a use certificate.
6. All parking shall be provided on the lot. No on-street parking will be permitted.
7. The use shall be subject to any applicable permitting requirements, safety standards, or rules and regulations.
8. The owners of record of any Limited Lodging, Short Term shall, within 30 days after commencement of the use and/or the listing of the Limited Lodging, Short Term on a booking agent website, provide and supply to the Zoning Officer the name(s), address(s), phone number(s) and other requested information of a contact person to ensure that a representative of the Limited Lodging, Short Term can be contacted at all times in case of an emergency.

§ 145-64 MANUFACTURED HOME PARK.

- A. Manufactured Home Park Total Lot Requirements.
 1. Minimum Total Lot Size: Five (5) acres.
 2. Minimum Total Lot Width (at ROW):
 - a. 100 feet for portions used for general vehicular entrances and exits.
 - b. 200 feet for portions containing manufactured home berths.
- B. Access point on existing interior street.
- C. Buffer area. Each manufactured home park shall be surrounded by a buffer area at least fifty (50) feet wide along the inside of the lot lines.
- D. Side and rear yards of gross lot. Fifteen (15) feet minimum from any manufactured home berth to any lot line.
- E. Minimum setback of all manufactured homes and Accessory Structures: Thirty (30) feet from property line abutting public street or highway.
- F. Distance between manufactured homes: A minimum- of fourteen (14) feet separation from any point of a manufactured home to another manufactured home.

§ 145-65 MEDICAL MARIJUANA DISPENSARY.

Any facility dispensing medical marijuana must be legally registered in the Commonwealth of Pennsylvania and possess a current valid medical marijuana permit from the Pennsylvania Department of Health (DOH). All statutes and regulations from the Commonwealth must be followed.

§ 145-66 MEDICAL MARIJUANA GROWER/PROCESSOR.

Any facility growing or processing medical marijuana must be legally registered in the Commonwealth of Pennsylvania and possess a current valid medical marijuana permit from the Pennsylvania Department of Health (DOH). All statutes and regulations from the Commonwealth must be followed.

~~§ 145-67 PUBLIC GARAGE.~~

~~A. No street entrance or exit of a public garage shall be within two hundred (200) feet of a street entrance or exit of any Public or Private School, Day Care Center, park or playground conducted for and attended by children.~~

~~B. In a Mixed Use District or the Presque Isle District, portions of a Public Garage may be reserved solely for residential use.~~

~~C. At any vehicle exit opening upon a street a minimum of fifteen (15) feet of unoccupied space shall be maintained between any gate or door and the right of way line. The height of such open unoccupied space shall be not less than twelve (12) feet. There shall be a clear sight triangle located between a point at the centerline of the doorway and two points on the right of way line which are to be located twelve (12) feet on either side of the extension of the centerline of the doorway on the right of way line.~~

~~§ 145-68 RECREATION FACILITY.~~

- A. These supplemental regulations apply to outdoor uses at Private and Commercial Recreational Facilities.
- B. All pools, tennis courts or other comparable facilities shall be considered structures for the purpose of this Chapter.
- C. The facility area and lot boundaries shall be landscaped as required by the applicable buffer yard requirements for the zoning district.
- D. All facilities shall abut a public road and have a permanent access thereto.
- E. All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
- F. All other facilities must protect against objects leaving the field of play and entering the right-of-way through the use of fences, netting, plantings, hedges, or other appropriate means.

- G. As determined by the Zoning Officer, fences needed to comply with Subsection F above may exceed the six (6) foot fence height limitation in § 145-32 of this Chapter.

§ 145-~~6968~~ RECYCLING MATERIAL AND PROCESSING FACILITY.

- A. Any litter generated by the operation shall be removed. Litter control shall be provided at the entrance(s) of the facility and along the street, sidewalk and setback areas adjacent to the facility.
- B. Dust generated from the facility shall be controlled to the maximum extent feasible. Control measures may include, but are not limited to, misting systems, water trucks, manual or mechanical sweeping and use of negative ventilation.
- C. Operating hours, including the collection and transportation of receptacles, shall not exceed 7:00 a.m. to 6:00 p.m. when the lot the facility is located on is within five hundred (500) feet of the boundary of a residential lot, except where separated by an arterial road, thoroughfare or railway.
- D. All recyclable materials shall be stored in receptacles or within an on-site building. Temporary stockpiling of collected materials (less than one (1) year) is permitted if materials are stored in a receptacle or building by the close of each business day and any such stockpiling is located behind a screening fence. Outside storage is not permitted except as provided in § 145-35 of this Chapter.

§ 145-~~7069~~ SANITARY LANDFILL.

- A. Landfill operations shall be located at least 1,000 feet from any property line adjoining a residential use or zoning district and at least five hundred (500) feet from a property line adjoining any other zoning district.
- B. The perimeter of all landfill sites shall be screened from adjacent properties and streets with the type of landscaping as required in Article IV of this Chapter.
- C. Evidence of compliance with all regulations and permit requirements of the PaDEP and other state and federal agencies with jurisdiction over such operations shall be submitted with the application for land development.
- D. A suspension or revocation of the PaDEP permit shall be an automatic suspension or revocation of all Township permits and approvals.

- E. If a change of ownership occurs, the new owner shall submit a new application for Conditional Use. Approval of the new application shall not be granted until a state permit is issued to the new owner by PaDEP.
- F. The Zoning Officer, Township Engineer or any other official designated by the Supervisors may inspect the facility at the discretion of the Township or upon complaint to determine if the operation is being conducted according to approved plans and permits.
- G. Access streets to the landfill site shall be constructed according to PaDEP permit requirements. The Township shall require a bond to be posted of sufficient amount to cover the cost of maintenance, repair, and reconstruction of any Township streets over which the collection and disposal vehicles may travel to the approved site. The bond shall be reviewed periodically to determine if the amount is sufficient to cover any maintenance or repair costs.
- H. Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris, and dust shall not be created.

§ 145-~~7170~~ SOLAR ENERGY SYSTEMS.

- A. Solar Energy System General Requirements:
 - 1. Solar Energy Systems requires a Zoning Permit for installation, expansion, modification, alteration, or demolition.
 - 2. To the extent applicable, the Solar Energy System shall comply with this Chapter, the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and any accompanying regulations adopted by the Department of Labor and Industry.
 - 3. The design of the Solar Energy System shall conform to applicable industry standards.
 - 4. The design of Solar Energy Systems shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the facility into the natural setting and existing environment.
 - 5. A Solar Energy System may be roof mounted or ground mounted as set forth herein.
 - 6. A Solar Energy System shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the Solar Energy System provided they comply with the Township's sign regulations.

7. Solar Panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways, unless otherwise screened.
8. Abandonment and removal. Any Solar Panel (roof or ground) that has not been in active and continuous service for a period of one (1) year shall be deemed abandoned and shall be removed from the property to a place of safe and legal disposal.
9. Interference with Electrical Service. In the event that the operation of the Solar Energy System interferes with the supply of electric service to other residents of the township, the Township may restrain operation for such interference with the health safety and welfare of other residents.
10. Connection and Operation in Conjunction with Public Electrical System. Nothing in this Chapter shall be construed to approve any type of Solar Energy System in conjunction with any electrical distribution company that is otherwise regulated by the Public Utility Commission or prescribe the terms and circumstances of operation of Solar Energy Systems, Private or Solar Energy Utility System as they pertain to public electric generation systems (i.e., Penelec or similar companies).

B. Ground-Mounted Solar Energy System General Requirements:

1. A Solar Energy System must comply with all height requirements for the zoning district where the Solar Energy System is to be installed.
2. All ground arrays shall be located no closer than seven (7) feet from the property line as measured from the nearest property line and the edge of the nearest solar array.
3. All exterior electrical and/or plumbing lines shall be buried below the surface of the ground and be placed in a conduit.
4. Ground mounted Solar Energy Systems shall not be considered an Accessory Structure.
5. Ground mounted Solar Energy Systems shall not be located in the required front yard setback.
6. If a ground mounted Solar Energy System is removed, any earth disturbance as a result of the removal of the ground mounted Solar Energy System shall be graded and reseeded.

C. Roof Mounted Solar Energy Systems General Regulations:

1. Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection, or separate flush-mounted solar panels attached to the roof surface.
2. The height of roof mounted systems on the principal buildings or accessory buildings shall not extend more than three (3) feet above the finished roof to which it is mounted but at no time shall any panel exceed the maximum height permitted in the underlying zoning district nor shall any part of the system extend beyond the edge of the roof.

D. Solar Energy System, Private

1. A Solar Energy System, Private shall not be constructed until a principal structure is constructed and a building permit is issued for the Solar Energy System.
2. The Solar Energy System, Private shall be located only in the rear yard or side yard of the property on which it is an accessory use.
3. The total surface area of a ground mounted system, regardless of the mounted angle shall be calculated as part of the overall lot coverage.
4. Emergency Outages. The owner of any Solar Energy System, Private must configure the system in a manner that a backup source of electricity is available during times of outage of the solar energy system.

E. Solar Energy Utility System. Solar Energy Utility Systems shall be permitted exclusively by Conditional Use subject to the following:

1. Located on properties with a minimum lot size of five (5) acres within the CR District and in all Industrial Districts.
2. The Applicant shall demonstrate screening for the operation in compliance with general requirements for nonresidential uses within the zoning ordinance.
3. The Applicant shall provide an operations agreement to the Township which shall set forth operations parameters, the name of the certified operator, inspection protocol, emergency procedures and general safety documentation.
4. Mechanical Equipment. Mechanical equipment associated with and necessary for the operation of the Solar Energy System shall comply with the following:
 - i. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other plant materials which provides a visual screen.

- ii. Mechanical equipment shall not be located in the required front yard setback of the underlying zoning district.
 - iii. Mechanical equipment shall be setback at least ten (10) feet from the rear and side property lines.
5. The Applicant shall demonstrate the manner of decommissioning and removal of the solar arrays that comprise the Solar Energy Utility System. All portions of the Solar Energy System and any appurtenances must be removed to a minimum depth of 18 inches below grade.
6. The facility owner or operator shall post and maintain with the Township Engineer decommissioning funds in an amount equal to 110% of the estimated cost of decommissioning work as financial security for proper decommissioning. Such financial security shall be tendered in a form acceptable and shall be held by the Township as provided in Chapter 125, Subdivision and Land Development; provided, that in no event shall the amount of decommissioning funds be reduced to a sum less than 25% of the original tender unless decommissioning has been fully completed.

§ 145-~~7271~~ TEMPORARY STORAGE FACILITY.

- A. Permits. Temporary storage facilities shall not be authorized upon any lot unless a permit therefor has first been issued by the Zoning Officer.
 1. In order to obtain a temporary storage facility permit, the applicant shall submit a complete application to the Zoning Officer on such form designated by the Township
 2. Such temporary storage facilities shall be located upon the lot only as shown on the application for permit and as approved by the Zoning Officer.
 3. When a permit for such facility is requested, the applicant shall provide on their application a schedule and deadline for removal of the facility.
 4. Such facility shall be authorized by permit only for a period not to exceed 45 days in any calendar year. A permit may be renewed for an additional period of forty-five (45) days upon proper application to and approval by the Zoning Officer. A maximum of one renewal is authorized for dwellings in CR, R1, and R2; a maximum of two (2) renewals is authorized in commercial zoning districts; and a maximum of three (3) renewals is authorized in industrial zoning districts.
 5. No permit shall be presumed to be renewed, nor shall any renewal be effective prior to the date on which the applicant applies for and receives from the Zoning Officer a renewal permit pursuant to procedures and upon paying renewal

application fees as are established by resolution of the Board of Supervisors.

6. The applicant shall tender payment of the application fee as established by the Board of Supervisors and, prior to issuance of any permit, shall also tender to the Zoning Officer a deposit in that sum established by resolution adopted by the Board of Supervisors per temporary storage facility, as applicant's deposit for the timely and proper removal of the temporary storage facility upon expiration of the permit. Applicant's failure to request return of the deposit within one (1) year of the proper removal of the temporary storage facility shall result in a forfeiture of the deposit to the Township.
- B. Performance standards. Temporary storage facilities shall be authorized only subject to compliance with all provisions of this Section, and the following requirements:
1. Such a facility shall be deemed a structure as the term is defined in Article II of this Chapter and shall be subject to regulations governing structures generally.
 2. Except on properties zoned for light industry or heavy industry use, such a facility must be accessory to a principal building or structure on the lot.
 3. Such facility shall comply with all yard setback, height and buffer yard regulations in this Chapter as apply to the lot's zoning district except that a dwelling in the CR, R1, and R2 Districts will be permitted to have one (1) temporary storage facility placed in the driveway of the dwelling. The facility must be placed entirely on a paved surface, situated outside of the right-of-way, and shall not project into any sidewalk, access easement, or other easement, and shall not block vehicular access.
 4. All temporary storage facilities shall be kept by the applicant in good order and repair.
 5. In the event of fire or other casualty restoration work to a residence, a temporary storage facility shall be allowed without need for a permit for a period of fourteen (14) days, so long as the temporary storage facility complies with this Section.
- C. Regulations of this Section shall be administered and enforced generally in accordance with the provisions of [ArticlesArticle](#) IX of this Chapter, except as specifically provided otherwise in this Section.
1. If any person fails to remove a temporary storage facility by the expiration date of a temporary permit or any issued renewal thereof, Millcreek Township shall be entitled to immediately notify the applicant of default and violation, and to exercise full rights against the applicant's deposit to its full amount or actual costs of removing the said temporary storage facility. Where practicable, the

Zoning Officer shall request the person or firm who leased the facility to remove and recover the same, and the Township shall pay invoiced costs for such removal, plus all personnel and other expense incurred by the Township due to the violation, from the applicant's financial security. The balance of such security remaining after such payment, if any, shall be refunded to the applicant or to the issuer of the letter of credit.

2. Upon any revocation of an issued permit or renewal thereof, the Township shall give the applicant notice to remove such facility within ten (10) days after date of such notice and, should applicant fail to do so, the Township shall be entitled to proceed in accordance with Subsection C(1), above.

§ 145-~~73~~72 TREATMENT CENTER.

- A. The maximum number of persons served shall not exceed twenty-four (24).
- B. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
- C. The operator shall submit an emergency management plan for the facility. Additionally, the operator shall file a floor plan showing sleeping areas, emergency exits and bathrooms with the Millcreek Township Code Enforcement Office.
- D. A treatment center shall be located at least a quarter mile from all existing treatment centers and from Day-Care Center, Hotel/Motels, libraries, Public or Private Schools and Group Residence Facilities.

§ 145-73 VEHICLE FUEL STATION (RETAIL AND NON-RETAIL).

- A. Pumps, canopies, fuel islands, tanks, accessory uses, structures and other devices shall be set back a minimum of one hundred (100) feet from any right-of-way line and fifty (50) feet from any property line; in the alternative, the principal structure and use (located in compliance with the required yards for the district in which it is located) shall be located in front of the pumps, canopies, fuel islands, tanks, accessory uses, structures and other devices, and the pumps, canopies, tanks, Accessory Structures, and other devices shall be located a minimum of fifty (50) feet from any right-of-way line and fifty (50) feet from any property line.
- B. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.
- C. The canopy shall be architecturally integrated with the principal structure.

D. All canopy lighting must be fully recessed within the canopy.

§ 145-74 VEHICLE SALES, RENTAL, SERVICE AND REPAIR.

- A. The premises upon which said use is located shall have frontage on an arterial street and may have additional direct vehicular access to a collector street.
- B. All use and equipment for major automobile repair and marine repair shall be conducted entirely within a building.
- C. No derelict, damaged or unlicensed vehicles shall be stored on the premises for more than forty-eight (48) hours.
- D. Vehicles awaiting repair or painting shall be kept behind a fence at least six (6) feet high surrounding the vehicles and obscuring a view of them from adjacent properties and streets.
- E. No loudspeakers shall be permitted outside of any enclosed structures.

§ 145-75 WIND ENERGY SYSTEMS.

A. Wind Energy Systems General Requirements.

1. Applicability

- i. This Section applies to all Wind Energy Systems proposed to be constructed after the effective date of this Chapter.
- ii. Wind Energy Systems constructed prior to the effective date of this Chapter shall not be required to meet the requirements of this Chapter, provided that any physical modification to an existing wind energy system that materially alters the size, type, and number of wind turbines or other equipment shall require a permit under this Chapter.

2. Permit Requirements

- i. No Wind Energy System, or addition of a wind turbine to an existing wind energy system, shall be constructed or located within Millcreek Township unless a permit has been issued to the system owner or operator approving construction of the facility under this Ordinance.
- ii. Developers shall be responsible for all expenses of the Township in the evaluation and approval of a permit.
- iii. Any physical modification to an existing and permitted wind energy system that materially alters the size, type, and number of wind turbines or other

equipment shall require a permit modification under this Chapter. Like-kind replacements shall not require a permit modification.

3. Permit Application.

- i. Permit application shall demonstrate that the proposed wind energy systems will comply with this Chapter.
- ii. The application shall contain the following:
 - a. A narrative describing the proposed WES, including an overview of the project, the project location, the approximate generating capacity of the WES, the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of all ancillary facilities.
 - b. An affidavit or similar evidence of agreement between the property owner and the facility owner or operator confirming that the facility or owner has the permission of the property owner to apply for necessary permits for construction and operation of the WES.
 - c. Identification of the property(ies) on which the proposed WES will be located, and the properties adjacent to the lot(s) on which the WES will be located. Such identification shall include the name of the property owner(s) and the zoning classification of all properties.
 - d. A site plan showing the planned location and height of each wind turbine or WES, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the WES to the substation(s), ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.
 - e. Documents related to decommissioning, including a schedule for decommissioning and financial security to ensure such decommissioning.
 - f. Other relevant studies, reports, certifications and approvals as may reasonably be requested by the Township (these including but not limited to documents confirming compliance with all setbacks and performance standards).

4. Setback requirements.

- i. Wind turbines shall be set back from the nearest occupied building on the subject lot a distance not less than the greater of the maximum setback requirements for principal structures in the zoning district in which the turbine is located or 1.1 times the turbine height, whichever is greater. The setback distance is measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
- ii. Wind turbines shall be set back a minimum distance of 1.25 times the total height of the tower or pole and all equipment (including turbines) mounted thereon from all adjacent property lines and from public or private street right-of-way lines. The total height shall include the height of any structure that a tower or pole is mounted on if it is not mounted directly at ground level.

5. Performance Standards.

- i. To the extent applicable, a wind energy conversion system shall comply with the Pennsylvania Construction Code, Millcreek Township Code Chapter 125, Subdivision and Land Development, Millcreek Township Code Chapter 116, Stormwater Management, and such other applicable provisions of the Code of the Township of Millcreek, all as amended.
- ii. The design of the wind energy system shall conform to applicable industry standards, including those of the American National Standards Institute. An applicant shall submit with an application certificates of design compliance obtained by the equipment manufacturer(s) from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies or other similar certifying organization.
- iii. All electrical components of a WES shall conform to relevant and applicable local, state and national codes and to relevant and applicable Penelec and international standards.
- iv. Wind turbines shall be a nonobtrusive color such as white, off-white or gray.
- v. Wind Energy System shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority regulating air safety.

- vi. WES facilities shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator, any such signage to comply with regulations governing land in the zoning district.
- vii. On-site transmission and power lines between wind energy conversion systems and/or small wind turbine devices, turbines or other structures or buildings shall, to the maximum extent practicable, be placed underground.
- viii. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- ix. Visible, reflective, colored objects, such as flags, reflectors or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- x. Climbing apparatus for WES towers, poles and turbines shall stop twelve (12) feet above ground level.
- xi. All access doors to wind turbines and electrical equipment shall be locked and fenced.
- xii. WES operations shall not cause unreasonable noise that would be objectionable to and/or detract from use and enjoyment of adjacent properties. The Township reserves the right to suspend and/or revoke an operating permit for a WES if, in its opinion, the noise characteristics and/or levels generated by a particular WES are unreasonably loud and pose an undesirable nuisance to neighboring properties.
- xiii. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on any other lot.
- xiv. WES operations shall not cause interference with, disruption to or loss of radio, telephone, television, internet or similar signals and shall mitigate any harm caused by the WES. The Township reserves the right to suspend and/or revoke an operating permit for a WES if, in its opinion, such interference becomes evident, is a nuisance to neighboring property owners and has not been eliminated by the facility owner and/or operator.
- xv. The owner and operator of a WES shall ensure that the system or device does not constitute a safety hazard to persons or neighboring properties by virtue of failure and/or breakage of rotor blades and other parts of the system or device. The Township reserves the right to suspend and/or revoke an operating permit for a WES if, in its opinion, a safety hazard

exists until or unless such hazards have been corrected to the satisfaction of the Township.

- xvi. The co-location of wireless communication antennas on a turbine tower shall not be permitted.
- xvii. The minimum clearance between the lowest arc of the turbine blades and the ground shall be fifteen (15) feet. If the turbine model that is proposed is a vertical axis wind turbine (also referred to as a helix-type windmill or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight (8) feet.

6. Decommissioning

- i. The applicant shall be responsible for notifying the Township's Zoning Officer, in writing, of the end of the useful life of the device or, if applicable, the termination of use of such device. Such notice shall be given not later than thirty (30) days after either occurrence, whichever should first occur. Each day a violation of this Chapter occurs shall constitute a separate violation for purposes of enforcement.
- ii. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches and any other associated facilities.
- iii. Disturbed earth shall be graded and reseeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- iv. Prior to issuance of a permit authorizing the use, the applicant shall submit to the Township a written certification under seal of a Pennsylvania professional engineer, estimating the costs of all work involved in decommissioning of the facilities as of the date on which such facilities are expected to commence full operation. This certification shall be submitted and reviewed in accordance with standards for financial security under Chapter 125, Subdivision and Land Development, and shall be subject to approval by the Township Engineer. The amount of financial security shall be adjusted every three years, in accordance with standards set forth in Chapter 125, Subdivision and Land Development.
- v. The facility owner or operator shall post and maintain with the Township Engineer decommissioning funds in an amount equal to 110% of the estimated cost of decommissioning work as financial security for proper

decommissioning. Such financial security shall be tendered in a form acceptable and shall be held by the Township as provided in Chapter 125, Subdivision and Land Development; provided, that in no event shall the amount of decommissioning funds be reduced to a sum less than 25% of the original tender unless decommissioning has been fully completed.

- vi. If the facility owner or operator fails to complete decommissioning within the periods prescribed in §§ 145-75B(3)(i) and 145-75D(3)(i), below, the Township shall be entitled to exercise its rights against the decommissioning funds (or financial security) in the manner provided in Chapter 125, Subdivision and Land Development, and use such funds to ensure proper decommissioning of all facilities.

B. Small Wind Turbine Systems.

1. Height Requirements. The maximum height is sixty (60) feet measured from ground level to the tip of the Wind Energy System's blade fully extended perpendicular to the ground plane.
2. Supplemental Performance Standards
 - i. The owner and/or operator of a Small Wind Turbine System, at all times, shall maintain a current general liability insurance policy covering bodily injury and property damage caused by or arising from the WECS with limits of at least \$500,000 per occurrence and \$500,000 in the aggregate. A certificate of such insurance shall be supplied to the Township prior to issuance of a permit and a current certificate of insurance shall be supplied to the Township annually within thirty (30) days after the policy anniversary or issuance date.
3. Decommissioning
 - i. The facility owner and operator shall, at its expense, complete decommissioning of the WES or of individual wind turbines within twelve (12) months after the end of the useful life of the facility or individual turbine(s) or, if applicable, within twelve (12) months after the revocation by the Township of a permit authorizing such use. A WES or individual turbine will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

C. Wind Energy Utility Systems.

1. Height Requirements. The maximum height is one hundred twenty (120) feet measured from ground level to the tip of the Wind Energy System's blade fully extended perpendicular to the ground plane.

2. Supplemental Performance Standards

- i. All WEUS shall be equipped with a redundant braking system, including both aerodynamic overspeed controls (these including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- ii. All WEUS towers or poles shall be enclosed by a six-foot fence with a lockable entry, to prevent entry by nonauthorized persons. A metal sign shall be affixed to the entry providing contact information for use in the event of an emergency.
- iii. The owner and/or operator of a WEUS, at all times, shall maintain a current general liability insurance policy covering bodily injury and property damage caused by or arising from the WEUS with limits of at least \$1 million per occurrence and \$1 million in the aggregate. A certificate of such insurance shall be supplied to the Township prior to issuance of a permit and a current certificate of insurance shall be supplied to the Township annually within thirty (30) days after the policy anniversary or issuance date.
- iv. The facility owner and operator of a WEUS shall maintain a telephone number and identify a responsible person for the public and the Township to contact with inquiries and complaints throughout the life of the project. The facility owner and operator shall make reasonable efforts to respond to inquiries and complaints by the public, and shall respond fully to all inquiries and complaints by the Township.

3. Decommissioning

- i. The facility owner and operator shall, at its expense, complete decommissioning of the WEUS or of individual wind turbines within six (6) months after the end of the useful life of the facility or individual turbine(s) or, if applicable, within six (6) months after termination of any lease or agreement authorizing such use or the revocation by the Township of a permit authorizing such use. A WEUS or individual turbine will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

4. Use of Public Roads

- i. The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
- ii. The Township's engineer or a qualified third-party engineer hired by the Township and paid for by the applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
- iii. The Township may require a bond on the road in compliance with State and Township regulations.
- iv. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
- v. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

§ 145-76 WIRELESS COMMUNICATIONS FACILITY (WCF).

A. Purposes.

1. The purpose of this Section is to establish uniform standards for the siting, design, permitting, maintenance and use of wireless communications facilities in Millcreek Township. While the Township recognizes the importance of wireless communications facilities in providing high-quality communications services to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize adverse visual effects of such facilities through standards set forth in the following provisions.
2. By enacting these provisions, the Township intends to:
 - a. Accommodate the need for wireless communications facilities while regulating their location and number so as to ensure the provision for necessary services;
 - b. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
 - c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower-based

wireless communications facilities in the Township, including facilities both inside and outside the public rights-of-way;

- d. Promote the health, safety and welfare of the Township's residents;
- e. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable, Wi-Fi and other wireless communications facilities; and
- f. Minimize adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of such services co-locate their commercial communications antennas and related facilities on existing towers.

B. General Requirements for All WCFs

1. Standard of care. Any WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code, as the same have been adopted by the Township. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
2. Wind. All WCF structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).
3. Aviation safety. A WCF shall comply with all federal and state laws and regulations concerning aviation safety and with Chapter 70, Land, Miscellaneous Activities and Regulations, Part 2, Airport Zoning.
4. Public safety communications. A WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
5. Radio frequency emissions. A WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and

regulations of the FCC, including but not limited to the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

6. Indemnification. Each person that owns or operates a WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the WCF. Each person that owns or operates a WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
 7. Fees. The Township may assess appropriate and reasonable fees directly related to the Township's actual costs in reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring, and other costs.
 8. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
 - a. The WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- C. Specific Requirements for Non-Tower WCF and Collocated Non-Tower WCF
1. Non-Tower WCF
 - a. Non-tower WCF are permitted in all zoning districts subject to the regulations and conditions of this Chapter and subject to applicable permitting by the Township.

- b. Nonconforming Wireless Support Structures. Non-tower WCF shall be permitted to co-locate upon nonconforming tower-based WCF and other nonconforming structures. Co-location of WCF upon existing tower-based WCF is encouraged even if the tower-based WCF is nonconforming as to use within a zoning district.
- c. Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
 - i. All abandoned or unused WCFs and accessory facilities shall be removed within sixty (60) days of the cessation of operations at the site unless a time extension is approved by the Township.
 - ii. If the WCF or accessory facility is not removed within sixty (60) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
- d. Insurance. Each person who owns or operates a non-tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower WCF.
- e. Reservation of rights. In accordance with applicable law and as set forth in more detail in subsequent design and development standards below, the Township reserves the right to deny an application for the construction or placement of any non-tower WCF for numerous factors, which include but are not limited to visual impact, design, and safety standards.

2. Collocated Non-Tower WCF

- a. Non-Tower WCF – No Substantial Change. The following regulations shall apply to all collocated non-tower WCF that do not substantially change the physical dimensions of the wireless support structure to which they are attached, and/or fall under the Pennsylvania Wireless Broadband Collocation Act:

- i. Permit required. WCF applicants proposing the modification of an existing tower-based WCF shall obtain a construction permit from the Township. In order to be considered for such permit, the WCF applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.
 - ii. Related equipment. Ground-mounted related equipment greater than three cubic feet shall not be located within 50 feet of a lot in residential use or zoned residential.
 - iii. Timing of approval for applications that fall under the WBCA. Within 30 calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the WCF applicant in writing of any information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the WCF applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the WCF applicant to provide the information shall not be counted toward the Township's sixty-day review period.
 - iv. Fees. The Township may assess appropriate and reasonable fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF provided they do not exceed any state or federal caps on such fees.
- b. Non-Tower WCF – Substantial Change. The following regulations shall apply to all non-tower WCF that do substantially change the wireless support structure to which they are attached, or that otherwise do not fall under the Pennsylvania Wireless Broadband Collocation Act:
 - i. Prohibited on certain structures. No non-tower WCF shall be located on single-family detached residences, single-family attached residences, or any residential Accessory Structure.
 - ii. Zoning Permit required. To the extent permissible by law, any WCF applicant proposing the construction of a new non-tower WCF, or the modification of an existing WCF (non-tower), shall first obtain a Zoning Permit authorization from the Township. The Zoning Permit application shall demonstrate that the proposed

facility complies with all applicable provisions in this Zoning Ordinance.

- iii. Historic buildings. No non-tower WCF may be located upon any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or on that official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township to be of historical significance.
- iv. Retention of experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF provisions. The WCF applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- v. Development regulations. Non-tower WCF shall be co-located on existing wireless support structures, such as existing buildings or tower-based WCF, subject to the following conditions:
 - a). The total height of any wireless support structure and mounted WCF shall not exceed 20 feet above the maximum height permitted in the underlying zoning district, unless the WCF applicant applies for, and subsequently obtains, a variance.
 - b). In accordance with industry standards, all non-tower WCF applicants must submit documentation to the Township justifying the total height of the non-tower WCF. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - c). If the WCF applicant proposes to locate the related equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
- vi. Security Fencing. Security fencing. A security fence having openings not greater than nine square inches and with a minimum height of six feet and a maximum height of eight feet shall surround any separate communications equipment building.

Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use. The Zoning Officer may authorize a fence height up to eight feet without variance relief from general regulations in this Chapter being required.

vii. Design regulations.

- a). Non-tower WCF shall employ stealth technology and be treated to match the wireless support structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.
- b). Noncommercial usage exemption. Township residents utilizing satellite dishes, citizen or band radios, and antennas for the purpose of maintaining television, phone, amateur radio, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this Section of the Zoning Ordinance.

viii. Removal, Replacement and Modification.

- a). The removal and replacement of non-tower WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not substantially change the overall size of the WCF or the numbers of antennas.
- b). Any modification to a WCF shall require notice to be provided to the Township, and a supplemental permit approval may be required if the Township determines that the modification is material.

ix. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

3. Non-Tower WCF in Right-of-Way. In addition to the general WCF requirements set forth in Subsection B, above, and the specific requirements for Non-Tower

WCF and Collocated Non-Tower WCF set forth in Subsection C, above, all non-tower WCFs located in a public right-of-way shall comply with the following regulations:

- a. Location. Non-tower WCF in the ROW shall be located or co-located on existing poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the WCF applicant shall locate its non-tower WCF on existing poles or freestanding structures that do not already act as wireless support structures with the Township's approval.
- b. Design requirements.
 - i. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - ii. Antenna and related equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
 - iii. Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
 - iv. Equipment location. Non-tower WCFs and related equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - a). In no case shall ground-mounted related equipment, walls, or landscaping be located within two [\(2\)](#) feet of the street

- cartway or within an easement extending onto a privately owned lot;
- b). Ground-mounted related equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township if screening is deemed necessary or appropriate in the circumstances.
- c). Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
- d). Any graffiti on any wireless support structures or any related equipment shall be removed at the sole expense of the owner, promptly or within ten (10) days after date of Township's notice to do so.
- e). Any proposed underground vault related to non-tower WCF shall be reviewed and approved by the Township.
- v. Relocation and/or removal of facilities. Within sixty (60) days after the date of written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - a). The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 - b). The operations of the Township or other governmental entity in the right-of-way;
 - c). Vacation of a street or road or the release of a utility easement; or
 - d). An emergency as determined by the Township.

- vi. Repair, replacement and/or removal of facilities and related equipment.
 - a). The owner of any WCF or related equipment located within the right-of-way of a public street in the Township shall ensure that any damaged WCF or related equipment is repaired, restored and/or replaced within sixty (60) days after damage or casualty to the same is sustained.
 - b). The owner of any WCF or related equipment located within the right-of-way of a public street in the Township shall give notice to the Township's Zoning Department within ten (10) days after such WCF and/or related equipment ceased being used or operational, and shall remove the same from the public right-of-way at owner's sole expense within sixty (60) days after such WCF and/or related equipment ceased being used or operational.
- vii. Inspections. The Township may inspect facilities within a public right-of-way without any prior notice being given.

D. Specific Requirements for Tower WCFs

1. All Tower WCFs.

- a. Standard of care. In addition to the general standard of care above, any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors.
- b. Notice. Upon submission of an application for a tower-based WCF and the scheduling of the public hearing upon the application, the WCF applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The WCF applicant shall provide proof of the notification to the Township.
- c. Special exception use. Tower-based WCF are authorized in certain zoning districts as a use on Special Exception at a height necessary to satisfy their function in the WCF applicant's wireless communications system. A tower-based WCF applicant shall submit an application to the Township Zoning Hearing Board, demonstrating that the proposed facility complies with all applicable provisions in the Township Zoning Code. No WCF applicant shall have the right under these regulations to erect a tower to the maximum

height specified in this Section unless it proves the necessity for such height. The WCF applicant shall demonstrate that the antenna/tower/pole for the tower-based WCF is the minimum height necessary for the service area. The Special Exception application shall further include proof or documentation of the following:

- i. The WCF applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The WCF applicant shall further demonstrate that the proposed tower-based WCF must be located where it is proposed in order to serve the WCF applicant's service area and that no other viable alternative location exists.
 - ii. A propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF applicant, the power in watts at which the WCF applicant transmits, and any relevant related tests conducted by the WCF applicant in determining the need for the proposed site and installation.
 - iii. Documentation demonstrating that the proposed tower-based WCF complies with all state and federal laws and regulations concerning aviation safety.
 - iv. Where the tower-based WCF is located on a property with another principal use, the WCF applicant shall present documentation to the Zoning Hearing Board that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility.
 - v. Documentation demonstrating that the proposed tower-based WCF complies with all applicable provisions in this Section.
- d. Engineer inspection. A professional structural engineer, licensed in the Commonwealth of Pennsylvania (structural engineer) shall provide to the Township a written certification and of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure.

This certification shall be provided during the Special Exception hearings or at a minimum be made as a condition attached to any approval given such that the certification be provided prior to issuance of any zoning and/or construction permits.

- e. Visual appearance and land use compatibility. Tower-based WCF shall employ stealth technology which may include the tower portion to be painted silver or another color approved by the Zoning Hearing Board, or shall have a galvanized finish. All tower-based WCF and related equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The Zoning Hearing Board shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.
- f. Co-location and siting. An application for a new tower-based WCF shall demonstrate that the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building, or sited on land owned and maintained by Millcreek Township. The Zoning Hearing Board may deny an application to construct a new tower-based WCF if the WCF applicant has not made a good-faith effort to mount the commercial communications antenna(s) on an existing structure. The WCF applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a 1/4 of a mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:
 - i. The proposed antenna and related equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - ii. The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.

- iii. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
- iv. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- g. Permit required for modification. To the extent permissible under state and federal law then applicable, any WCF applicant proposing modification of an existing tower-based WCF which increases the overall height of such WCF shall first obtain a permit from the Township. Nonroutine modifications are prohibited without the prior grant of a permit.
- h. Additional antennas. As a condition of approval for all tower-based WCF, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based WCF where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennas without obtaining the prior written approval of the Township.
- i. Height. Any tower-based WCF shall be designed at the minimum functional height. In addition, the following height restrictions apply:
 - i. The maximum height of any tower-based WCF shall be one hundred fifty (150) feet when it is located beyond two hundred (200) feet from the Interstate 79 or Interstate 90 rights-of-way within the following zoning districts: C2, C3, I1, and I2.
 - ii. The maximum height of any tower-based WCF shall be one hundred eighty (180) feet when it is located within two hundred (200) feet from the Interstate 79 or Interstate 90 rights-of-way within the following zoning districts: C2, C3, I1, and I2; provided that such tower-based WCF height may be increased to not more than two hundred (200) feet so long as the required setbacks from adjoining property lines (not lease lines) and nearby buildings or structures are increased by one foot for every one foot of height in excess of the stated general maximum height for the district.
- j. Related equipment. Either one single-story wireless communications equipment building not exceeding five hundred (500) square feet in area or up to five metal boxes placed on a concrete pad not exceeding ten (10) feet by twenty (20) feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company

sharing commercial communications antenna(e) space on the tower-based wireless communications facility.

- k. Historic buildings or districts. A tower-based WCF shall not be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Township.
- l. Signs. All tower-based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- m. Lighting. No tower-based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. Strobe lighting is prohibited. The WCF applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary and shall correct such malfunction or outage as soon as is practicable.
- n. Noise. Tower-based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and/or such as to constitute a nuisance under the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- o. Retention of experts. The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The WCF applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- p. Timing of approval. Within [thirty \(30\)](#) calendar days of the date that an application for a tower-based WCF is filed with the Township, the Township shall notify the WCF applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within [one hundred fifty \(150\)](#)

days of the receipt of a fully completed application for the approval of such tower-based WCF, and the Township shall advise the WCF applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the WCF applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

- q. Nonconforming uses. Nonconforming tower-based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Section.
- r. Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
 - i. All unused or abandoned tower-based WCFs and accessory facilities shall be removed within ninety (90) days of the cessation of operations at the site unless a time extension is approved by the Township.
 - ii. If the WCF and/or accessory facility is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
 - iii. Any unused portions of tower-based WCF, including antennas, shall be removed within ninety (90) days of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.
- s. FCC license. Each person that owns or operates a tower-based WCF over [forty \(40\)](#) feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
- t. Insurance. Each person that owns or operates a tower-based WCF greater than [forty \(40\)](#) feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering

the tower-based WCF. Each person that owns or operates a tower-based WCF 40 feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each tower-based WCF.

- u. Certification by engineer. All plans and drawings for a tower-based WCF shall contain a seal and signature of a structural engineer.
 - v. Financial security. Prior to receipt of a Zoning Permit for the construction or placement of a tower-based WCF, the WCF applicant shall provide to the Township financial security in a form accepted under Chapter 125, Subdivision and Land Development, sufficient in amount to guarantee the removal of the tower-based WCF. The amount of said financial security shall be equal to 110% of the cost of removal estimated by a professional engineer under seal as of a date three years after the application date as accepted by Township's Engineer. Said financial security shall remain in place until the tower-based WCF is removed.
2. Tower Based Outside Public Right-of-Way. The following regulations shall apply to tower-based wireless communications facilities located outside the public rights-of-way:
- a. Development regulations.
 - i. Tower-based WCF shall not be located in, or within [one hundred \(100\)](#) feet of, and area in which utilities are primarily located underground.
 - ii. Tower-based WCF of any height are permitted outside the public rights-of-way in the following zoning districts by Special Exception, subject to the above prohibition:
 - a). C2 District
 - b). C3 District.
 - c). I1 District.
 - d). I2 District.
 - iii. Sole use on a lot. A tower-based WCF shall be permitted as a sole use on a lot, provided that the underlying lot is a minimum of 6,000 square feet. The minimum distance between the base of a tower-

based WCF and any adjoining property line or street right-of-way line shall equal 33% of the proposed WCF structure height.

- iv. Combined with another use. A tower-based WCF may be permitted on a property with an existing use, or on a vacant lot in combination with another use, except residential, subject to the following conditions:

- a). The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the WCF.

- b). Minimum lot area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, buffer planting, etc. if the proposed WCF is greater than forty (40) feet in height.

- c). Minimum setbacks. The minimum distance between the base of a tower-based WCF and any adjoining property line or street right-of-way line shall be equal to the total height of the tower-based WCF plus thirty (30) feet or the minimum setback of the underlying zoning district, whichever is greater. Where the site on which a tower-based WCF is proposed to be located is contiguous to an educational use, child day-care facility, or agriculture or residential use, the minimum distance between the base of a tower-based WCF and any such adjoining uses shall equal two hundred fifty (250) feet, regardless of the height of the tower-based WCF, unless it is demonstrated to the reasonable satisfaction of the Board that in the event of failure the WCF is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

- b. Design Regulations.

- i. The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the

stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

- ii. To the extent permissible by law, any height extensions to an existing tower-based WCF shall require prior approval of the Township.
 - iii. Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.
 - iv. Any tower-based WCF over [forty \(40\)](#) feet in height shall be equipped with an anticlimbing device, as approved by the manufacturer.
- c. Surrounding environs.
- i. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
 - ii. The WCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.
- d. Fence/screen.
- i. A security fence having openings not greater than nine [\(9\)](#) square inches and with a minimum height of six [\(6\)](#) feet and a maximum height of eight [\(8\)](#) feet shall completely surround any tower-based WCF greater than [forty \(40\)](#) feet in height, as well as guy wires, or any building housing WCF equipment.
 - ii. Landscaping shall be required to screen as much of a newly constructed tower-based WCF as possible. The Zoning Hearing Board may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Board, they achieve the same degree of screening. Existing vegetation shall be preserved to the maximum extent possible.
- e. Accessory equipment.
- i. Ground-mounted related equipment associated to, or connected with, a tower-based WCF shall be placed underground or

screened from public view using stealth technologies, as described above.

- ii. All related equipment, utility buildings and Accessory Structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
 - f. Access road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility, access road, turnaround space and parking area.
 - g. Parking. For each tower-based WCF greater than forty (40) feet in height, there shall be two (2) off-street parking spaces.
 - h. Inspection. The Township reserves the right to inspect any tower-based WCF to ensure compliance with the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
3. Tower Based WCF inside Public Right-of Way. The following regulations shall apply to tower-based wireless communications facilities located in the public rights-of-way:
- a. Location and development standards.
 - i. Tower-based WCF forty (40) feet or shorter in height are prohibited in areas in which utilities are located underground.
 - ii. Tower-based WCF forty (40) feet or shorter in height shall not be located in the front facade area of any structure.
 - b. Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be

consistent with the police powers of the Township and the requirements of the Public Utility Code.

- c. Equipment location. Tower-based WCF and related equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - i. In no case shall ground-mounted related equipment, walls, or landscaping be located within two (2) feet of the street cartway.
 - ii. Ground-mounted related equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - iii. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - iv. Any graffiti on the tower or on any related equipment shall be removed at the sole expense of the owner, promptly and in any event within [ten \(10\)](#) days after any notice from the Township to do so.
 - v. Any underground vaults related to tower-based WCFs shall be reviewed and approved by the Township.
- d. Design regulations.
 - i. The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.
 - ii. Tower-based WCF in the public ROW shall not exceed [forty \(40\)](#) feet in height.
 - iii. To the extent permissible under state and federal law, any height extensions to an existing tower-based WCF shall require prior approval of the Township, and shall not increase the overall height of the tower-based WCF to more than [forty \(40\)](#) feet.

- iv. Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.
 - e. Relocation or removal of facilities.
 - i. The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 - ii. The operations of the Township or other governmental entity in the right-of-way;
 - iii. Vacation of a street or road or the release of a utility easement; or
 - iv. An emergency as determined by the Township.
 - f. Reimbursement for ROW use. In addition to permit fees as described in this Section, every tower-based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each tower-based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.
- E. Reservation of police powers. The Township, by granting any permit or taking any other action pursuant to this Chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable federal, state and local laws and regulations.

§ 145-77-___ WIRELESS FACILITY, SMALL

A. Permitting

- 1. Administrative Approval Required. An application for the construction or modification of a Small Wireless Facility is required to be submitted to the Zoning Administrator and a Zoning Permit issued prior to the commencement of construction or modification of the Small Wireless Facility. Any application for such permit shall be submitted in accordance with Article IX of this Chapter. Commencing the construction or modification of Small Wireless Facility without a Zoning Permit is a violation of this Chapter.

2. Additional Application Requirements. In addition to the application requirements of Article IX of this Chapter, each Small Wireless Facility application shall have the following:
 - a. All information required pursuant to the Small Wireless Facilities regulations.
 - b. The name of the applicant (including any corporate or trade names), and the name, address, e-mail address, and telephone number of a local representative. If the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider(s) that will be using the Small Wireless Facilities must also be provided. The name and contact information (email; phone; address) of a person or entity at the permit holder and/or wireless service provider to contact in emergency situations (hereinafter "Emergency Contact").
 - c. A statement of which shot clock or shot clocks applicant believes apply to the application and the reasons the chosen shot clock applies. The shot clocks governing the application shall be consistent with those established by FCC Order FCC-18-133, adopted September 26, 2018.
 - d. A separate and complete description of each proposed Small Wireless Facility and the work that will be required to install or modify it, including but not limited to detail regarding proposed excavations, if any; detailed site plans showing the location of the facility and technical specifications for each element of the facility, clearly describing the site and all structures and facilities at the site before and after installation or modification and identifying the owners of such preexisting structures and facilities; and describing the distance to the nearest residential dwelling unit if a residential dwelling unit is within 1000 feet of the Small Wireless Facility. Before and after 360-degree photo simulations must be provided for each facility. This shall be accomplished by providing a site plan consistent with wireless engineering standards, provided it includes the above information.
 - e. Proof that application was mailed to owners of all property within [one hundred \(100\)](#) feet of the proposed Small Wireless Facility.
 - f. A sworn statement from the applicant attesting that the Small Wireless Facility will comply with current FCC regulations. This may be accomplished by the applicant providing copies of its FCC license.
 - g. To the extent that filing of the Small Wireless Facilities permit application establishes a deadline for action on any other permit that may be required in connection with the Small Wireless Facility, the application must include complete copies of applications for every required permit (including without

limitation electrical permits, building permits, traffic control permits, and excavation permits), with all engineering completed and with all fees associated with each permit.

- h. A certification by a registered and qualified engineer licensed in the Commonwealth of Pennsylvania that the installation can be supported by and does not exceed the tolerances of the structure on which the Small Wireless Facility will be mounted and that all elements of the Small Wireless Facility comply with applicable safety standards.
- i. A certification by the permit applicant that (i) the wireless service provider applicant has plans to use the proposed facility within thirty (30) days of completing construction of the facility or (ii) the wireless infrastructure applicant has a contract with a wireless service provider that has plans to use the proposed facility within thirty (30) days of completing construction of the facility.
- j. Payment of all required fees.

3. Application Process.

a. Processing Timeline.

- i. Collocated Facilities. Within sixty (60) days of receipt of a complete application for collocation of a Small Wireless Facility on a preexisting structure, the Township Zoning Administrator shall make a final decision on whether to approve the application and shall notify the applicant in writing of such decision.
- ii. New Facilities. Within ninety (90) days of receipt of a ~~complete application~~ [complete application](#) for a Small Wireless Facility requiring a new structure, the Township Zoning Administrator shall make a final decision on whether to approve the application and shall notify the applicant in writing of such decision.
- iii. Batching.
 - a). If a single application seeks authorization for multiple deployments, all of which fall within a category set forth in Section 145-77A(3)(a)(i) and Section 145-77A(3)(a)(ii), then the period of time the Township has to render a decision is equal to the time period for a single deployment within that category.

- b). If a single application seeks authorization for multiple deployments, the component of which are a mix of collocated and new facilities, then the time period for the Township to render a decision is ninety (90) days.
- iv. Small Wireless Facility permit applications, including applications for other permits under Section 145-77A(2)(g) will be processed in conformity with the timeframes set forth above.
- b. Review for Completeness.
 - i. Generally.
 - a). Within ten (10) days of receipt of an initial application or a supplemental application for a Small Wireless Facility, the Township Zoning Administrator shall make a determination as to the completeness of the application. If the application is deemed to be incomplete, the Township Zoning Administrator shall notify the applicant in writing of the documents or information required to complete the application and the specific rule or regulation creating the obligation to submit such documents or information.
 - b). If a determination as to completeness of an application is not made within ten (10) days of receipt of an initial application, the Zoning Administrator shall make a determination as to completeness of the application within thirty (30) days of receipt of the application. If the application is deemed to be incomplete, the Township Zoning Administrator shall notify the applicant in writing of the documents or information required to complete the application and the specific rule or regulation creating the obligation to submit such documents or information.
 - ii. Rejection for Incompleteness.
 - a). Initial Application.
 - 1) If a Small Wireless Facilities application is rejected for incompleteness within ten (10) days of receipt of an initial application, the shot clock shall restart at zero on the date on which the applicant submits all the documents and information identified by the Zoning Administrator to render the application complete.
 - 2) If the Zoning Administrator rejects the initial application for a Small Wireless Facility more than ten (10) days after receipt

but not more than thirty (30) days after receipt, the shot clock shall be tolled until the applicant submits the additional information.

- b). Supplemental Application. If a Small Wireless Facilities supplemental application is submitted following a notice of deficiency and it is rejected for incompleteness within ten (10) days of receipt of receipt, the shot clock shall be tolled until the applicant submits the additional information.
 - c. Written Decision. The Zoning Administrator shall issue a written decision for all applications. In the event that the application is denied, the Zoning Administrator shall issue a written decision with the reasons therefore.
4. Standard Permit Conditions. All Small Wireless Facility permits under this Section are issued subject to the following minimum conditions:
- a. Compliance. The permit holder shall at all times maintain compliance with all applicable Federal, State, and local law, regulations, and other rules.
 - b. Contact Information. The permit holder shall at all times maintain with the Township accurate contact information for the permit holder and all wireless service providers making use of the Small Wireless Facility, which shall include a phone number, mailing address, and e-mail address for at least one natural person.
 - c. Emergencies. The Township shall have the right to support, repair, disable, or remove any elements of a Small Wireless Facility in emergencies or when the Small Wireless Facility threatens imminent harm to persons or property. If the circumstances allow, Township shall attempt to provide notice to the Emergency Contact prior to taking action, but in any event shall provide notice of an action taken to the Emergency Contact no later than [two \(2\)](#) business days after such action was taken.
 - d. Adverse Impacts on Adjacent Properties. The permit holder shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the Small Wireless Facility.
 - e. Insurance. Each person who owns or operates a Small Wireless Facility shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering such Small Wireless Facility.

- f. Indemnification. Each person that owns or operates a Small Wireless Facility shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Small Wireless Facility. Each person that owns or operates a Small Wireless Facility shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Small Wireless Facility. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- g. Relocation. At the request of the Township pursuant to its police powers or any other authority granted by the Second Class Township Code and Pennsylvania Constitution, Law or regulations and Section 145-77E of this Chapter, the permit holder of a Small Wireless Facility, upon reasonable notice by the Township, shall promptly and at its own expense permanently remove and relocate any Small Wireless Facility in the right-of-way. In the event of a relocation under this paragraph, Township may waive any fees relating to an application for a replacement location and may take such other actions to assist the permit holder to relocate the facility as the Township deems necessary.
- h. Abandonment. The permit holder of a Small Wireless Facility shall promptly notify the Township within ten (10) days of when a Small Wireless Facility has not been in use for a continuous period of sixty (60) days or longer.
- i. Restoration. A permit holder of a Small Wireless Facility who removes or relocates a Small Wireless Facility from the right-of-way must restore the right-of-way in accordance with Section 145-77F of this Chapter.
- j. Wind and Ice. All Small Wireless Facilities shall be designed to withstand ice accumulation and the effects of wind gusts of at least [one hundred \(100\)](#) miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry

Association (ANSI/EIA/TIA-222, as amended), or to the industry standard applicable to the structure.

- k. Aviation Safety. Small Wireless Facilities shall comply with all federal and state laws and regulations concerning aviation safety and with Chapter 70, Land, Miscellaneous Activities and Regulations, Part 2, Airport Zoning.
- l. Graffiti Removal. All graffiti on Small Wireless Facilities or on any Antenna Equipment shall be removed by the permit holder at its sole expense within ten (10) business days of notification by the Township.
- m. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
 - i. The Small Wireless Facility shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or repair.
 - ii. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - iii. All maintenance activities shall utilize the best available technology for preventing failures and accidents.
- n. Public Safety Communications. Small Wireless Facilities shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- o. Radio Frequency Emissions. Radio frequency emissions. A Small Wireless Facility shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- p. Transfer of Permit. A permit for a Small Wireless Facility must be transferred or notification provided to the Township Zoning Administrator as follows:
 - i. If the owner of a Small Wireless Facility and permittee are the same person and there is a change in ownership, the permit must be transferred to the new owner of the Small Wireless Facility.
 - ii. If the owner and permittee are not the same person and there is a change of permittee, but not ownership of the Small Wireless Facility, the permit must be transferred to the new permittee.

- iii. If the owner and the permittee of the Small Wireless Facility are not the same person and there is a change in ownership, by not permittee of the Small Wireless Facility, the change in ownership must be reported by the permittee to the Township Zoning Administrator in writing within thirty (30) days.
- iv. A permit will only be transferred upon application to and approval by the Township.
- v. A permit may not be transferred if a violation of this Chapter exists at the time of application of the transfer unless the transfer will expedite correction of the violation.
- vi. The new permittee shall expressly agree to abide by the permit conditions set forth in Section 145-77A(4).
- vii. The original permittee will not be relieved of an obligation to comply with this Chapter or the terms and conditions of the permit until the transfer has been approved.

5. Permit Fees.

- a. Collocated Facilities. Collocated Facilities. The Township shall by resolution establish the fees to be assessed for Collocated Facilities. Under the Pennsylvania Wireless Broadband Collocation Act (53 P.S. § 11702.1 et seq.), the Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a collocated Small Wireless Facility. In addition, the FCC's presumptively valid fee limits set forth that a one-time application fee shall be \$500 covering up to five Small Wireless Facilities placed on existing poles, with an additional \$100 for each Small Wireless Facility beyond the first five. Furthermore, under the FCC rule, in the event that the Township's actual costs in reviewing and processing the application for approval exceed presumptively valid fee limits, the Township may assess appropriate and reasonable permit fees directly related to the Township's actual cost in reviewing and processing the application for approval of a Small Wireless Facility.
- b. New Facilities. The Township shall by resolution establish the fees to be assessed for New Facilities. Under the FCC's presumptively valid fee limits, the application fee for a Small Wireless Facilities application requiring a new

pole may be a maximum of \$1,000 per new pole. In addition under the FCC rule, in the event that the Township's actual costs in reviewing and processing the application for approval exceed \$1,000, the Township may assess appropriate and reasonable permit fees directly related to the Township's actual cost in reviewing and processing the application for approval of a Small Wireless Facility.

B. Location and Development Standards.

~~1. Zoning Districts. A Small Wireless Facility is a use permitted in all Zoning Districts subject to the regulations of this Section.~~

2.1. Design Aesthetic Standards.

a. Location.

- i. General. All Small Wireless Facilities shall be sited to avoid or minimize land use conflicts in accordance with the following standards:
 - a) The most desirable location for new wireless telecommunications facilities is co-location on existing facilities
 - b) The following list of preferred locations for wireless telecommunications facilities is in order of preference from most to least preferred: Industrial, public or quasi-public, commercial zoning districts.
 - c) The following less preferred locations are listed in order of preference from most to least preferred: Parks or open space and residential zoning districts.
 - d) Wireless communication facilities shall not be located on historically or architecturally significant structures unless visually and architecturally integrated with the structure and shall not interfere with prominent vistas or significant public view corridors.
 - e) If an applicant chooses to not collocate, any new pole must be fifty (50) feet from any pole on which it was technically feasible to collocate.
- ii. Location Restrictions.
 - a) Unless approved by the Township and/or Penn DOT if applicable, facilities and structures must not be located within sight triangles as follows:

- 1) 5-foot leg pedestrian sight triangle at each residential driveway;
and
 - 2) 10-foot leg pedestrian sight triangle at each nonresidential driveway; and
 - 3) An illustration of the sight triangles can be found in the Appendices.
- b) The following restrictions apply to locating facilities and structures within the 30-foot leg corner sight triangle:
- 1) No facility or structure may block or obstruct any traffic signal or sign.
 - 2) No facility or structure may block or obstruct any sight lines.
 - 3) An illustration of the sight triangles can be found in the Appendices.
- c) To the extent possible, a facility, or structure should be located and designed so as to avoid interference with right-of-way maintenance activities, such as:
- 1) Grass mowing, brush collection, tree trimming, and landscaping maintenance;
 - 2) Trash collection;
 - 3) Maintenance of streets, pavement, sidewalks, and bicycle lanes; and
 - 4) Maintenance of other facilities in the rights-of-way.
- d) Facilities and structures at all times must comply with the requirements of the Americans with Disabilities Act of 1990 and all regulations issued thereunder (“ADA”), and shall not encroach or interfere with any accessible facilities including, but not limited to, sidewalks, ramps, and transitions or render such facilities non-compliant with the ADA.
- e) Facilities and structures must be located in alignment with existing utility poles and streetlights.
- f) Structures must not be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.

- g) To the extent possible, new facilities and structures within the right-of-way must be located along an extension of the lot line shared between two lots in line with existing lot lines, but in areas where multiple structures abut each other structures must not be located directly in front of an entrance or window of any existing structure.
- h) A combination structure and streetlight pole should only be located where an existing pole can be removed and replaced, or at a new location where the Township has identified that a streetlight is necessary.
- i) Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning of trees, shrubs, or other landscaping already existing in the right-of-way must be noted in the application and approved by the Township.
- j) To the extent it is technically feasible, if a permit holder installs a new facility, the permit holder must allow other Small Wireless Facilities to collocate on the permit holder's facility.

b. Height Restrictions and Limitations.

- i. The height of a facility may not exceed fifty (50) feet above ground level or be more than ten (10) percent taller than other adjacent structures.
- ii. The collocation of new antenna facilities may not extend a structure to a height of more than fifty (50) feet or by more than ten (10) percent above its preexisting height, whichever is greater.
- iii. Equipment mounted to structures must not interfere with or create a hazard to pedestrian or vehicular traffic and must be a minimum of ten (10) feet above any pedestrian or bicycle thoroughfare and a minimum of fifteen (15) feet above any traffic lane if the equipment faces the road.

c. General Aesthetic Standards. Permits for Small Wireless Facilities shall incorporate specific concealment elements to minimize visual impacts, and design requirements ensuring compliance with all standards for noise emissions. Unless it is determined that another design is less intrusive, or placement is required under applicable law:

- i. Antennas located at the top of structures shall be incorporated into the structure, or placed within shrouds of a size such that the antenna appears to be part of the support structure provided such can be done without impacting the ability of the antenna to function.

- ii. Radio units or equipment cabinets holding radio units and mounted on a utility pole shall be placed as high as possible on a support structure, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the utility pole. Radio units or equipment cabinets mounted below the communications space on utility poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the support structure on which they are placed.
- iii. Wiring and cabling shall be neat and concealed within or flush to the structure, ensuring concealment of these components to the greatest extent possible.
- iv. Ground-mounted equipment associated with a facility shall be permitted only when no possibility of pole mounting exists. Ground-mounted equipment shall be as small and unobtrusive as possible, and match the aesthetics of other ground-mounted utility equipment in the area. In no event may ground-mounted equipment interfere with pedestrian or vehicular traffic.
- v. In areas where all utilities are provided underground, collocation on existing streetlight poles, or replacement of existing ~~street light~~streetlight pole with a new structure matching the style of the existing ~~street light~~streetlight pole and incorporating a lighting element is preferred. If no streetlight poles exist in the area proposed, the new structure shall consist of a fiberglass or metal pole.
- vi. A new facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.
- vii. Facilities must not be illuminated, except in accordance with state or federal regulations or if incorporated as part of a streetlight pole. If incorporated as part of a streetlight pole, the new lights shall integrate with the existing street lighting design on file with the Township. Facility owner shall assume all costs of power and maintenance for lights on their facility.
- viii. The permit holder must post an identification sign at each facility, including permit holder emergency telephone numbers and wireless service provider emergency telephone numbers. The design, materials,

colors, and location of the identification signs shall be subject to review and approval by the Township. If at any time a new owner or operator provider takes over operation of an existing personal wireless service facility, the new personal wireless service provider shall notify the Township of the change in operation within thirty (30) days and the required and approved signs shall be updated within thirty (30) days to reflect the name and phone number of the new permit holder. The colors, materials and design of the updated signs shall match those of the required and approved signs. No sign shall be greater than one square foot in size.

- ~~3.2.~~ 3.2. Development Standards. Small Wireless Facilities shall be constructed and/or modified in a manner that:
- a. Minimizes risks to public safety, such as causing any physical or visual obstruction to pedestrian, bicycle or vehicular traffic, creating safety hazards to pedestrians, cyclists, and/or motorists; ~~ii~~
 - ~~a.~~b. Ensures that placement of facilities on existing structures is within the tolerance of those structures;
 - ~~b.~~c. Maintains the integrity and character of the neighborhoods and corridors in which the facilities are located;
 - ~~c.~~d. Ensures that the Township bears no risk or liability as a result of the installations; and
 - ~~d.~~e. Ensures that applicant's use does not interfere with the primary uses of the right-of-way, or hinder the ability of the Township or other government entities to improve, modify, relocate, abandon, or vacate the right-of-way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the right-of-way.
- C. Standard of Care. Any Small Wireless Facility shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code, as the same have been adopted by the Township. Any Small Wireless Facility shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger any person or any property in the Township.
- D. Removal. In the event that use of a Small Wireless Facility is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date

when the use shall be discontinued. Unused or abandoned Small Wireless Facility or portions of a Small Wireless Facility shall be removed as follows:

1. All abandoned or unused Small Wireless Facilities and accessory facilities shall be removed within sixty (60) days of the cessation of operations at the site unless a time extension is approved by the Township.
 2. If the Small Wireless Facility or accessory facility is not removed within sixty (60) days of the cessation of operations at a site, or within any longer period approved by the Township, the Small Wireless Facility and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the Small Wireless Facility.
- E. Relocation. Except as otherwise prohibited by state or federal law, a permit holder must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate any of its Small Wireless Facilities in the right-of-way whenever the Township request such removal and relocation as provided below. The Township may only make such a request to prevent the Small Wireless Facility from interfering with a present or future Township use of the right-of-way; a public improvement undertaken by the Township; an economic development project in which the Township has an interest or investment; when the public health, safety, or welfare require it; or when necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way. Notwithstanding the foregoing, a permit holder shall not be required to remove or relocate its facilities from any right-of-way that has been vacated in favor of a non-governmental entity unless and until that entity pays the reasonable costs of removal or relocation to the permit holder. In the event of a relocation under this paragraph, Township may waive any fees relating to an application for a replacement location and may take such other actions to assist the permit holder to relocate the facility as the Township deems necessary.
- F. Restoration. In the event that a permit holder removes or is required to remove a Small Wireless Facility from the right-of-way under this Chapter (or relocated pursuant to Section E above), the permit holder must restore the right-of-way to its prior condition in accordance with the Township specifications. However, a structure owned by another entity authorize to maintain that support structure in the right-of-way need not be removed by must instead be restored to its prior condition. If permit holder fails to make the restoration required by this Section, the Township at its option may do such work. In that event, the permit holder shall pay the Township within [thirty \(30\)](#) days of billing therefor, the cost of restoring the right-of-way.
- G. Reimbursement for ROW Use. In addition to permit fees as described in this Section, every Small Wireless Facility in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such

compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The permit holder of each Small Wireless Facility shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The Township shall by resolution establish the annual fees to be assessed for use and occupancy of the ROW. In addition, the FCC's presumptively valid fee limits set forth that recurring fees shall be \$270.00 for each Small Wireless Facility.

- H. Reservation of Police Powers. The Township, by granting any permit or taking any other action pursuant to this Chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable federal, state and local laws and regulations.

Article VI

SIGNS

§ 145-78 FINDINGS, PURPOSE AND INTENT; INTERPRETATION.

- A. Signs obstruct views, distract motorists, displace alternative uses for land and pose other problems that legitimately call for regulation. Signs also perform an important function in identifying and promoting properties, businesses, services, residences, events and other matters of interest to the public.
- B. Regulations established in this Article are intended to regulate the size, color, illumination, movement, materials, location, height, condition and number of signs in order to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and are protective of property values, the character of neighborhoods and the public's health, safety and general welfare.
- C. This Chapter must be interpreted in a manner consistent with the United States and Pennsylvania Constitutions regarding freedom of speech. If any provision of this Article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this Article which can be given effect without the invalid provision.
- D. The intent of the Township in establishing these regulations is to:
 - 1. Create an atmosphere of prosperity and stimulate commercial activity;
 - 2. Establish standards for the size, color, movement, materials, height, quantity, location, construction, maintenance and permitting of signs;
 - 3. Establish standards for the illumination of signs to ensure visibility while minimizing potential hazards and distractions to traffic;
 - 4. Set standards and provide uniform controls that permit reasonable use of signs and preserve the character of the municipality;
 - 5. Restrict the location of sign types to certain zoning districts; and
 - 6. Provide for permit fees for all signs and for enforcement of regulations.
- E. The regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the Commonwealth, the federal government or

this Township. The inclusion of government in describing some signs does not intend to subject the government to regulation, but instead helps illustrate the type of sign that falls within the immunities of the government from this regulation.

§ 145-79 GENERAL REGULATIONS.

- A. Location of signs. In no case, except for official traffic and street signs, shall any sign be erected so that it:
1. Is closer than ten (10) feet to a street shoulder or curb and lies within or projects over the right-of-way of a street;
 2. Lies within any clear sight triangle;
 3. Obscures a motorist's, pedestrian's or bicyclist's view of traffic signals, stop signs or other warning devices;
 4. Obscures a motorist's, pedestrian's or bicyclist's view of the roadway, intersections or driveways and egress;
 5. Blocks or obstructs any exit or entrance and/or the movement of pedestrians, bicyclists or others;
 6. Lies within a distance of seven (7) feet from a side yard property line or within a parking space or a fire lane; and/or
 7. Casts glare or is otherwise detrimental to neighboring occupancies or to the safe movement to traffic.
- B. Area of signs. (See the Appendices.)
1. The area of a sign shall include perimeter framework or trim. Where the sign consists of individual letters, designs or symbols attached to a building, awning, wall or window, the area shall be ~~that of the smallest rectangle that encompasses all of the letters, designs and symbols.~~ the sum of the areas of each such individual letter, design or symbol.
 2. In computing the area of a double-faced or multiple-faced sign, only the side with the most square feet (SF) will be considered. If the interior angle formed by the faces of the sign is 90° or more, then all sides of such sign shall be considered in calculating the sign area.
 3. If a building has walls fronting on two or more streets or if the property fronts on

more than one street, the sign area for each building wall or property frontage shall be computed separately.

4. A sign supported by more than one means, such as freestanding, wall, roof, or projecting, shall have its area and height calculation determined by the type of sign which has the most restrictive standards.
5. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
6. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

C. Requirements.

1. All signs hereafter erected shall conform to the provisions of this Chapter, the Pennsylvania Construction Code and all other applicable federal, state and Township regulations.
2. No sign shall be illuminated by other than electrical means. This subsection does not prohibit use of solar energy as a power source.

D. Maintenance.

1. All signs shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible and the sign and its structural components are in conformance to the provisions of this Chapter.
2. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.

E. Sign illumination.

1. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
 - a. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.

- b. No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.
 - c. Hours of operation. Signs on nonresidential properties may be illuminated from 5:00 a.m. until 11:00 p.m., or one-half hour past the close of business of the facility being identified or advertised, whichever is later. Signs shall provide an automatic timer to comply with the intent of this Section.
 - d. Brightness. Message center signs and digital displays are subject to the following brightness limits. During daylight hours between sunrise and sunset, luminance shall be no greater than 5,000 nits. At all other times, luminance shall be no greater than 250 nits. Each sign must have a light-sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
 - ~~e. Message duration. The length of time each message shall be displayed on a message center sign, digital display, or Tri-Vision Board sign shall be no less than eight (8) seconds.~~
2. Types of illumination. Where permitted, illumination may be:
- a. External. Externally illuminated signs, where permitted, are subject to the following regulations. The source of the light must be concealed by translucent covers, and external illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
 - b. Internal. Internally illuminated signs, where permitted, are subject to the following regulations. Internal illumination, including neon lighting, must be static in intensity and color.
3. Electronic message centers are permitted in accordance with the regulations contained in § 145-89.
4. Electrical standards.
- a. All work shall be completed in full compliance with the Pennsylvania Construction Code.
 - b. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.

- c. The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to the Township as a condition precedent to the issuance of a sign permit. Equipment/materials specification or data sheets supplied by the light manufacturer that contain brightness information can be used to satisfy this certification requirement.
5. Glare control. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

§ 145-80 PERMITS AND IDENTIFICATION.

- A. It shall be unlawful for any person to erect, install, locate, alter (dimension or type), or relocate any sign or sign structure within the Township without first obtaining a sign permit, unless the sign or sign structure is not required to have a permit as outlined in § 145-81. A permit must be obtained from the Township authorizing the erection of all signs and sign structures in the Township prior to commencement of erection or installation, unless specifically exempted in this Article.
- B. Before any permit is granted for the erection of a sign or sign structure, plans and specifications shall be filed with the Township showing the dimensions, materials and details of construction, anchorage and any other pertinent engineering data. The Township shall use the design and construction standards required for signs in the Pennsylvania Construction Code. Plans for signs with an area greater than 300 square feet shall be prepared by a professional engineer and certified that they meet the requirements of the Pennsylvania Construction Code.
- C. The owner of property on which a portable sign is to be located must obtain a sign permit before having the sign delivered to the site.
- D. No sign shall be enlarged or relocated except in conformity with the provisions of this Chapter for new signs, nor until a proper permit has been secured. The changing of content or movable parts on any electronic message center or sign which features automatic, manual or other switching or changing of its message content that is designed for such changes or the repainting or reposting of display matter shall not be deemed an alteration, provided the conditions of the original approval and the requirements of this Chapter are not violated.
- F. Upon the filing of an application for a permit, the Zoning Officer may examine the site where the sign is to be erected. If the proposed site and sign are in compliance with the

requirements of this Chapter and other laws of the Township, the Zoning Officer shall then issue the permit.

- G. Every sign for which a permit has been issued shall be plainly marked with the Township permit number displayed in a conspicuous place. The Township will provide a label with a permit number at the time the permit is issued.
- H. All rights and privileges acquired under the provisions of this Chapter or any amendment hereto are mere licenses, revocable at any time by the Township and all such permits shall contain this provision.
- I. Erection, relocation and/or alteration of the sign under the issued permit must be completed within six (6) months after date of issuance of a permit or the permit shall be considered void, unless a request for an extension is submitted by the applicant and approved by the Zoning Officer.
- J. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of or the person maintaining the sign involved from responsibility for its erection in a safe manner and in a manner in accord with all the other provisions of this Chapter.
- K. A permit fee and a deposit, if applicable, shall be established from time to time by Resolution of the Township Board of Supervisors and shall be paid by the applicant prior to any issuance of a permit.
- L. Permits issued for temporary signs shall be valid for a period of sixty (60) days after issuance.
- M. The Zoning Officer may revoke a sign permit under any of the following circumstances:
 - 1. It is determined that information in the application was materially false or misleading.
 - 2. The sign as installed does not conform to the sign permit application.
 - 3. The sign violates this Chapter, building code, or other applicable law, regulation, or ordinance; or the Zoning Department determines that the sign is not being properly maintained or constitutes a hazard to public health and safety.

§ 145-81 SIGNS THAT DO NOT REQUIRE A PERMIT.

The following signs are permitted in all districts and do not require a permit, provided that the applicable conditions have been met:

- A. Government/regulatory signs.
- B. Signs displaying the official street address of the premises for public safety purposes and for delivery of mail and official governmental notifications, provided that the area of any such sign shall not exceed two (2) square feet and not more than one such sign shall be erected for each occupancy of a premises, unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.
- C. No trespassing signs, signs indicating the prohibition or control of fishing, hunting, etc., or signs indicating the private nature of a road for public safety purposes, provided the area of any such sign does not exceed two (2) square feet.
- D. Flags displayed through use of a permanent fixture, such as a flagpole, provided such flags do not contain any commercial messaging:
 - 1. Location. Flags and flagpoles shall not be located within any right-of-way.
 - 2. Height. Flags shall have a maximum height of thirty-five (35) feet.
- E. Legal notices.
- F. Directional signs, provided they do not contain any commercial messaging, which do not exceed five (5) square feet in area, do not exceed a maximum height of five (5) feet, and are not illuminated.
- G. Window signs, provided the total area of any such sign or all signs together does not exceed five (5) square feet.
- H. Signs painted on or integral to vending machines, fuel dispensing pumps or fuel storage tanks.
- I. Signs which are a permanent architectural feature of a building or structure, such as a cornerstone, or identifying letters carved into or embossed on a building, provided the letters are not made of a reflective material nor contrast in color with the building.
- J. Any temporary sign that does not exceed five (5) square feet and that meets the conditions and restrictions imposed in § 145-83.

§ 145-82 PROHIBITED SIGNS.

It shall be unlawful and a violation of this Chapter for any person to erect, install or locate any of the following:

- A. Signage causing safety hazards, including but not limited to traffic, impairment of

vision, ingress/egress, etc.

- B. Unauthorized signs in the public right-of-way.
- C. Any sign which uses the words "Stop," "Look," "Danger," or any other word or character which attempts or appears to attempt to a direct the movement of traffic or which interferes with or resembles any official traffic sign, signal, or device within seventy-five (75) feet of a public right-of-way or within 200 feet of a traffic control device, whichever is greater.
- D. Signs that contain deceptive, false or misleading information.
- E. Except for traffic control signals, red, green or revolving beacon lights are prohibited within seventy-five (75) feet of a public right-of-way or two hundred (200) feet of a traffic control device signal, whichever is greater.
- F. Any banner sign or sign of any other type is prohibited across a public street or on any public property, except for such signs which are approved by the state and/or Township to be of general benefit to the Township or for public convenience, necessity or welfare.
- G. Abandoned signs.
- H. Snipe signs.
- I. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the Township, applying contemporary community standards.
- J. Signs which prevent the free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
- K. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state or federal government.
- L. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- M. Reflective signs or signs containing mirrors.

§ 145-83 TEMPORARY AND PORTABLE SIGNS.

- A. Temporary signs.

1. General requirements.
 - a. Temporary off-premises signs shall not be permitted.
 - b. Time limit for temporary signs is sixty (60) days.
 - a. No time limit for signs under five (5) square feet.
 2. Total signage area, height and number requirements.
 - a. The maximum signage area of a temporary sign shall not exceed five (5) square feet, unless otherwise permitted within a specific zoning district in accordance with the requirements of this Article.
 - b. The maximum sign height shall be seven (7) feet.
 3. Construction/maintenance requirements.
 - a. Every temporary sign shall be made of durable material and firmly secured to the ground or to an adjacent building.
 - b. Temporary signs that are frayed, torn, broken or no longer legible will be deemed unmaintained.
 4. Illumination. Illumination of any temporary sign is prohibited.
- B. Portable signs.
1. General provisions.
 - a. Hours of illumination. Portable signs may be illuminated only during the hours of operation of the business being advertised. The illumination of any portable sign shall be in compliance with § 145-79E.
 - b. No portable sign shall be larger than thirty-two (32) square feet in area and no sign shall be located less than ten (10) feet from a street right-of-way line.
 - c. These signs may not revolve, be animated or have flashing lights.
 - d. A maximum of one sign per frontage, per occupancy, is permitted.
 2. Sandwich board signs. Sandwich-board signs that comply with the requirements in this subsection shall not be included in the determination of the type, number, or area of signs allowed on a property.

- a. Number. One (1) sandwich-board sign per premises; however, a premise with multiple commercial uses or tenants is permitted one (1) sandwich-board sign per use or tenant.
 - b. Area. Each sign shall have a maximum area of seven (7) square feet per sign face.
 - c. Height. Signs shall have a maximum height of three and one-half (3.5) feet.
3. Sign placement.
- a. If a sign is located on a public or private sidewalk, a minimum of thirty-six (36) inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
 - b. The sign must be located on the premises, and within twelve (12) feet of the primary public entrance, of the establishment it advertises. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.
 - c. Portable signs shall be weighted, temporarily secured or strategically placed so as to avoid being carried away by high winds.
4. Manual changeable copy.
- a. Manual changeable-copy signs are permitted when integrated into a sandwich-board sign.
 - b. Commercial messages must advertise only goods and services available on the premises.

§ 145-84 RESIDENTIAL ZONING DISTRICTS.

- A. Single or two-family dwellings. Non-illuminated, permanent, stationary on-premise signs are permitted in any residential district where the use is a single or two-family dwelling provided that:
1. Total square footage of signage per lot does not exceed an area of five (5) square feet;
 2. The height of any signage does not exceed seven (7) feet if it is a freestanding sign; and
 3. All such signs shall observe at least a ten (10) foot setback from the street right-of-way line.

- B. Multi-family dwellings. The following applies to permanent monument signs on properties with multifamily dwellings and multiple residential buildings, at the entrances of dwelling unit subdivisions, legal nonconforming uses, and conforming nonresidential uses:
 - 1. Total square footage shall not exceed twenty-four (24) square feet of signage for every seventy-five (75) feet of frontage of the lot, not to exceed thirty-two (32) square feet. For lots with less than seventy-five (75) feet of frontage, no more than twenty-four (24) square feet of signage will be permitted.
 - 2. The height of the sign shall not exceed eight (8) feet.
 - 3. All such signs shall observe at least a ten (10) foot setback from the street right-of-way line.
 - 4. Signage may be illuminated from the ground provided that the lights are adequately screened to prevent glare from neighboring properties.
- C. Temporary signs.
 - 1. Shall not exceed five (5) square feet in size per sign.
 - 2. Shall not exceed seven (7) feet in height;
 - 3. Shall observe at least a ten (10) foot setback from the street right-of-way line.
- D. Prohibited signs.
 - 1. Animated/moving, portable, projecting, or roof signs.
 - 2. Vehicular signs.
 - 3. Off-premises signs, including billboards/commercial outdoor advertising.
- E. Electronic Message Centers are currently permitted as Conditional Uses for nonresidential uses and nonconforming uses in residential districts and must comply with § 145-89.

§ 145-85 C1, MU-1, MU-2, and MU-3 DISTRICTS.

- A. The maximum square footage for all building signs per tenant shall not exceed twenty-four (24) square feet for every fifty (50) feet of linear building frontage of the tenant, or part thereof, not to exceed forty-eight (48) square feet. For building frontages with less than fifty (50) square feet of linear frontage, no more than twenty-four (24) square feet of signage shall be permitted. ~~Wall~~[The linear footage of wall](#) signage shall not exceed 65% [of the length](#) of the tenant's frontage.

- B. No animated/moving, billboards/commercial outdoor advertising, portable, projecting, rotating, roof or vehicular signs shall be permitted in this district.
- C. Only one (1) freestanding sign shall be permitted per lot, according to the following standards:
 - 1. Monument signs shall be located at least ten (10) feet from the public right-of-way; shall not exceed fifty (50) square feet in area nor eight (8) feet in height.
 - 2. All other freestanding signs shall not exceed fifteen (15) feet in height with a minimum clearance of seven (7) feet from the ground and thirty-two (32) square feet in area.
- D. Wall signs shall be limited to one per street frontage.
- E. Temporary and portable signs in excess of sixteen (16) square feet but not to exceed thirty-two (32) square feet shall be permitted provided a permit is obtained. Temporary signs in excess of five (5) square feet are to be located a minimum of twenty (20) feet from another temporary sign over five (5) square feet. Temporary signs shall not exceed eight (8) feet in height. No temporary sign is permitted for more than sixty (60) days.

§ 145-86 C2 AND C3 COMMERCIAL DISTRICTS.

- A. The maximum square footage for all building signage per tenant shall be determined by the gross square footage that the tenant occupies as follows:
 - 1. 1 to 24,999 square feet of tenant space: 1 square foot of signage for every 1 foot of linear store frontage, not to exceed 200 square feet of signage per side;
 - 2. 25,000 to 49,999 square feet of tenant space: 1 square foot of signage for every 1 foot of linear store frontage, not to exceed 350 square feet of signage per side;
 - 3. 50,000 to 79,999 square feet of tenant space: 1 square foot of signage for every 1 foot of linear store frontage, not to exceed 550 square feet of signage per side;
 - 4. 80,000 or more square feet of tenant space: 2 square foot of signage for every 1 foot of linear store frontage, not to exceed 800 square feet of signage per side.
- B. Freestanding signs:
 - 1. Shall not exceed twenty (20) feet in height.
 - 2. Shall be not exceed forty (40) square feet in area.

3. In the instance of shopping malls and plazas, detached primary buildings may have one freestanding sign per building, not to exceed fifteen (15) square feet of signage per tenant of the building up to a maximum square footage of three hundred (300) square feet of signage per freestanding sign permitted.
- C. No sign will be permitted within the public right-of-way.
 - D. Building signs:
 1. Shall not exceed eighty percent (80%) of the length of the building or store frontage.
 2. Shall not exceed six (6) feet in height above the existing roof.
 3. Shall not exceed one (1) sign per building, or store front when located in the C2 district, unless located on a corner, in which case, two (2) signs are permitted, one (1) sign per frontage.
 - E. Billboard/commercial outdoor advertising signs are prohibited in the C2 District, but allowed in the C3 District, provided that no such signs may be installed along the Seaway Trail (West Lake Road from Millfair Road to West 6th Street and then along West 6th Street to Pittsburgh Avenue) pursuant to restrictions established by the National Scenic Byway Program and comply with § 145-90.
 - F. Temporary and portable signs in excess of sixteen (16) square feet but not to exceed thirty-two (32) square feet shall be permitted provided a permit is obtained. Temporary signs in excess of five (5) square feet are to be located a minimum of twenty (20) feet from another temporary sign over five (5) square feet. Temporary signs shall not exceed eight (8) feet in height. No temporary sign is permitted for more than sixty (60) days.
 - G. Signage must conform to regulations of Chapter 70, Land Miscellaneous Activities and Regulations, Part 2, Airport Zoning, of the Code of the Township of Millcreek, and Pennsylvania Construction Code.

§ 145-87-_____ INDUSTRIAL DISTRICTS.

- A. In the I1 and I2 Districts, signage shall not exceed one (1) square foot for each two (2) linear feet of building frontage which is perpendicular to the sign.
- B. Building signs:
 1. Shall not exceed eighty percent (80%) of the length of the building frontage.
 2. Shall not exceed six (6) feet in height above the existing roof.

3. Shall not exceed one (1) sign per building unless located on a corner, in which case, two (2) signs are permitted, one (1) sign per frontage.
- C. In addition to building signs, one freestanding stand is permitted, provided:
 1. The sign shall not exceed forty (40) square feet in area, and
 2. The height does not exceed twenty (20) feet, with a minimum clearance of ten (10) feet.
 - D. Billboard/commercial outdoor advertising signs are permitted in accordance with the regulations in § 145-90.
 - E. Temporary and portable signs in excess of sixteen (16) square feet but not to exceed thirty-two (32) square feet shall be permitted provided a permit is obtained. Temporary signs in excess of five (5) square feet are to be located a minimum of twenty (20) feet from another temporary sign over five (5) square feet. Temporary signs shall not exceed eight (8) feet in height. No temporary sign is permitted for more than sixty (60) days.

§ 145-88- PRESQUE ISLE (PI) DISTRICT.

- A. All signage in the PI district shall be considered a Conditional Use and shall meet all applicable sections prior to the Board of Supervisors' approval. Conditions shall include:
 1. The use of the property must be a legal use.
 2. For electronic message centers, the applicant shall demonstrate that all Sections of § 145-89 are met.
 3. The Board of Supervisors may, at their discretion, attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.
- B. Only one (1) freestanding monument sign is permitted, provided that:
 1. A landscaped planter is provided with the minimum area to be equal to the total area of the sign located within the planter.
 2. The exterior finish color and materials are to complement the colors and materials of both the building that the advertised business occupies as well as surrounding buildings in the district.

3. No sign is permitted within the clear sight triangle adjacent to a corner. The clear sight triangle shall measure twenty-five (25) feet by twenty-five (25) feet.
4. Signage shall be based on frontage and restricted to the following maximums:

Property Frontage (feet)	Area (Square feet)	Height (Feet)	Width (Feet)
Less than 100	25	8	10
100 to 299	55, or 0.33 per linear foot of frontage, whichever is less	8	10
300 or more	65 or 0.33 per linear foot of frontage, whichever is less	8	10

5. One (1) additional freestanding monument sign is permitted for lots over 600 feet in street frontage. The additional sign shall comply with Section 145-88B(3).

C. Building signs are restricted to the following:

1. The maximum square footage for all building signs per tenant shall not exceed twenty-four (24) square feet for every seventy-five (75) feet of linear building frontage of the tenant, or part thereof. For building frontages with less than seventy-five (75) square feet of linear frontage, no more than twenty (20) square feet of signage shall be permitted. Wall signage shall not exceed 80% of the tenant’s frontage.
2. Signage is to complement the colors and materials of both the building that the advertised business occupies as well as surrounding buildings in the district.
3. Projections into the required Build To line are permitted for building signs, canopies, and awnings provided that:
 - i. The projection does not encroach into the public right-of-way;
 - ii. There is a minimum of eight (8) feet from the bottom of the projection to the ground.

§ 145-89- ELECTRONIC MESSAGE CENTER SIGNS.

Electronic message centers are permitted in all nonresidential districts provided that:

1. Each such sign shall be equipped with an automatic dimmer device.
2. No animation of any type, no audio components, no pyrotechnics, no scrolling messages, no videos, no flashing lights and no spell effect display mode shall be allowed on any such sign.
3. Duration. Messages shall stay static for a minimum of eight (8) seconds.
4. Transition. The change sequence shall be accomplished by means of instantaneous re-pixelization of less than one second.
5. The maximum area shall not exceed thirty-two (32) square feet.
6. The area of electronic message centers shall be included in the maximum square footage permitted per district.
7. The intensity and contrast of light levels shall remain constant throughout the sign face. No portion of any electronic message center may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, steams, zooms, twinkles, sparkles, or in any manner creates the illusion of movement.
8. Illumination intensity of the sign shall not exceed 5,000 nits during daytime hours.
9. Each such sign shall be shut off between the hours of 11:00 p.m. and 6:00 a.m. on every day and shall use automatic day-night dimming software or other means to reduce the illumination intensity of the sign to 500 nits or less from dusk until 11:00 p.m.
10. Malfunctioning signs shall be turned off or display a dark screen until repaired and operating properly.
11. Signs shall not cause glare.

§ 145-90 BILLBOARD/COMMERCIAL OUTDOOR ADVERTISING SIGNS.

- A. Billboard/commercial outdoor advertising signs are authorized only in C3, I1, and I2 districts.
- B. Only one (1) billboard/commercial outdoor advertising sign may be erected per each premises fronting onto a public right-of-way, provided that:

1. The signs meet applicable district setbacks.
 2. No sign shall be permitted within fifty (50) feet of a Residential, Mixed Use, PI or C1 districts.
 3. The sign is not within 50 feet of any road intersections or 1,000 feet of any other billboard/commercial outdoor advertising sign on the same side of the road.
 4. Signs constructed on buildings must conform to regulations of Chapter 70, Part 2, Airport Zoning, of the Code of the Township of Millcreek, and the Pennsylvania Construction Code.
- C. No billboard/outdoor advertising sign shall exceed thirty-five (35) feet in height to the uppermost portion of the sign or its support structure.
- D. Billboard/outdoor advertising signs shall not exceed of ~~376~~three hundred seventy-eight (378) square feet in area, including borders and trim but excluding supports. A sign having two sides back-to-back or a V-shaped sign with a horizontal angle that is not greater than 90° is permitted.
- E. High-rise signs.
1. High-rise signs shall be authorized only in the area with a one-thousand-foot radius of the intersection of the center lines of Interstate 90 and Route 8 (Wattsburg Road) except as expressly provided otherwise, and shall not exceed a height of eighty (80) feet.
 2. Such signs are limited to one sign per premises.
 3. High-rise signs shall meet the applicable district setback and shall include a buffer of fifty (50) feet when adjacent to Residential, Mixed Use or PI Districts.
 4. High-rise signs shall not exceed a maximum area of two hundred (200) square feet, including borders and trim but excluding supports.
 5. The applicant for a high-rise sign shall acquire all permits that may be required by state or federal agencies.
- F. Illumination.
1. An electronic message center contained within a billboard shall meet the standards in Section 145-89 to the extent not inconsistent with the following operational standards:
 - a. Duration. The full billboard image or any portion thereof must have a minimum duration of thirty (30) seconds and must be a static display.
 - b. Dimmer control. Electronic message center contained within a billboard must

have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level with the result being the appearance of the billboard will be no greater than a conventional billboard externally illuminated. No off-premises advertising sign (billboard) shall be erected without a light detector/photocell, a scheduled dimming timer, or a manual control by which the sign's brightness can be dimmed when ambient light conditions darken.

2. Illumination of conventional billboards shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled rights-of-way or which are of such intensity or brilliance as to cause glare or impair the vision of the driver of the vehicle, or which interfere with any driver's operation of a vehicle, and illumination shall not be permitted that interferes with the effectiveness or obscures an official traffic signal, device or signal. Advertising signs shall not be permitted that contain, include or are illuminated by any flashing, intermittent or moving lights except those giving public service information, such as time, date and temperature or weather.

§ 145-91 SUBSTITUTION CLAUSE.

Notwithstanding any provision of this Chapter to the contrary, to the extent that this Chapter allows a sign containing commercial copy, it shall allow a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Chapter.

Article VII

OFF-STREET PARKING STANDARDS

§ 145-92 GENERAL REGULATIONS

- A. Off-street parking, loading and unloading facilities shall be provided in accordance with the specifications of this Article in any district for uses that are established, enlarged or extended onto any lot after the effective date of this Chapter.
- B. All parking areas established prior to the effective date of this Chapter that are not in conformance with all provisions of this Article shall be allowed to continue as previously laid out. When the cumulative expansion of an existing use or the change to another authorized use within that district results in an increase of more than ten (10) percent in the number of currently required spaces, additional parking must be provided in accordance with the standards of this Article.
- C. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided.
- D. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space. No parking spaces are permitted within the right-of-way.

§ 145-93 MINIMUM REQUIRED PARKING

- A. The minimum required number of parking spaces required is determined according to Table VII-1: Minimum Parking Requirements.
- B. The minimum parking requirement is calculated as the sum of parking required for each use on a site, including multiple uses within a single structure, as measured as follows:
 - 1) When computation results in a fractional number, fractions greater than or equal to 0.5 are rounded up and less than 0.5 are rounded down.
 - 2) Required parking is calculated according to the gross floor area of each use except where specified otherwise.
 - 3) Where required parking specifies staff counts, the calculation shall be based on the maximum staff count during the busiest shift.
 - 4) Where required parking specifies seats, bench seats are counted as one seat for every three feet.

- C. Requirements for unlisted uses. Upon receiving an application for a use not specifically addressed in this Article, the Zoning Officer is authorized to apply off-street parking standards specified for the use deemed most similar to the proposed use.

TABLE VII-1: MINIMUM PARKING REQUIREMENTS	
Use	Requirements
Agricultural Uses	
Agricultural Activities	None except 1 per 200 square feet (SF) of gross floor area of the portion of the building used for sale of products produced on the premises
Forestry	None
Residential Uses	
Continuing Care Facility	1 per room
Dwelling, Duplex	2 per dwelling unit
Dwelling, Multi-Family	2 per multi-family dwelling unit
Dwelling, Single-Family Attached	2 per dwelling unit
Dwelling, Single-Family Detached	2 per dwelling unit
Group Residence Facility	1 per bedroom
Manufactured Home Park	2 per dwelling unit
Mixed Use Occupancy (Residential/Commercial)	Shall comply with the residential and commercial minimums, which can be reduced if shared parking is approved
Treatment Center	1 per bedroom
Civic or Semi-Public Uses	
Cemetery	1 per full-time employee and 0.25 per seat of chapel or assembly room capacity
Correctional Facility	1 per employee on maximum shift plus one per service vehicle
Educational Institution	Pre-K: 1 per employee on peak shift, plus 2 per classroom; K-8: 1 per employee on peak shift, plus 1 per classroom; 9-12: 1 per employee on peak shift, plus 10 per classroom; Post-Secondary: per results of an approved parking needs analysis study
Essential Services	1 per facility
Garage, Public	None
Hospital	Per results of an approved parking needs analysis study
Place of Worship/Assembly	1 per every 3 seats
Public or Private School	See requirements for Educational Institution
Recreation Facility, Public (Indoor)	1 per 4 seats or 1 per 50 SF of GFA if no permanent seats
Recreation Facility, Public (Outdoor)	Per results of an approved parking needs analysis study
Commercial Uses	

Adult-Oriented Use	1 per 200 SF of GFA
Amusement Park	Per results of an approved parking needs analysis study
Animal Daycare	4 spaces, plus 1 per 6 animals at peak occupancy
Bed-and-Breakfast Inn	1 per guest room plus 2 for owner's portion
Bottle Club	1 per every 3 seats plus 1 per each 2 employees
Business Services	1 per 500 SF of GFA
Campground	1 per 6 campsites, plus 4 per laundry and shower facility
Car Wash	1 per 400 SF of GFA, including service bays, wash tunnels and retail areas
Clinic	1 per 200 SF of GFA
Convenience Store, Large Convenience Store, Neighborhood Convenience Store, Small	1 per 200 SF of GFA
Day-Care Center	1 per 300 SF of GFA
Eating and Drinking Establishment	1 per 100 SF of GFA
Financial Institutions	1 per 300 SF of GFA
Funeral Home	1 per 75 SF of public area
Health Club	7.5 per 1,000 SF of GFA
Hotel	1 per room plus 1 per every 2 employees
Kennel	1 per each 5 kennels; minimum of 3 spaces
Lawn and Garden Center	1 per 300 SF of GFA of sales and service building
Makerspace	1 per 250 SF of GFA
Medical Marijuana Dispensary	1 per 300 SF of GFA
Mixed Use Occupancy (Commercial)	Shall comply with the minimums of included uses, which can be reduced if shared parking is approved
Motel	1 per room plus 1 per every 2 employees
Multiple-Establishment Center	Shall comply with the minimums of included uses, which can be reduced if shared parking is approved
Personal Services	1 per 250 SF of GFA
Pet Grooming Establishment	1 per each grooming station; minimum of 3 spaces
Professional Services	1 per 200 SF of GFA
Recreation Facility, Commercial (Indoor) Recreation Facility, Private (Indoor)	1 per 4 seats or 1 per 50 SF of GFA if no permanent seats
Recreation Facility, Commercial (Outdoor) Recreation Facility, Private (Outdoor)	Per results of an approved parking needs analysis study

Retail Business Establishment	1 per each 300 SF of GFA
Shopping Center, Community Shopping Center, Neighborhood Shopping Center, Regional	1 per each 300 SF of GFA
Studio, Dancing or Music	1 per 200 SF of GFA of performance area plus 1 per 400 SF of GFA remainder
Theater	1 per 4 seats
Vehicle Detail	3 per detail station
Vehicle Fuel Service Station	1 per fuel station plus 2 parking spaces
Vehicle Sales, Rental, Service and Repair	1 per 400 SF of GFA of sales and service building
Veterinary Clinic	2.5 spaces for every one treatment room
Industrial Uses	
Aviation Field	A parking needs analysis study must be prepared, which outlines the parking required, prior to Township approval.
Brewery	1 per 1,500 SF of GFA
Building Materials Facility, Lumberyard	1 per 500 SF of GFA including outdoor/exterior display area.
Distribution Facility	1 per 400 SF of GFA
Extractive Industry	1 per employee on peak shift
Heavy Industry/Manufacturing	1 per 1,500 SF of GFA
Junkyard	1 per 500 SF of GFA of buildings plus 10 spaces
Lawn and Garden Supply Facility	1 per 500 SF of GFA including outdoor/exterior display area.
Light Industry/Manufacturing	1 per 500 SF of GFA
Medical Marijuana Grower/Processor	1 per 500 SF of GFA
Recycling Collection and Processing Facility	1 per 500 SF of GFA
Research and Development	1 per 500 SF of GFA
Sanitary Landfill	1 per 500 SF of GFA of buildings plus 10 spaces
Self-Storage Facility	1 per 10 storage spaces, plus 3 spaces
Truck Stop Establishment	1 per each 50 SF of eating area plus 1.5 per each guest sleeping room plus 1 per each 300 SF of floor space devoted to repair plus 1 per each 200 SF of retail space
Warehouse	1 per 1,000 SF of GFA
Wholesale Establishment	1 per 1,000 SF of GFA

§ 145-94 MAXIMUM PARKING

The maximum amount of permitted parking shall be one hundred twenty percent (120%) of the minimum required parking.

§ 145-95 PARKING REQUIREMENT REDUCTIONS

- A. Reserve Parking. If the number of spaces required is larger than the number of spaces the applicant anticipates will be needed, the Zoning Officer may approve holding up to fifty percent (50%) of required spaces as “reserve parking” to avoid unnecessary paving, subject to the following:
 - 1. The applicant shall document that suitable area exists on the site for one-hundred percent (100%) of the parking required. If constructed, the reserve parking shall meet all applicable provisions of this Article as of the date the construction permit is sought.
 - 2. Regardless of the number of spaces initially paved, a parking area shall be designed to fully accommodate the aggregate number of required spaces, and the area held as reserve parking shall be clearly designated on the plan.
 - 3. All stormwater engineering shall be designed based on total parking requirements, including the reserved spaces.
 - 4. The reserve parking area shall be considered in calculating the impervious surface ratio.
 - 5. The Zoning Officer reserves the authority to require that reserved spaces be constructed in the future if the Township determines that they are needed.

- B. Shared parking. Common shared surface parking lots and/or parking garages are preferred and encouraged. The required off-street parking spaces for two (2) or more uses may be provided collectively on one lot or on two or more contiguous lots (as determined exclusive of the right-of-way) subject to the following:
 - 1. The number of shared parking spaces shall be supported by a parking needs analysis study documenting anticipated parking needs based on the combined utilization of all facilities on site simultaneously or demonstrating that the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. The parking needs analysis study shall be prepared by a person or firm trained or certified to perform such studies.
 - a. The Township reserves the right to require an updated parking needs analysis if the submitted parking needs analysis study was based on inaccurate or false data/assumptions or the data/assumptions relied upon in the analysis have been changed. The Township also reserves the right to require additional parking or allow less parking based upon the results of the updated parking needs analysis study.

2. The parties shall execute and submit a Shared Use Parking Agreement outlining the terms and conditions of the shared parking arrangement, including required reciprocal obligations. This agreement, upon acceptance by the Township, shall be recorded with the Erie County Recorder of Deeds by the parties.

§ 145-96 **PARKING LOCATION**

- A. Presque Isle District. For all lots within the Presque Isle District, no proposed parking spaces are allowed between the building and the Right-of-Way. Surface parking spaces shall be limited to the side, the rear or at the face of a building that does not front along a street.
- B. Targeted Commercial Corridors.
 - 1) For all lots fronting a Targeted Commercial Corridor, excluding any lot also within a Residential Zoning District, no ~~more than 40% of the proposed surface parking spaces may be placed between the building and the Right of Way. The remainder less than sixty percent (60%)~~ of the proposed surface parking spaces shall be located at the side, or the rear of a building, or at the face of a building that does not front along a street, and no more than forty percent (40%) of the proposed surface parking spaces may be placed between the building and the Right-of-Way.
 - 2) The Zoning Officer shall approve one (1) of the following incentives for placing the principal building within sixty (60) feet of the Right-of-Way and shall approve one (1) additional incentive from the following incentives if the development provides a minimum of ~~80%~~eighty percent (80%) of the required parking spaces between the building(s) rear face and rear lot line or side face(s) and side lot line(s):
 - i. An increase of gross floor area of ~~15%~~fifteen percent (15%) of a lot's net Buildable Area.
 - ii. An increase of the maximum Building Height of ten (10) feet.
 - iii. A reduction of ~~25%~~twenty-five percent (25%) of the minimum side and/or rear yard setbacks when adjacent to property within the same zoning district.
- C. Partial or full underground parking may be used.
- D. Where parking lots are allowed to locate or remain between the face of a building and its street frontage, a ten-foot-wide planting area shall be provided between the parking lot and street right-of-way.

- E. A garage or carport may be located wholly or partly inside the walls of the principal structure or attached to the outer walls. If separated from the principal structure, a garage or carport shall conform to all applicable Accessory Structure requirements.

§ 145-97 PARKING ACCESS

- A. There shall be adequate provision for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, salespeople and/or the general public as approved by the Zoning Officer.
- B. Fire lanes shall be provided in accordance with the requirements of the current Fire Code as adopted in the Millcreek Township Code, Chapter 29, Code Enforcement, Part 4, Fire Prevention, Article IX, International Fire Code.
- C. Dead-end aisles in off-street parking areas shall be designed to the following minimum standards:
 - 1. Depth of turnaround area: thirteen (13) feet.
 - 2. Width of turnaround area: twenty-four (24) feet.

§ 145-98 OFF-STREET PARKING LAYOUT AND DESIGN

- A. All off-street parking spaces and aisles shall be dimensioned according to Table VII-3: Off-Street Parking Minimum Dimensions and subject to the following:
 - 1. Space width is measured from the centerline of stripes.
 - 2. Compact vehicle parking may be provided for up to thirty percent (30%) of required parking spaces with dimensions according to Table VII-3. Compact vehicle spaces shall be clearly marked or posted for “Compact Cars Only.”
 - 3. Each space shall have a vertical clearance of at least seven (7) feet.

TABLE VII-3: OFF-STREET PARKING MINIMUM DIMENSIONS

Angle of parking	Aisle: One-way, single loaded	Aisle: One-way, double-loaded	Aisle: Two-way, double loaded
90 degrees	20 ft. min.	22 ft. min.	22 ft. min.
60 degrees	18 ft. min.	18 ft. min.	22 ft. min.
45 degrees	14 ft. min.	14 ft. min.	20 ft. min.
Parallel	10 ft. min.	10 ft. min.	20 ft. min.
Standard Space	Minimum 9 ft. wide and 18 ft. deep		

Compact Space	Minimum 8.5 ft. wide and 16 ft. deep
Parallel Space	Minimum 7 ft. wide and 22 ft. deep

- B. Required Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with or exceeding the standards detailed in the state and federal building or accessibility requirements, including the quantity, size, location and accessibility of spaces.
- C. Illumination. All parking lots and parking structures and their related pedestrian areas shall provide a level of illumination at any point in the parking lot or parking structure not less than one foot-candle measured at the pavement. All lighting shall be shielded or otherwise optically controlled to prevent glare and limit trespass on adjacent properties.

§ 145-99 LOADING, SERVICING AND CIRCULATION

- A. Shared loading areas are permitted, provided that each building shall have direct access to the shared loading area without crossing streets or alleys, and that loading spaces within a shared loading area shall meet the minimum required spaces for each building served. No lot served shall be more than five hundred (500) feet from the central loading area.
- B. Loading docks must be of sufficient size to accommodate normal peak load requirements.
- C. Adequate area that is screened from public view shall be provided for dumpsters and the disposal of waste. Dumpster locations shall be in the rear of a parking lot out of view from public streets where feasible.
- D. Interior circulation. The interior circulation of traffic in commercial and industrial areas shall be designed and designated so that no driveway or access lane providing parking spaces would be used as a through street.
- E. Traffic control. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety, nor which is inconsistent with the recommendations and findings of any traffic study adopted or approved by the Township. Traffic control devices may include traffic signals, overhead flashing lights and delineators, such as medial barriers, and not be limited to acceleration and deceleration lanes, turning lanes, one-way traffic flow, traffic and land markings and signs. The plan for traffic control shall provide off-site traffic flow and safety. The developer shall be responsible for the construction of any such traffic control devices.
- F. Drive-through queuing. A minimum of at least two hundred (200) linear feet shall be provided as storage area for vehicles awaiting service for drive-in facilities and uses. The

required [two hundred \(200\)](#) feet may be provided in one or more usable lanes and shall be measured from the right-of-way line of the street to the window or other place in the building where the vehicle must enter or pass for service.

§ 145-100 BICYCLE PARKING.

Each parking area associated with the [Presque Isle Pl](#) District of this Chapter, shall provide bicycle parking spaces in accordance with the following:

- A. Number of required bicycle parking spaces. If a land use or project is anticipated to generate visitor traffic, the project must provide permanently anchored bicycle racks within [two hundred \(200\)](#) feet of the visitor's entrance. To enhance security, visibility and usability, the bicycle racks shall be readily visible from the visitor's entrance and to passersby. The bicycle capacity of the racks must equal an amount equivalent to ~~5~~[five](#) percent (~~5~~[5%](#)) of all required off-street vehicle parking, as identified in Section ~~VII-2145-~~[93](#). There shall be a minimum of one rack with capacity for two [\(2\)](#) bicycles.
- B. Bicycle racks. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided with racks, the racks must meet the following requirements:
 1. The bicycle frame and one wheel can be locked to the rack with a high-security U-shaped shackle lock if both wheels are left on the bicycle.
 2. A bicycle of [six \(6\)](#) feet in length can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.
- C. Parking and maneuvering areas. Each required bicycle parking space must be accessible without moving another bicycle. There must be an aisle at least [five \(5\)](#) feet wide adjacent to all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way. The area devoted to bicycle parking must be hard surfaced.
- D. Visibility. If required bicycle parking is not visible from the street or main building entrance, a sign must be posted at the main building entrance indicating the location of the bicycle parking.

ARTICLE VIII

NONCONFORMING REGULATIONS

§ 145-101 APPLICABILITY ~~and~~ AND ADMINISTRATION.

- A. This Article shall apply to all Nonconforming Uses, Structures and Lots, as defined by this Chapter. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and permits, if required, have been granted prior to the effective date of this Chapter or any amendment thereto.
- B. If boundaries of a zoning district are changed so as to transfer land from one zoning district to another, this Article shall govern uses that thereby become nonconforming.
- C. The Zoning Officer is authorized to register Nonconforming Lots, Structures, Uses of lots and Uses of structures existing in the Township.
- D. When determinations are made in accordance with this Article that a Nonconforming Lot, Structure or Use of a lot or of a Structure exists or may be altered, a record of the determination shall be maintained by the Zoning Officer in the property file.

§ 145-102 NONCONFORMING USES.

- A. Continuation and Sale. Where, at the effective date of adoption or amendment of this Chapter, a lawful use of land or of a structure exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Article.
- B. Proof of Nonconforming Use. The person or party asserting a nonconforming use shall be responsible for and have the burden of proof to provide evidence that the nonconforming use is lawful.
- C. Enlargement or Expansion by Zoning Officer. The Zoning Officer may permit the enlargement or expansion of a Single Family Dwelling, Detached or a public/commercial/industrial Nonconforming Use in accordance with the following criteria and limitations:
 - 1. ~~Expansion~~Enlargement or expansion of the Nonconforming Use shall be limited to an area not to exceed twenty-five ~~(25)~~ percent (25%) of the total

gross floor area of the Structure or the portion of the total lot area that was used by the Nonconforming Use as of the date the use became nonconforming

2. There must be a need for the [enlargement or](#) expansion, such as normal growth or a need to modernize.
3. ~~Expansion~~[Enlargement or expansion](#) of the Nonconforming Use shall be limited to the specific lot(s) upon which the Nonconforming Use was located at the time the use became nonconforming.
4. A Nonconforming Use may not be [enlarged or](#) expanded if the [enlargement or](#) expansion would create a nonconformity that is dimensional, and there shall be no natural right of [enlargement or](#) expansion.
5. The limits set forth herein constitute the total permitted [enlargement or](#) expansion of a [Single Family Dwelling, Detached or a public/commercial/industrial Nonconforming Use](#) by the Zoning Officer. For example, if an applicant receives permission to [enlarge or](#) expand to a Nonconforming Use by ten (10) percent-, in the future the use will only be able to [enlarge or](#) expand by an additional fifteen (15) percent.
6. [The Zoning Officer does not have the authority to permit any enlargement or expansion of a nonconforming use other than that which is allowed under this Section; nor do those nonconforming uses have a natural right of expansion.](#)

If the Zoning Officer determines that the application fails to qualify for an expansion or enlargement, the Officer shall deny the application.

- D. Enlargement or Expansion by Zoning Hearing Board. To the extent an applicant is unable to obtain an enlargement of expansion of a Nonconforming Use under Section ~~VIII-2B~~[145-102C](#) above, the applicant may appeal to the Zoning Hearing Board. The Zoning Hearing Board shall accept any such timely appeal and shall determine whether to grant/deny the requested relief based upon whether the expansion is necessary to the survival of the enterprise, including any need to modernize, whether there is compelling evidence of injury to the public interest and whether the request is reasonable in light of the need, the scope of the expansion and any new impact on surrounding conforming uses.
 1. To the extent any requested enlargement or expansion would violate any other provision of this Chapter, the applicant must seek a variance for such new nonconformity in accordance with Section 145-107B(4) of this Chapter.

2. To the extent any requested enlargement or expansion would go beyond the portion of the lot on which the Nonconforming Use is engaged, the applicant must seek a variance for any expansion of the nonconforming use beyond the area of Nonconforming Use that existed at the time the area became nonconforming in accordance with Section 145-107B(4) of this Chapter..

~~E. Residential Nonconforming Use. A nonconforming private residence or residential use shall not be deemed to have any natural right of expansion.~~

~~F.E.~~ Change of Use, No Enlargement or Expansion.

1. A Nonconforming Use shall not be changed to any use other than a Permitted Use, or approved Special Exception or Conditional Use, except as permitted by the Zoning Officer in accordance with the following standards:
 - a. The new Use will not be more intense (i.e., adding additional traffic, extending hours of operation, additional signage) than the existing Use and will more closely correspond to the Uses authorized in the Zoning District.
 - b. The new Use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing Nonconforming Use.
 - c. When a Nonconforming Use is changed to a Permitted Use, or an approved Special Exception or Conditional Use, the Use thereafter shall not be changed to a Nonconforming Use. Any change from one Nonconforming Use to another Permitted Use, or approved Special Exception or Conditional Use, shall comply with the parking requirements of Article VII of this Chapter for the new Use and shall be subject to the area, bulk and buffer area regulations for such Use in the Zoning District where such Use is authorized as a Permitted Use, Conditional Use or use by Special Exception.

~~G.F.~~ Abandonment.

1. When a Nonconforming Use of a Structure and/or Lot is discontinued for a period of twelve (12) consecutive months, it is presumed that there is an intent abandon the Nonconforming Use. In addition, if the Township can also establish that the Nonconforming Use has actually been abandoned by overt acts, the failure to act or statements, the Structure and/or Lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located.
2. Abandonment does not apply to Lots wherein the owner can provide proof, when requested, to the Zoning Officer that a new tenant or owner is actively being sought.

~~H.G.~~ Damage or Destruction. In the event that a Nonconforming Use in any Zoning District is destroyed or partially destroyed by fire, flood, explosion or other casualty, such Nonconforming Use shall be permitted to be rebuilt or restored, provided it meets the following requirements:

1. The Structure(s) shall be properly secured after the damage or destruction,
2. A building permit shall be obtained within one (1) year of the date of casualty, unless the Zoning Officer grants a six (6) month time extension for good cause. Only two (2) time extensions may be granted.
3. Work is completed before the building permit expires, and
4. No new nonconformity is created and no existing nonconformity is increased except in accordance with [§VIII-2B Sections 145-102C or 145-102D](#).

§ 145-103 NONCONFORMING STRUCTURES.

- A. Structural Alteration. A Nonconforming Structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a ~~required setback~~ [dimensional requirement](#) than the existing Nonconforming Structure does and, further provided that no new nonconformities are created. To the extent such enlargement or alteration increases [or creates](#) a nonconformity, such change shall only be allowed if the Zoning Hearing Board grants a variance in accordance with Section 145-107B(4) of this Chapter. [Any impact on an existing nonconforming use of the nonconforming structure shall be evaluated under Section 145-102.](#)
- B. Damage or Destruction. In the event that a Nonconforming Structure is partially damaged or entirely destroyed by any means, it may be rebuilt or repaired in accordance with the following:
 1. The Nonconforming Structure may be rebuilt or repaired provided the enlargement or alteration does not encroach any further into a required setback than the existing Nonconforming Structure does and, further provided that no new nonconformities are created. To the extent such enlargement or alteration increases a nonconformity, such change shall only be allowed if the Zoning Hearing Board grants a variance in accordance with Section 145-107B(4) of this Chapter.
 2. A Nonconforming Structure that encroached on the setback requirements for the Zoning District in which the Nonconforming Structure is located may be rebuilt or repaired only to the extent of its existing foundation. Any request to

increase a nonconformity shall only be allowed if the Zoning Hearing Board grants a variance in accordance with Section 145-107B(4) of this Chapter.

3. The Structure shall be properly secured after the damage or destruction,
 4. A building permit shall be obtained within one (1) year of the date of casualty, unless the Zoning Officer grants a six (6) month time extension for good cause. Only two (2) time extensions may be granted,
 5. Work is completed before the building permit expires, and
 6. No new nonconformity is created and no existing nonconformity is increased except in accordance with [§Section](#) 145-103A.
- C. Moving. Should a Nonconforming Structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the Zoning District to which it is relocated.
- D. Floodplain. Any expansion or enlargement of any Nonconforming Structure within any identified floodplain shall also satisfy the requirements of Millcreek Township Code, Chapter 70, Part 7, Floodplain.
- E. Signs.
1. Nonconforming Signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign as measured in [§Section](#) 145-79B of this Chapter.
 2. Nonconforming Signs shall not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.
 3. Replaced or repaired signs shall be of equal or lesser dimensions and constructed of the same, or similar durable material than the sign being replaced or repaired and shall contain no other improvements or additions.
 4. Nonconforming Signs shall not be moved to a different location unless the Zoning Hearing Board finds that a relocation on the lot is necessary to comply with law.
- F. Repair or Maintenance. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official Township official responsible for protecting the safety of the public, provided all other requirements of this Section are met.

§ 145-104 NONCONFORMING LOTS.

- A. Any lot of record existing at the effective date of this Chapter and held in separate ownership different from that of the adjacent lots may be developed in accordance with the requirements of the Zoning District of the lot of record.
- B. Where two or more adjacent lots of record with continuous frontage have less than the required area and width and are held by one owner, the lots shall be legally combined by deed and recorded at the County Recorder of Deeds Office for the purpose of complying with this Article. No division of any lot shall be made which does not comply with the requirements of this Article. Any change in lot lines necessary to meet the minimum requirements of this Article shall constitute a revision to the recorded plan and shall meet all applicable requirements of the Chapter 125, Subdivision and Land Development.
- C. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard shall be the average depth of the front yards on the adjacent nonconforming lots.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

§ 145-105 PURPOSE.

The purpose of this Article is to describe the procedures for administration and enforcement of this Chapter and the duties and responsibilities of the Zoning Officer and Zoning Hearing Board as they pertain to this Chapter.

§ 145-106 ZONING OFFICER.

- A. The duty and authority of administration and enforcement of the provisions of this Chapter is hereby conferred upon the Zoning Officer and his or her subordinates and/or designees, who may not hold an elective office in Millcreek Township.
- B. The Zoning Officer and such assistants and subordinates as are designated by the Board of Supervisors shall have such duties and powers as are necessary to administer and enforce this Chapter, including but not limited to the following, which shall apply to the Zoning Officer and all other authorized employees:
 1. Shall receive and act upon applications for permits to authorize the erection, reconstruction, alteration or repair of and additions to buildings and structures, use certificates, sign permits, and other matters under this Chapter, and enforce compliance with this Chapter.
 2. Shall receive and refer to the Zoning Hearing Board all applications for variance, use on Special Exception and other matters within the jurisdiction of said board.
 3. Shall receive and refer to the Planning Commission and Board of Supervisors all petitions requesting rezoning of properties.
 4. Shall refer to the Board of Supervisors such other applications or petitions as are directed to the Board of Supervisors for action.
 5. Shall receive and refer to the Solicitor applications for subdivision waiver approval and assist in review of such applications.
 6. May, with the prior approval of the Board of Supervisors, engage such expert opinions as the Board of Supervisors deems necessary to report upon unusual technical issues which arise.
 7. May consult with the Solicitor as the Board of Supervisors deems necessary to seek clarification on legal issues which arise.

8. Shall be responsible for enforcement of this Chapter.
9. Shall approve and issue a permit or certificate only when all requirements for its issuance have been met.
 - a. Where all requirements for a permit or certificate have not been met, such officials shall in writing deny such application, the writing to state the reason(s) for such denial.
10. Where a permit or certificate has been issued in reliance upon information submitted by the applicant, which is later found to be materially untrue, or has been issued improvidently, such officials shall have authority to revoke such issued permit or certificate. Such revocation shall be in writing and state the reason(s) for revocation, and shall be sent to the person to whom the permit or certificate was issued via U.S. certified mail and any other registered delivery service at the discretion of the Zoning Office.
11. Shall make such investigations as they deem necessary or appropriate in performance of their duties, and shall carry proper identification should they inspect buildings or premises in the performance of their duties.
12. Shall issue all notices or orders necessary to act upon applications and ensure compliance with this Chapter.
13. Shall issue all stop-work orders which may be necessary in event of violations of this Chapter or of any issued permit or certificate.
14. Shall communicate with the Building Code Official retained by the Township to administer and enforce the Uniform Construction Code, and shall receive and maintain on file reports, permits, certificates and other documents received from said Building Code Official. Communications shall include all necessary or appropriate to proper administration of the ordinances, including but not limited to notices of violation of the respective regulations and assistance in enforcement proceedings.
15. Shall issue all notices and prosecute all actions necessary to enforce this Chapter and permits or certificates as issued.
16. Shall retain in permanent files all applications for Zoning Permits, use certificates, petitions for rezoning, applications for variance or use on Special Exception, appeals and other documents submitted to the Township or to the Zoning Hearing Board pursuant to this Chapter and all decisions thereon.
17. Shall retain in permanent files all construction permits, final inspection reports and occupancy certificates issued under Chapter 29, Code Enforcement, Part 3,

Uniform Construction Code, and received from the Building Code Official under that ordinance.

18. Shall submit to the Board of Supervisors monthly and annual written reports of UCC construction permits and of Zoning Permits for activities which are regulated by this Chapter, and shall submit to other appropriate governmental entities reports of such activities as directed by the Board of Supervisors or its designee.

§ 145-107 ZONING HEARING BOARD.

- A. Membership. The membership of the Board shall consist of three residents of the Township to be appointed by resolution of the Board of Supervisors. The Board of Supervisors by resolution may appoint at least one but not more than three residents of the Township to serve as alternate members of the Zoning Hearing Board. Other matters pertaining to the Zoning Hearing Board's membership, removal of members, vacancies, organization and expenditures shall be governed by Sections 903 and 905 through 907 of the MPC.
- B. Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters pursuant to the provisions of Section 909.1-(a) of the MPC:
 1. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the MPC.
 2. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 3. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 4. Applications for variances from the terms of this Chapter as authorized below:
 - a. The Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance, after Public Notice and hearing, if all the following findings are made where relevant in a given case:
 - i. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or

exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

- ii. 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 and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - iii. That such unnecessary hardship has not been created by the appellant.
 - iv. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - v. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- b. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes this Chapter.
 - c. When a variance that has been granted by the Zoning Hearing Board is discontinued or abandoned for twelve (12) consecutive months, the variance shall expire and is no longer authorized.
5. Applications for Special Exceptions as authorized below:
- a. The Zoning Hearing Board shall hear and consider application for Uses on Special Exception in accordance with Section 912.1 of the MPC, and supplemented by the provisions of Article V of this Chapter.
 - b. The Zoning Hearing Board shall not approve a use by Special Exception unless and until a written application for approval of a use by Special Exception is submitted to the Zoning Officer, which includes the following:
 - i. A written statement showing compliance with the any standards and criteria required by this Chapter.
 - ii. The application fee required by the Township.

- c. In approving a Special Exception request, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it deems necessary in order to ensure that the proposed development is consistent with the purposes of this Chapter.
 - d. Approval of a use by Special Exception shall expire automatically without written notice to the applicant, if no application for a land development plan, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for approval of the use by Special Exception is submitted within 12 months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by Special Exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12-month extension.
6. Substantive challenges to the validity of the of any provision of this Chapter, except those to be brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1 (a)(2) of the MPC.
 7. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or Article VII of the MPC applications.
- C. Appeals and applications.
1. Forms. Appeals and applications to the Zoning Hearing Board shall be submitted to the Zoning Officer on such Millcreek Township forms, which may require such additional information as deemed appropriate.
 2. Fees. See [§Section 145-116](#) of this Chapter.
 3. Deadlines for submission of appeals and applications.
 - a. All appeals from determinations of the Zoning Officer or the Township Engineer under ~~§IX-3 (B)~~[Section 145-107B\(2\)](#) and/or [145-107B\(3\)](#) of this Chapter shall be filed with the Zoning Officer not later than [thirty \(30\)](#) days after the date of the determination or of enactment to which said appeal pertains.
 - b. The Board of Supervisors shall have authority to establish deadlines for submission of appeals and applications for inclusion on a monthly agenda of the Zoning Hearing Board, such deadlines to ensure that public notice and other notice requirements of the MPC and/or this Chapter are complied

with.

4. Transmission of documents to Board. The Zoning Officer shall transmit to the Zoning Hearing Board all documents submitted with an appeal or application and, where appeals from determinations or enacted ordinances are filed, all documents constituting the record upon which the action appealed from was taken.
5. Hearings. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:
 - a. Public Notice. Public notice shall be given in accordance with the MPC and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as provided in 53 P.S. § 10109 of the MPC. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
 - b. Fees. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
 - c. Scheduling of Hearing.
 - i. The first hearing before the board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application or appeal, unless the applicant has agreed in writing to an extension of time.
 - ii. Each subsequent hearing before the board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.
 - iii. An applicant shall complete the presentation of ~~his~~their case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing.

- iv. Persons opposed to the application shall complete the presentation of their opposition to the application within [one hundred \(100\)](#) days of the first hearing held after the completion of the applicant's case-in-chief.
 - v. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- d. Discovery. At the discretion of the Chair of the Board, parties may be permitted to conduct discovery, including depositions, to prepare for the hearing. The Chair may issue an order within [twenty \(20\)](#) days after the filing of the appeal to allow for discovery, but in no event shall discovery extend beyond [fifteen \(15\)](#) days prior to the first scheduled hearing, unless approved by the Chair of the Board. Any party wishing to conduct discovery shall submit a request to do so with the Board prior to conducting such discovery, and no later than [twenty \(20\)](#) days after the filing of the appeal. All discovery disputes shall be resolved by the Chair of the Board.
- e. Conduct of Hearings. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the board and accept the decision or findings of the hearing officer as final.
- i. 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.
 - ii. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- f. Parties. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter

appearances in writing on forms provided by the board for that purpose.

- g. Authority of Chair/Presiding Officer. The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- h. Hearing Transcripts. The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- i. Conduct of Board. The board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- j. Decision. The board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within [forty-five \(45\)](#) days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the -light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within [forty-five \(45\)](#) days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision

shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the MPC where the board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 908(1.2) of the MPC, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 908(1) of the MPC. If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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

§ 145-108 ZONING PERMITS.

- A. When Permit Required. An application shall be submitted to the Zoning Officer for the following activities, and it shall be unlawful and a violation of this Chapter for any of the following activities to commence without a Zoning Permit first being issued in accordance with this Article:
 1. Use of any building or other structure, or portion thereof, hereinafter erected, reconstructed, changed, improved, enlarged, or otherwise altered regardless of requirements for issuance of a building permit, including placement of a manufactured home on a property.
 2. Change in use or occupancy of any building or structure, or portion thereof.
 3. Any change in the use of land, except that the placing of vacant land under cultivation shall not require a permit.
 4. Change in use or expansion of a nonconforming structure, or portion thereof.
 5. Change in intensity of use, or extending or displacing the use of any building, structure, and/or land.

6. Demolition or moving of a building or structure.
7. Construction of installation of swimming pools or spas holding over twenty-four (24) inches of water in depth.
8. Construction or alteration of signs.

[9. Backyard Poultry](#)

[10. Beekeeping.](#)

- B. Repairs. Application or notice to the Township is not required for ordinary repairs to buildings or structures, but such repairs shall not include: the cutting away of any wall, partition or portion thereof; removal or cutting of any structural beam or load-bearing support; removal or change of any required means of egress and/or rearrangement of parts of a structure affecting the egress requirements; or addition to, alteration of or replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, mechanical or other work affecting the public health or general safety. Certain repairs will require issuance of a UCC permit and inspection(s) under Chapter 29, Code Enforcement, Part 3, Uniform Construction Code, even where a Zoning Permit is not required.
- C. Authorized Applicant. Application for a Zoning Permit shall be made by the owner or lessee of the building or structure; or authorized agent of either, or by the building contractor or design professional employed or retained by such owner or lessee in connection with such work.
 1. If the application is made by a person other than the owner in fee of the property, it shall be accompanied by an affidavit of the owner to the effect that the proposed work is authorized by the owner in fee, that the person making such application is authorized to do so on behalf of the owner; and that the owner shall be bound by all representations made on the application and by all regulations governing issuance of any permit(s).
 2. The full names and addresses of the owner, applicant and the responsible officers, if the owner or the applicant is a corporation, shall be set forth in the application.
- D. Application requirements.
 1. All applications for Zoning Permits shall be made to the Zoning Officer in writing on forms furnished by the Township and shall include all information necessary to enable the Zoning Officer to ascertain compliance with this Chapter along with such plans, documents and fees as may be required.

- a. Whenever the use involves a new building or structure or alterations to an existing building or structure, an application for a Zoning Permit shall be made prior to application for a Building Permit.
 - b. When no construction is involved, application for a Zoning Permit, Building Permit, and/or a Certificate of Occupancy may be made simultaneously at any time prior to the use or occupancy of the land, building or structure.
2. Approvals required. No Zoning Permit shall be issued unless the applicant submits with the application therefor written confirmation or photocopies of all approvals of Township and other governmental agencies required prior to such construction and/or use, these including but not limited to:
 - a. If a building or structure is to be served by public sewer, a copy of the issued permit to connect to the sewer system;
 - b. If a building or structure is to be served by on-lot septic, a copy of the Erie County Department of Health's septic approval for the proposed building, structure and/or use;
 - c. If a building or structure is to be served by public water and water mains do not abut the premises, written confirmation by the water authority that it is prepared to extend such mains and that applicant has furnished all required applications and fees therefor;
 - d. If required, recordation of an approved subdivision or land development plan;
 - e. If required, a decision of the Zoning Hearing Board authorizing issuance of such permit.
 - f. A certification that the applicant has identified all government agency approvals necessary which shall be sworn to before a notary public or verified subject to 18 Pa.C.S.A. § 4904 regarding unsworn falsification to authorities.
3. Service connections (demolition). Before a building or structure is demolished or removed, the owner or owner's agent shall notify all utilities having service connections within the structure. A Zoning Permit authorizing the demolition or removal of a building or structure shall require that prior to issuance of a UCC permit, the owner shall submit to the Building Code Official a certification that all service utilities and adjacent property owners have been notified of the proposed demolition and that service connections have been removed. Such certification shall be sworn or affirmed to before a notary public or verified subject to the penalties governing unsworn falsification to authorities.

4. Permit Fees. All Zoning Permit applications or amended permit applications shall be accompanied with a fee in the amount as set by the Board of Supervisors, and failure to do so renders the application incomplete.

E. Conditions on permits.

1. A Zoning Permit issued shall authorize only the use or construction specified on the permit and application, and no other.
2. A Zoning Permit shall not be issued until the fees prescribed for it have been paid and all information required for its issuance has been submitted in proper form to the Zoning Officer.
3. All work shall conform to the approved application for which the Zoning Permit has been issued and any approved amendments to the approved application or permit.
4. All new work shall be located strictly in accord with the approved site or plot plan.
5. If the land subject to the proposed building, structure, renovation and/or addition is located within a subdivision or land development previously approved by the Board of Supervisors, the owner(s) shall be responsible for ensuring that all grading, stormwater management, easements, conditions and other terms imposed on the approved plan are preserved and/or complied with during and after construction. A grading plan shall be required whenever revision to the approved grading plan is proposed.
6. If the applicant proposes to construct sidewalks and/or a driveway or other street access, the owner shall be responsible for ensuring that such sidewalks, driveway(s) and other street access are constructed in full conformity with the Americans with Disabilities Act and associated regulations and Township specifications therefor as set forth in Chapter 125, Required Improvements.
7. A Zoning Permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this Chapter, Chapter 29, Code Enforcement, Part 3, Uniform Construction Code, or any other ordinance or regulation governing the work, except as specifically stipulated by legally granted variance as described in the application.
8. No permit shall be issued to any applicant or owner who is then in violation of the terms of a Zoning Permit, sign permit, building permit, development plan approval or agreement, use certificate, certificate of occupancy or other

governmental approval and/or Township ordinance or regulation.

F. Amendments to applications.

1. Subject to the limitations of [§-Section 145-108J](#), amendments to a plan, application or other records accompanying the same shall be filed at any time before completion of the work for which the Zoning Permit is sought or issued.
2. Such amendment(s), if approved and accompanied by any required fee, shall be deemed part of the original application and shall be filed therewith.

G. Action on application. The Zoning Officer shall examine or cause to be examined all applications for permits and certificates and amendments thereto within a reasonable time after filing of all required documents. The following shall apply:

1. If the application does not conform to the requirements of all pertinent laws, the Zoning Officer shall reject such application in writing, stating the reasons for rejection.
2. If the Zoning Officer is satisfied that the proposed work conforms to the requirements of this and other applicable ordinances, he or she shall issue a permit or certificate as soon as practicable.

H. Suspension or revocation of permit. A permit issued under this Chapter may be suspended or revoked by the Zoning Officer if it is determined that the terms of the permit as issued have been violated, that the application was based upon false or misleading information, that conditions imposed on the permit as issued have not been satisfied by the applicant in timely fashion or that applicant has failed to commence or complete work authorized within the time period authorized by the permit.

1. Where a Zoning Permit has been issued in connection with an activity that is subject to regulation under [Millcreek Township Code](#), Chapter 29, Part 3, Uniform Construction Code, the Zoning Officer shall notify the Building Code Official promptly upon suspension or revocation of a Zoning Permit.
2. Enforcement of regulations under Township ordinances other than this Zoning Ordinance shall be within the authority of those officials to whom such responsibility has been delegated by the Board of Supervisors.

I. Signature to permit. The signature of the Zoning Officer or his or her designee shall be attached to every permit or certificate issued by the Township.

J. Time limitations on applications and permits.

1. An application for a Zoning Permit for any proposed work and/or a sign permit

shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; provided, that the Zoning Officer shall have authority to grant one or more extensions of time for additional periods not exceeding ninety (90) days each where good cause is shown.

2. A Zoning Permit shall become invalid if the applicant has not obtained a building permit, where required, within six (6) months after issuance of the Zoning Permit, or if the authorized work has not commenced within six (6) months after the date on which the Zoning Permit or building permit for the activity was issued, whichever is later.
3. Authorization granted by the Zoning Hearing Board or a court of appropriate jurisdiction under a variance allowing issuance of a permit shall be valid for a period of six (6) months from the date of the Zoning Hearing Board's or court's decision, whichever is later, and shall expire and become null and void if an application for the authorized permit is not submitted as required by this Article within six (6) months after the date of said decision.

§ 145-109 USE CERTIFICATE.

- A. A use certificate shall serve as confirmation that a property is zoned for the use proposed in the application and that requirements established in this Chapter for application for, issuance of and compliance with permits as issued have been met.
- B. Issued in conjunction with Zoning Permit. When a Zoning Permit and a Use Certificate are required under this Chapter, an approved and issued Zoning Permit also shall act as the Use Certificate.
 1. A use certificate, either for the whole or any part of a new building or structure or for alteration of an existing building or structure shall be applied for contemporaneously with application for a Zoning Permit, at which time all fees prescribed therefor shall be paid.
 2. A use certificate shall also be required in order to maintain, renew, change, expand or extend a nonconforming use existing at the time of the enactment of the Zoning Ordinance and Zoning Map, and shall state that the use does not conform with the provisions of the Zoning Ordinance and/or Zoning Map.
- C. Issued independent of Zoning Permit.
 1. A ~~use certificate~~Use Certificate for use ~~or occupancy~~ of vacant land or for the change in use of land or for the change in use of an existing building or structure not requiring a Zoning Permit shall be applied for and issued before

any change in the use of land or of any building or structure may be made.

2. The owner or authorized representative may apply for a Use Certificate in order to demonstrate that the property is zoned for the use proposed in the application and that requirements established in this Chapter for application for, issuance of and compliance with permits as issued have been met.
3. A ~~use certificate~~Use Certificate shall not be deemed or interpreted to constitute a Certificate of Occupancy or a certification by Millcreek Township that construction, reconstruction, alteration, demolition or other like activity has been conducted in accordance with standards prescribed in this Chapter, nor shall it be presumed to involve an inspection of such construction activity.
4. A record of all ~~use certificate~~Use Certificate applications and issued certificates shall be kept on file in the office of the Zoning Officer.
5. The Zoning Officer shall refuse to issue a ~~use certificate~~Use Certificate until and unless all requirements for its issuance have been met. If an application for a ~~use certificate~~Use Certificate is not made and/or fees therefor paid in the time and manner prescribed in this Section, no ~~use certificate~~Use Certificate shall be warranted or issued.

§ 145-110 COORDINATION WITH OTHER TOWNSHIP REQUIREMENTS AND PERMITS, STATE AND FEDERAL REQUIREMENTS AND PERMITS.

Applications for Permits. In all cases, any application for a permit of any of the types described in this Chapter shall be decided not only on the basis of compliance with this Chapter, but also on the basis of compliance with all other applicable Township ordinances and all other applicable rules and regulations of the various Township authorities and agencies which might be concerned, as well as applicable State and Federal requirements and permits known by the Township.

§ 145-111 CONDITIONAL USES.

- A. Procedure for Approval. The Township Board of Supervisors shall hear and decide requests for Conditional Uses; however, the Board of Supervisors shall not approve a Conditional Use unless and until:
 - A. A written application for Conditional Use approval is submitted to the Zoning Officer no less than ten (10) working days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Chapter under which Conditional Use approval is sought and shall state the grounds upon

which it is requested. The application shall include the following:

1. A preliminary land development plan, if required by the Subdivision and Land Development Ordinance, or if a land development plan is not required, a current drawing of the property indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Chapter.
 2. A written statement showing compliance with the applicable Supplemental Regulations of Article V of this Chapter for the proposed use.
 3. The application fee required by this Chapter.
- B. A written recommendation is received from the Planning Commission or 45 days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
- C. A public hearing is conducted by the Board of Supervisors pursuant to public notice and said hearing is scheduled no more than sixty (60) days following the date of submission of a complete and properly filed application.
- D. The Board of Supervisors shall render a written decision within forty-five (45) days after the last public hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this Chapter or any other applicable rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- E. Standards and Criteria for Approval. In deciding all applications for Conditional Uses, the Board of Supervisors shall be guided by the following standards and criteria:
1. The proposed use conforms to the applicable regulations of the district.
 2. The recommendation of the Millcreek Township Planning Commission.
 3. Anticipated levels of traffic congestion, noise, glare, and pollution created by the proposed use will be similar to the levels created by the uses permitted in that district.
 4. Any visual or functional conflicts between the proposed use and surrounding existing uses shall be kept to a minimum. Increased setbacks, planted buffers, wooden fences or other measures may be required by the Township to minimize potential conflicts, or to reduce anticipated levels of noise.

Visual and functional conflicts include, but are not limited to, loading docks, parking lots, service driveways, or large nonresidential buildings adjacent to residential neighborhoods or open space areas, without adequate buffering.

5. In granting a Conditional Use, the Board of Supervisors may attach whatever reasonable conditions and safeguards it deems necessary in order to ensure that the proposed development is consistent with the purposes of this Chapter.
- F. Conditional Use approval shall expire automatically without written notice to the applicant, if no application for a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for Conditional Use approval is submitted within twelve (12) months of said approval, unless the Board of Supervisors, in its sole discretion, extends Conditional Use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) 12-month extension.
- G. All appeals from all decisions rendered pursuant to this Section shall be taken to the Court of Common Pleas of Erie County and shall be filed within thirty (30) days after entry of the decision as provided in 42 Pa.C.S. § 5572 (relating to time of entry of order) or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as set forth in Section 908(9)2 of the MPC.

§ 145-112 AMENDMENTS.

- A. The Board of Supervisors may introduce and/or consider amendments to this Chapter and to the Zoning District Map, as proposed by the Board of Supervisors or by the Township Planning Commission or by a petition of landowners of property within the Township.
- B. Petitions for amendments shall be filed with the Millcreek Township Planning Commission at least thirty (30) calendar days prior to the meeting at which the petition is to be heard. In the case of a petition for reclassification of property, the petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned. All petitions shall include a statement justifying the request and documenting consistency with the Comprehensive Plan and a filing fee, in accordance with the fee schedule fixed by resolution of The Township Board of Supervisors. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Township Board of Supervisors.

- C. Any proposed amendment presented to the Township Board of Supervisors without written findings and recommendations from the Planning Commission and the Erie County Planning and Community Development Department shall be referred to these agencies for review at least thirty (30) days prior to the public hearing of the Board of Supervisors. The Board of Supervisors shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of thirty (30) days from the date of referral, whichever comes first.
- D. Public Notice of Hearing
 - 1. Before acting on a proposed amendment, the Township Board of Supervisors shall hold a public hearing thereon, pursuant to public notice, and pursuant to mailed notice and electronic notice to an owner of a tract or lot of land located within a municipality or an owner of the mineral rights in a tract or lot of land within the municipality who has made a timely request in accordance with the MPC.
 - 2. If the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens at least seven (7) days prior to the date of the public hearing.
 - 3. In addition to the requirement that notice must be posted, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the municipality. The notice shall include the location, date and time of the public hearing. The notice shall also include a reference to the place in the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
- E. If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, the Township Board of Supervisors shall hold another public hearing, pursuant to public notice, mailed notice and electronic notice before proceeding to vote on the amendment.
- F. The Township Board of Supervisors shall publish the proposed amendment once a week for two successive weeks in a newspaper of general circulation in the Township not more than [thirty \(30\)](#) nor less than [seven \(7\)](#) days prior to passage.

Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:

1. A copy thereof shall be provided to the newspaper at the time public notice is published.
 2. An attested copy of the proposed ordinance shall be filed in the County Law Library.
- G. Within ninety (90) days of the date when the public hearing on the proposed amendment is officially closed, The Township Board of Supervisors shall vote on the proposed amendment. In the event substantial amendments are made in the proposed amendment, The Township Board of Supervisors shall re-advertise in one newspaper of general circulation in the Township a brief summary of the amendments at least ten (10) days prior to enactment.
- H. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to Erie County Planning and Community Development Department.

§ 145-113 MUNICIPAL CURATIVE AMENDMENTS.

If the Township determines that its zoning ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. The Township shall declare by formal action, its zoning ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the governing body of the municipality shall:
 1. By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:
 - a. references to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b. reference to a class of use or uses which require revision;
or
 - c. reference to the entire ordinance which requires revisions.
 2. Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.
- B. In the event of the failure of a majority of the Board of Supervisors to declare

this Chapter or portions thereof substantially invalid within the thirty (30) days following such declaration, the declaration shall be deemed null and void.

- C. Within one hundred eighty (180) days from the date of the declaration, pursuant to Subsection A, above, the Township shall enact a curative amendment to validate or reaffirm the validity of this Chapter pursuant to the provisions required by the Section 609 of the MPC in order to cure the declared invalidity of this Chapter.
- D. Upon the initiation of the procedures by the Township as set forth in Subsection A, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment as provided for within the Pennsylvania Municipalities Planning Code, nor shall the Zoning Hearing Board be required to give a report requested under 909.1 or 916.1 subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Subsection A(1) above.
- E. Upon completion of the procedures as set forth in Subsections A(1) and A(2) above, no rights to a cure pursuant to the provisions of the Pennsylvania Municipalities Planning Code, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Chapter for which there has been a curative amendment pursuant to this Section.
- F. The Township, having utilized the procedures as set forth in Subsections A and B above, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to this Chapter to fulfill said duty or obligation; provided, however, that the Township shall not be deemed to have utilized the procedures set forth in subsections (A) and (B) either if the Township takes formal action to not declare this Chapter invalid in accordance with subsection (A) or if they fail to act in accordance with subsection (A).

§ 145-114

LANDOWNER CURATIVE AMENDMENTS.

- A. Any landowner in the Township may submit a written proposal, on the form provided by the Township, requesting an amendment of this Chapter or Zoning Map as they relate to the landowner's property, and shall pay the fee fixed by the Township for such a submission.

- B. Applications for amendment of this Chapter shall be presented or postmarked to Township and shall contain the materials specified below:
 - 1. The applicant's name and address and his representative and the interest of every person represented in the application;
 - 2. A fee as specified by the Township charged to any person or persons desiring to amend this Chapter;
 - 3. A plan showing the extent of the area to be rezoned; streets bounding and intersecting the area; the land use and zone classifications of abutting districts, and photographs of the area to be rezoned and abutting areas;
 - 4. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning;
 - 5. The approximate time schedule for the beginning and completion of development in the area;
 - 6. A site plan to scale, indicating the location of structures, uses, and areas for off-street parking and loading.
- C. The Township shall commence a hearing thereon within sixty (60) days of the request.
- D. The curative amendment and challenge shall be referred to the Planning Commission and the Erie County Planning Agency for review and commentary. The Township shall also advertise the proposed amendment as required by the MPC and, if the proposal involves any change to the Zoning Map, any affected property shall be posted.
- E. If the Township determines that a validity challenge has merit, the Township may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The Township shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Map;

3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features;
 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features; the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- F. If the Township does not accept a landowner's curative amendment 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 and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

§ 145-115 ENFORCEMENT.

- A. Notice of Enforcement.
1. If it appears to the Township that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, in order to initiate enforcement proceedings, the Township shall send an enforcement notice as provided in this Section.
 2. The enforcement notice shall be sent to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, and to any other person requested in writing by the owner of record.
 3. An enforcement notice shall state at least the following:
 - i. The name of the owner of record and any other person against whom the municipality intends to take action.
 - ii. The location of the property in violation.
 - iii. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - iv. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

- v. That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
 - vi. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.
 4. In any appeal of an enforcement notice to the zoning hearing board, the municipality shall have the responsibility of presenting its evidence first.
 5. Any filing fee paid by a party to appeal an enforcement notice to the zoning hearing board shall be returned to the appealing party by the municipality if the zoning hearing board or any court in a subsequent appeal rules in the appealing party's favor.
- B. Enforcement Remedies.
 1. District Magisterial Judges shall have initial jurisdiction over proceedings brought under this Section.
 2. Any person who or which has violated or permitted the violation of any provision(s) of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township in accordance with Chapter 48, Enforcement and Collection Activities, Article I, Ordinance Enforcement, as amended, pay a judgment of \$500 for each such violation, plus all court costs and including all attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of determination of a violation by the District Magisterial Judge. If the defendant neither pays nor timely appeals the judgment entered by the District Magisterial Judge, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the District Magisterial Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Magisterial Judge. Thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to Millcreek Township.

3. 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.
 4. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
- C. Action to Prevent, Restrain, Correct or Abate.
1. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Board of Supervisors, or, with the approval of the Board of Supervisors, a Zoning Officer and/or the Township Solicitor, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. Election by the Township of one or more remedies shall not be deemed to exclude exercise of other available remedies.
 2. Removal of signs.
 - i. Upon written notice by the Township, the owner, person, or firm maintaining a sign shall remove the sign when it is abandoned or unlawfully erected in violation of any of the provisions of this Chapter.
 - ii. Any sign in violation of the regulations in Article VI governing prohibited signs shall be removed within ten (10) days after notice from the Township to do so.
 - iii. The Township may remove or cause to be removed the sign at the expense of the owner and/or lessee in the event of the owner or the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice.
 - iv. If a sign presents an immediate danger, the Township may remove the sign immediately and to the extent possible issue notice of said removal to the owner, person, or firm maintaining the sign.
 - v. If the sign is a prohibited sign under § 145-82, the Township may remove the sign immediately and to the extent possible issue notice of said removal to the owner, person, or firm maintaining the sign.

- D. Remedies Nonexclusive. In the event of a violation of any provision of this Chapter, the Township shall have authority to exercise or pursue any or all remedies available to it under this Article, the MPC and other applicable laws and ordinances. Election by the Township of one or more remedies shall not be deemed to exclude exercise of other available remedies.

§ 145-116 FEES.

- A. Fees, deposits and other charges shall be imposed and shall be paid at the time any application for permit, renewal, certificate or other approval, appeal or other item is submitted, in accordance with the schedule of fees established from time to time by resolution of the Board of Supervisors. The Board shall have authority, by resolution, to modify the amount and/or nature of such items.
- B. Petitions requesting rezoning of property shall be accompanied by a filing fee as prescribed by the Board of Supervisors to defray costs and fees for professional services.
- C. Each appeal or application to the Zoning Hearing Board or Board of Supervisors, exclusive of appeals from action of the Zoning Officer, shall be accompanied by a filing fee as prescribed by the Board of Supervisors to defray costs and fees for professional services.
- D. Each appeal to the Zoning Hearing Board challenging propriety of action by the Zoning Officer shall be accompanied by a filing fee as prescribed from time to time by the Board of Supervisors to defray costs of advertising, processing and professional services.
- E. No petition, application, appeal or other submission shall be deemed complete until and unless accompanied by payment of all fees, deposits and other charges required for it.