

Chapter 27

Zoning

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Zoning Map

Part 1**General Provisions****§27-101. Short Title.**

This Chapter shall be known and may be cited as “Separate But Consistent Zoning Ordinances for the Township of Jackson, the Township of Cambria, and the Borough of Ebensburg.”

(*Ord. 206, 12/10/2010, §101*)

§27-102. Purpose.

This Chapter is adopted by the virtue of the authority contained in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, 53 P.S. §10101 *et seq.*, as amended through 2006. The zoning regulations and zones set forth in this Chapter are made in accordance with the Multi-Municipal Comprehensive Plan for the Central Cambria Coalition (Jackson Township, Cambria Township, and Ebensburg Borough) for the general welfare of the municipalities and is intended to achieve, among others, the following purposes:

- A. Regulating both existing and proposed land uses thereby:
 - (1) Encouraging the most appropriate use of land.
 - (2) Preventing the overcrowding of land.
 - (3) Stabilizing and conserving the value of land and buildings.
 - (4) Facilitating development of good quality.
 - (5) Spurring reinvestment in the existing building stock.
 - (6) Lessening the congestion of traffic on the roads.
 - (7) Avoiding undue congestion of population.
 - (8) Providing for adequate light and air.
 - (9) Securing safety from fire, flood, and other dangers.
 - (10) Facilitating the adequate provision for transportation, water supply, sewage disposal, drainage, schools, parks, and other public facilities.
 - (11) Giving reasonable consideration, among other things, to the character of zones and their peculiar suitability for particular uses.
 - (12) Maintain and strengthen the Central Cambria Municipalities.
 - (13) Ensure predictability and consistency in the land development process for neighborhood, business and development interests.
 - (14) Giving effect to the policies and proposals of the Multi-Municipal Comprehensive Plan, as amended and as approved by the Jackson and Cambria Township and Ebensburg Borough Planning Commissions and adopted by Resolution by the Jackson and Cambria Township Boards of Supervisors and the Ebensburg Borough Council.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and

general welfare.

(*Ord. 206, 12/10/2010, §102*)

§27-103. A Reader's Guide to the Organization and Applicability of this Chapter.

See Appendix.

(*Ord. 206, 12/10/2010, §103*)

§27-104. Where Do I Begin? A Beginners Reading Guide to Determining Your Property's Regulations.

See Appendix.

(*Ord. 206, 12/10/2010, §104*)

§27-105. Statement of Community Objectives.

This Chapter implements, with general consistency, the community goals and objectives as described in the Multi-Municipal Comprehensive Plan prepared jointly and adopted by the Township of Jackson on November 7, 2008, the Township of Cambria on November 7, 2008, and the Borough of Ebensburg on November 24, 2008. The Statement of Community Goals and Objectives can be found in its entirety in the Appendix of this Chapter.

(*Ord. 206, 12/10/2010, §105*)

§27-106. Interpreting the Language of this Chapter.

For the purposes of this Chapter, words shall be interpreted as follows unless noted otherwise:

- A. Words that are defined in Part 7, "Definitions," shall be interpreted as they are defined there.
- B. Undefined terms must be given their usual and ordinary meaning within the Central Cambria Municipalities or an authoritative source.
- C. Words used in the present tense include the future tense. The singular includes the plural.
- D. The word "person" refers to firms, associations, organizations, trusts, partnerships, companies, corporations, and individual persons.
- E. The word "shall" means mandatory.
- F. The word "may" means permissive.
- G. The word "lot" is a synonym of "plot," "piece," and "parcel."
- H. The words "used" and "occupied" as applied to any lot or building shall be construed to include the words "intended, arranged, maintained, and/or designed to be used or occupied."
- I. The word "day" shall be interpreted as being a full calendar day.
- J. When the meaning of a regulation as it applies to a given property is not clear, it shall be interpreted in favor of that property and against any implied extension of the regulation.

(*Ord. 206, 12/10/2010, §106*)

§27-107. Conflict.

1. Urban Redevelopment Plans and Proposals, as enabled by the Urban Redevelopment Law Act of 1945, always supersede the provisions and regulations of this Chapter.

2. This Chapter is not intended to interfere with, abrogate or annul applicable State or Federal laws, or other rules, regulations or ordinances, provided that where a provision of this Chapter conflicts with a provision of another, the stricter of the two shall apply. Where the applicable provision of this Chapter is the less strict of the two, it shall not apply. However, the remainder of this Chapter shall remain in full force and effect.

(*Ord. 206, 12/10/2010, §107*)

§27-108. Conflict with Floodplain Regulations.

All structures and plans for structures within each municipalities' floodplain or any subsequent revisions thereof are subject to the floodplain regulations enacted by the municipalities' Floodplain Ordinance [Chapter 8]. Furthermore, all structures and plans for structures within the municipalities' floodplain as defined by any relevant Federal and State legislation shall be subject to the floodplain regulations imposed by that legislation. Where any such ordinance or law imposes stricter regulations than the relevant parts of this Chapter do, those parts of this Chapter shall be null and void. Furthermore, where the provisions of any such ordinance or law contradict the provisions of this Chapter, the stricter of the two shall apply. In both instances, the parts of this Chapter that are not relevant to the provisions of the other law or ordinance shall remain in effect.

(*Ord. 206, 12/10/2010, §108*)

§27-109. Severability.

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

(*Ord. 206, 12/10/2010, §109*)

§27-110. Effective Date of this Chapter.

This Chapter shall become effective December 10, 2010.

(*Ord. 206, 12/10/2010, §110*)

§27-111. Repeal of Existing Ordinances.

All ordinances or parts of ordinances inconsistent with the provisions of this Chapter be and the same are hereby repealed to the extent of the conflict.

(*Ord. 206, 12/10/2010, §111*)

§27-112. Application of Regulations During Local Emergencies.

1. The Boards of Supervisors may temporarily waive some of the regulations of

this Chapter during a declared local emergency. Any structure suitable for a housing facility in the case of emergency, necessity, or disaster, may be used for temporary housing or shelter in order to alleviate undue hardship that may be incurred by the above conditions, and that such use of temporary housing shall not exceed a period of more than 90 days from the date of same. If, for any of the above reasons the Board of Supervisors finds that the 90-day period is not sufficient, then the emergency regulations may be extended for additional 90-day period.

2. During the period of enforcement of this regulation all other regulations regarding limitations to the use of premises for residential reuse are suspended until the termination of the emergency provided for herein.

(Ord. 206, 12/10/2010, §112)

§27-113. Parcels That Consist of More than One Principal Use.

For the purposes of this Chapter, parcels that consist of several land uses shall be classified by the land use that this Chapter regulates the most strictly.

(Ord. 206, 12/10/2010, §113)

Part 2**Administration****§27-201. Purpose.**

The purpose of this Part is to define the following administrative provisions: zoning permits, how to get zoning permits, variances, how to get a variance, special exception uses, procedures for obtaining permits for special exception and condition uses, lists the standards that the Zoning Hearing Board is to utilize in determining whether or not to grant a special exception use, how the title is enforced, how landowners may contest the Zoning Officer's determinations, how landowners may dispute the validity of this title and the administrative provisions that are relevant to municipal officials such as the zoning-related duties of the Zoning Officer and Township Boards of Supervisors, and the establishment and conduct of the Zoning Hearing Board.

(Ord. 206, 12/10/2010, §201)

§27-202. Zoning Permits.

1. *When Zoning Permits Are Needed.* A zoning permit is needed before a land owner may have a non-sign structure erected, constructed, altered, converted, or moved onto his or her lot; or have a nonconforming, non-sign structure reconstructed, structurally altered, or moved on his or her lot (unless this ordinance specifically states otherwise). Part 6, "Signs," explains when zoning permits are required for signs. No land improvements or other development activities shall be commenced before the involved landowner has a zoning permit for these activities.

2. *Issuance of Denial of Permits.* The issuance or denial of zoning permits shall follow the following procedure:

A. *Filing.* An application shall not be officially filed until all required information has been submitted per the submittal requirements in the "Administration" Part of this Chapter.

B. *Review.* The Zoning Officer shall not issue a permit unless it is determined that (1) the proposed development complies with the provisions of this Chapter, and (2) the permit meets approvals through the interdepartmental review process established in the "Administration" Part of this Chapter.

C. *Decision.* If these determinations are made, then the Zoning Officer shall issue a zoning permit. If the Zoning Officer does not act within 30 days after all approvals are received from the interdepartmental review process, then the permit shall be deemed to be issued.

3. *Special Permit Application Requirements for Industrial Zones.* In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed industrial operation or an expansion of an existing industrial operation for conformity to the requirements of this Chapter, the date required in §27-204 "Supplemental Zoning Permit Requirements" (Light Industrial Zone) and §27-204 "Supplemental Zoning Permit Requirements" (General Industrial Zone) shall be submitted with an application for a permit; in addition to the requirements aforementioned for a zoning permit in this Section.

4. *The Duration of Zoning Permits.* A zoning permit shall expire within 6 months of the date of issuance if all required permits have not been approved regardless of jurisdiction. If all required permits have not been approved in the specified time period, a permit extension may be requested through the Zoning Hearing Board. In such cases, the zoning permit shall remain valid until the Board renders its decision.

5. *Inspections.* In order to determine if the information submitted on or with an application is true and is being adhered to, the Zoning Officer shall have the authority to enter any building, structure, premises, property, or development in the Township at any reasonable hour upon presentation or proper credentials. If the party seeking a zoning permit believes that the denial of a zoning permit was made in error he may appeal the issuance of a zoning permit, as specified in §27-210, “Appealing the Determination of a Zoning Officer.”

6. *Revocation of Permits.* If the Zoning Officer discovers that the development does not comply with the approved application or any applicable laws or ordinances, or if the permit fee required by this Chapter has not been paid, or if the Zoning Officer determined that an applicant has made any false statements or misrepresentations regarding the development. The Zoning Officer shall revoke the zoning permit and proceed with whatever legal action is necessary to correct the violation.

7. *Permits Issued in Error.* Any zoning permit issued in error shall be null and void.

8. *Appeals.* The applicant may appeal the denial of a zoning permit, and aggrieved persons may appeal the issuance of a zoning permit, as specified in §27-210 “Appealing the Determination of a Zoning Officer.”

(Ord. 206, 12/10/2010, §202)

§27-203. Vested Rights and Development Changes.

1. Nothing in this title shall require any change in the development or use of a lot or structure for which a zoning permit was officially filed prior to the effective date of an amendment to this Chapter; however, no properties or buildings shall deviate from the plans and other information submitted and approved under prior ordinances. Special exceptions and variance issued under prior ordinances shall become nonconforming uses or structures on the effective date of this Chapter and all changes from the original plans shall be treated as changes to nonconforming uses, unless such changes comply with this Chapter.

2. If a zoning permit is issued, the involved development shall not deviate from the plans and other information submitted to the Zoning Officer—or the Township Board of Supervisors in the case of a temporary use and the Zoning Hearing Board in the case of a special exception or variance. Requests for all such approvals shall be submitted in writing to the Zoning Officer.

(Ord. 206, 12/10/2010, §203)

§27-204. Variance.

1. The regulations of this Chapter apply to and are designed to address the conditions of either the entire multi-municipal area or an entire zone. Thus, they are not precisely geared to any one property. The regulations were designed in this manner to avoid unequal, unfair, or arbitrary treatment of different landowners. Because these

generalized regulations were not designed with any one property in mind, however, it is possible in a few situations that they could prevent any use of a property. The function of a variance is to provide relief from a provision of this title in order to keep an owner from suffering an “unnecessary hardship” due to that provision.

2. However, variances should not be given freely. If every landowner or tenant who suffered any kind of a hardship due to the regulations of this Chapter were granted a variance, then this Chapter would be unable to fulfill its purposes. Thus, paragraph .C, below specifies conditions that the Zoning Hearing Board (§27-215) uses to distinguish genuine unnecessary hardships from common inconveniences.

A. *Who May Apply.* Any landowner, person with ownership interest or tenant who has the permission of his or her landowner may apply for a variance.

B. *Procedure.* A party listed in paragraph .A, above, who wishes to obtain a variance must submit a written application to the Zoning Officer on a form supplied by the Zoning Hearing Board. This application shall specifically cite the provisions of this Chapter from which the applicant is seeking relief. After determining that the application is complete, the Zoning Officer shall forward the application to the members of the Zoning Hearing Board. At the involved hearing, the Zoning Hearing Board shall follow the procedure specified in §27-214, “The Zoning Hearing Board.” In granting any variance the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Chapter. Appeals to the Board's decision may be made to the court of common pleas in the judicial district where the involved property is located.

C. *Conditions.* The Zoning Hearing Board may only grant a variance when it makes all of the following five findings:

(1) There are unique and peculiar physical conditions present on the involved property, such as the size, shape, or topography of the involved lot, that were not created by the provisions of this Chapter.

(2) Because of these conditions, there is no possibility that the involved property can be developed in strict conformity with the provisions of this Chapter—that if these provisions were rigidly implemented, the property would be virtually unusable and without any economic value.

(3) This unnecessary hardship was not created by the applicant property owner/tenant or any of his or her predecessors.

(4) The variance requested, if granted, (1) will not alter the essential character of the involved neighborhood or zoning district, (2) will not substantially or permanently impair the appropriate use or development of any adjacent properties, and (3) will not be detrimental to the public welfare.

(5) The variance, if granted, will be the smallest possible modification of the involved regulation that will provide relief from this regulation.

(6) The variance, if granted, does not permit the use of the land to change.

(Ord. 206, 12/10/2010, §204)

§27-205. Special Exceptions.

1. Within the Central Cambria municipalities generally, or within certain zoning districts, certain uses specified in this Chapter are appropriate for certain zoning

districts only if adequate precautions are taken to assure that they do not generate adverse impacts and to assure that they comply with the purpose of the zoning district and this Chapter. These uses are of such a nature that the heightened scrutiny of special and intensive review is required to determine whether they should be permitted in specific locations, and if any special conditions and safeguards should be applied if a special exception permit is granted.

2. It is important to note that special exceptions are not deviations from this Chapter or its purposes listed in §27-201, "Purpose." These uses are both envisioned by this Chapter and—if the location and operation standards prescribed by this Part are followed—permitted by this Chapter.

3. A "special exception" is a permission granted to an applicant to use land in a zoning district for a purpose or land use that is not permitted outright (i.e., that is not a permitted principal or accessory use) in that district. Special exceptions are utilized by this Chapter because merely allowing and not allowing land uses is too narrow for sound planning in some zones. Some land uses fall in between what is consistent and what is not consistent with a zone's planned way of life. Furthermore, some uses should be located in a zone, but should be very carefully sited or controlled in order to protect the zone's overall quality of life. Establishing a special exception system for the Central Cambria Municipalities that allows such land uses in appropriate zones, subject to location and operation standards that are to protect the quality of life in those zones, is the general purpose of this Section.

4. Procedures for granting special exceptions permits as provided herein are intended to assure that such review is made on the basis of findings of fact, that due process is assured, and appropriate conditions and safeguards are attached if warranted by the findings of facts. Such conditions shall be based upon the standards in this Chapter. Special exception permit procedures shall be applied, and such permits granted, only as specified in this Chapter.

(Ord. 206, 12/10/2010, §205)

§27-206. The Procedure for Obtaining a Special Exception.

1. The procedure that an applicant is to use in obtaining a special exception is provided in this Section. The standards that the Zoning Hearing Board is to use in determining whether or not a special exception should be granted to the applicant are provided in the Sections of Part 4 that pertain to the applicant's property. This Part and its regulations only apply to land uses that are proposed to be established in a zone where those uses are allowed only as special exceptions.

2. All applications for special exceptions shall be made according to the following rules:

A. *Who May Apply.* Any landowner, ownership interest or tenant with the written permission of his or her landowner may apply for a special exception.

B. *Permitted Land Uses.* The only land uses that may be permitted through a special exception are those that are expressly permitted as special exceptions for the involved zone as listed within the Sections of Part 5, "Zone Provisions," that pertain to the applicants property or other parts of this Chapter.

C. *Applications.*

(1) Any one of the aforementioned parties who wishes to establish a land use that is permitted in the involved zoning district as a special exception shall file an application with the Zoning Officer on forms and with supporting material as required by the rules of the Zoning Hearing Board. The Zoning Officer or designee shall establish an agenda for public hearing, cause notice of the time and place of the public hearing to be published, and give notice to parties in interest as proscribed in §27-214, “The Zoning Hearing Board.” Within 5 days of receiving an application for a special exception, the Township Secretary shall forward a complete copy of the application to the Zoning Hearing Board.

(2) An application for a special exception shall not be considered complete unless it provides adequate levels of information enabling the Zoning Hearing Board to determine if the proposed land use meets the standards given for that use under the Sections of Part 5, “Zone Provisions,” that pertain to the applicants property.

D. *Procedure.*

(1) The procedure that the Zoning Hearing Board is to use in deciding whether or not to grant a special exception is given in §27-214.D, “The Zoning Hearing Board.”

(2) In granting any special exceptions, the Zoning Hearing Board shall state in said approval lighting requirements, sign restrictions, parking requirements, operating hours and any other reasonable conditions and safeguards it may deem necessary to implement the purposes of this Chapter.

E. *Burdens of Proof.* In special exception hearings, the burden of proof shall be on the applicant to prove that his or her proposed use meets the standards prescribed for it by the Sections of Part 5, “Zone Provisions,” that pertain to the applicant's property.

F. *Conditions.* In granting a special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter (see §27-102, “Purpose”). Such conditions shall “run with the land,” and shall not be tied solely to a particular landowner. If a condition is violated subsequent to the grant of a special exception, it shall be enforced according to the provisions of §27-207, “Enforcement.”

G. *Appeals.* The decision of the Zoning Hearing Board regarding a special exception application may be appealed to the relevant court of common pleas.

(Ord. 206, 12/10/2010, §205-A)

§27-207. Enforcement.

1. The purpose of §27-208 is to prescribe procedures that will effectively enforce the provisions of this Chapter while (A) protecting the legal rights of landowners, and (B) adhering to the rules for zoning ordinance enforcement that are established in the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, 53 P.S. §10101 *et seq.*, as reenacted and amended through 2001). These procedures apply to situations in which a person, partnership, or corporation, reconstructs, repairs, alters, maintains, establishes, or uses a structure, sign, building, lot, or land use in a manner that violates one or more of the provisions of this Chapter. In other words, these

procedures apply to situations involving an illegal structure, sign, lot, or use. They do not apply to situations involving a structure, sign, lot, or use that is a nonconformity (as defined in Part 3, “Nonconforming Buildings and Uses”) or that has a variance (as defined in Part 2, §27-204, “Variances”).

2. In Pennsylvania, zoning ordinances are enforced through legal proceedings. These proceedings may be instituted by the following groups of people:

- A. The Board of Supervisors.
- B. The Zoning Officer of the Township.
- C. An aggrieved party who would be substantially affected by the alleged violation.

3. The procedure that is to be used by the first two of these groups is discussed under paragraph .A below. The procedure that is to be used by aggrieved parties is discussed under paragraph .B below.

A. *Township Enforcement Procedure.* If it appears to the municipalities that a violation of this Chapter has occurred, then enforcement proceedings shall be instituted as described below:

(1) Before any other enforcement actions begin, the Zoning Officer shall send enforcement notice to the following parties:

- (a) The owner of record of the parcel on which the violation has occurred.
- (b) Any person who has filed a written request to receive enforcement notices regarding the involved parcel.
- (c) Any person that the owner requested, in writing, to receive a copy.

(2) Each enforcement notice required by this Section shall contain:

- (a) The name of the involved landowner and any other persons against whom the Township intends to take action.
- (b) The location of the property in violation.
- (c) A description of the specific violation involved.
- (d) Citations and descriptions of the specific provisions of this Chapter which have been violated.
- (e) The date before which the steps for compliance must be commenced, as well as the date before which these steps must be completed.

(f) A statement noting that the recipient has the right to appeal the enforcement notice to the Zoning Hearing Board within 30 days, and that failure to comply with the notice within the time specified—unless it is extended by appeals—constitutes a violation of this Chapter, with possible sanctions clearly described.

(3) In a Zoning Hearing Board hearing where an enforcement notice is appealed, the Township shall present its evidence against the appellant first.

(4) Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to that party by the Township if the Board or any court in a subsequent appeal rules in the appellant's favor.

(5) After all necessary enforcement notices are sent as required above, the Board of Supervisors, or, acting with Board of Supervisor's approval, officers of the Township, as well as certain aggrieved parties, may institute civil proceedings with the appropriate district justice to enforce the provisions of this Chapter—and to prevent, restrain, correct, or abate an illegal structure, sign, lot, or land use. Any person, partnership, or corporation who has violated or permitted the violation of this Chapter shall, upon being found liable in a civil enforcement proceeding, pay a judgment of not more than \$500 plus all court costs—including all reasonable attorney fees incurred by the Township. No penalties shall be imposed on the liable party until the date of the determination of a violation by the involved district justice. If the liable party neither pays nor appeals the judgment in a timely manner, the Township shall enforce the judgment pursuant to the applicable rules of civil procedure.

(6) Each day that a violation continues shall constitute a separate violation, unless the district justice finds that there was a good faith basis for the liable party to have believed that there was no such violation. In this situation, there shall be only one violation until the 5th day following the date of the determination of a violation by the district justice after which each day that the violation continues shall constitute a separate violation.

(7) 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.

B. *Aggrieved Party Enforcement Procedure.* Aggrieved parties may file an equity action in court (i.e., not with the district justice) to enforce the provisions of this Chapter—and prevent, restrain, correct, or abate an illegal structure, sign, lot, or land use. Such parties may file such an action only after serving notice to the Township of Cambria at least 30 days in advance. This notice is to allow the Township time to investigate the situation and to issue an enforcement notice, if warranted.

(Ord. 206, 12/10/2010, §206)

§27-208. Procedural Challenges.

The Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, specifies procedures that are to be used to adopt and amend this Chapter. These procedures are designed to offer ample opportunities for public participation and to make the ordinance as fair as possible. It is feasible, however, that this ordinance or any one of its amendments was not adopted according to these procedures, and thus, is procedurally flawed. The purpose of this Section is to give landowners and other parties aggrieved by such a flaw—as well as officers and agencies of the Township itself—a process through which they may challenge the procedural validity of the ordinance or amendment. This process may be used to guarantee adequate public participation and fairness in the adoption process, and to overturn any unfair ordinances or amendments.

A. *Where Procedural Challenges May Be Heard.* The parties named in §27-207, “Enforcement,” may file a procedural challenge with either the relevant court of common pleas or the Zoning Hearing Board. Procedural challenges taken to the Zoning Hearing Board may have to follow the rules established by §27-211, “Time

Limitations,” and the Board shall hear all such challenges according to the procedure given in §27-214, “The Zoning Hearing Board.”¹

B. *Time Limitations.* All such challenges shall be raised by an appeal taken within 30 days of the effective date of enactment for the involved ordinance or amendment.

(Ord. 206, 12/10/2010, §207)

§27-209. Substantive Challenges.

1. The Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, and various Federal and State laws limit what this Chapter may regulate—so that the rights and property of Ebensburg Borough, Cambria Township, and Jackson Township's citizens and neighbors are protected. It is feasible, however, that one or more of this Chapter's provisions violate these laws—and are thus, substantively flawed.

2. The purpose of this Section is to give landowners and other parties aggrieved by such a flaw—as well as officers and agencies of the Township itself—a process through which they may challenge the substantive validity of the involved provision. This process may be used to insure that this Chapter respects the laws of the United States and the Commonwealth, as well as to overturn any illegal or unconstitutional provisions.

3. A party named above who wishes to challenge the substantive validity of this Chapter has the following two choices. A person or party who wishes to challenge the substantive validity of this Chapter because he or she is aggrieved by a use or development permitted on another person's land must initially select paragraph .B. However, all of the other named parties are free to choose from either option.

A. Applying to the Board of Supervisors for a “landowner curative amendment.”

B. Requesting that the Zoning Hearing Board hear a substantive validity challenge.

4. Landowner curative amendments and substantive validity challenges are essentially the same type of appeal—with some minor procedural differences. A validity challenge must be in writing and contain reasons for the challenge, but unlike the curative amendment, does not have to contain materials describing the proposed development or amendments.

A. *Landowner Curative Amendments.* Applications for a landowner curative amendment shall be governed by the rules outlined below:

(1) All such applications shall be made to the Zoning Officer, who shall forward them to the Board of Supervisors. These applications may be subject to the time limitations of §27-211, “Time Limitations.”

(2) All such applications shall be made in writing, and shall contain the following:

¹Note that the Zoning Hearing Board's decision may be appealed to the relevant court of common pleas.

(a) The reasons why the Chapter should be amended as proposed.

(b) Plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development allowed by this Chapter (these plans must be of sufficient quality and detail to allow an evaluation of this ordinance in light of the proposed use or development).

(c) The amendment or amendments that the landowner proposes to cure the alleged defects in this Chapter.

(d) The Board of Supervisors shall hear and decide on applications for landowner curative amendments as required in §27-214, "The Township Board of Supervisors."

(e) Appeals to the elected official's decision shall be taken to the court of common pleas in the judicial district where the involved property is located.

B. *Substantive Validity Challenges.* Requests for a hearing before the Zoning Hearing Board on a substantive validity challenge to this Chapter shall be governed by the rules below.

(1) All such requests shall be made to the Zoning Officer, who shall forward them to the Zoning Hearing Board. These applications may be subject to the time limitations of §27-211, "Time Limitations."

(2) All such requests shall be made in writing, and shall contain the reasons for the involved challenge.

(3) The Zoning Hearing Board shall decide (a) whether or not to hear such a request, and (b) whether or not to grant such a request according to the requirements of §27-213, "The Zoning Hearing Board."

(4) Appeals to the Zoning Hearing Board's decision shall be taken to the court of common pleas in the judicial district where the involved property is located.

(5) When (a) a landowner curative amendment proposal is approved by the Board of Supervisors, (b) a substantive validity challenge is sustained by the Zoning Hearing Board, or (c) the relevant court sustains either of these actions in a final appeal, the involved developer may (d) file a subdivision application within 2 years and (e) apply for a zoning permit within 1 year without losing the rights granted to him in the relevant validity challenge to a subsequent change or amendment in any land use ordinance.

(Ord. 206, 12/10/2010, §208)

§27-210. Appealing the Determination of the Zoning Officer.

Any landowner or party who is affected by a zoning-related determination of the Zoning Officer may appeal this determination to the Zoning Hearing Board. Such appeals may concern (but are not limited to):

A. The granting or denial of any permit, including a failure to act on the application.

B. The issuance of any enforcement notice via §27-206, "Enforcement."

C. The registration or refusal to register any nonconforming use, structure, or lot.

Time limitations may be placed on such appeals by §27-211, "Time Limitations." The Zoning Hearing Board shall hear all such appeals according to the provisions of §27-214, "The Zoning Hearing Board."

(Ord. 206, 12/10/2010, §209)

§27-211. Time Limitations.

1. If the period of time in which a landowner could file an appeal concerning a decision that was adverse to his or her proposed use or development was unlimited, then the difficulty and costs of enforcing this Chapter could become prohibitively high. Likewise, if the period of time in which a party who opposed this proposed use or development could file an appeal concerning a decision that approved the use or development was unlimited, then the costs of development could become prohibitively high. The purpose of this Section is to avoid both of these situations by limiting the amount of time that both landowners and aggrieved parties have to file for a hearing before the Zoning Hearing Board or (where applicable) the Township Board of Supervisors when a proposed use or development is involved.

2. The rules of this Section, which are listed in the following subsection .3, "Time Limitation Rules," only apply to:

A. A landowner who wishes to appeal a determination by the Zoning Officer not to grant a zoning permit for his or her proposed construction, reconstruction, alteration, or other physical development (see §27-202, "Zoning Permits").

B. An aggrieved party who wishes to appeal a determination by the Zoning Officer to grant a zoning permit to another party's proposed construction, reconstruction, alteration, or other physical development (see §27-202, "Zoning Permits").

C. A landowner or an aggrieved party who wishes to appeal a determination by the Zoning Officer concerning the nonconforming status of a structure, land use, or lot (see Part 3, "Nonconforming Buildings and Uses").

D. A landowner who wishes to contest the Zoning Officer's issuance of enforcement notice for his or her property (see §27-206 "Enforcement").

E. A landowner who wishes to reverse or limit a determination that (1) was made by the Zoning Officer according to the provisions of this Chapter, and (2) opposes the landowner's proposed use or development,² by challenging the procedural or substantive validity of this Chapter before either the Zoning Hearing Board or (where applicable) Board of Supervisors (see §27-208, "Procedural Challenges," or §27-209, "Substantive Challenges").

F. An aggrieved party who wishes to reverse or limit a determination that (1) was made by the Zoning Officer according to the provisions of this Chapter, and (2) approves a proposed use or development on another party's land by challenging the procedural or substantive validity of this Chapter before either the Zoning Hearing

²Such a determination might involve the refusal of a zoning permit or a grant of nonconformity status.

Board or (where applicable) Board of Supervisors (see §27-208, “Procedural Challenges,” or §27-209, “Substantive Challenges”).

3. *Time Limitations.*

A. If the reason behind a hearing before either the Zoning Hearing Board or Board of Supervisors is to reverse or limit the Zoning Officer's “determination”³ of a third party's proposed use or development in any manner,⁴ then the request for that hearing must be filed no later than 30 days after the involved approval was given. If the person filing such a request has succeeded to his or her interest after the involved approval was given, then he or she shall be bound by the knowledge of his predecessor in interest.

B. All appeals from decisions⁵ that are adverse to the involved landowner shall be filed with the involved body within 30 days of the notice of this decision.

(*Ord. 206, 12/10/2010, §210*)

§27-212. Appeals to Court.

The final adjudication of any Township officer or body is appealable to the court of common pleas of the involved property's county and judicial district. Nothing in this Chapter shall be construed to deny an appellant the right to bypass either the Zoning Hearing Board or Board of Supervisors, and proceed directly to court—where appropriate. Furthermore, nothing in this Chapter shall be construed to deny the right to bypass the procedures for challenging the procedural or substantive validity of this Chapter that are given in this Part.

(*Ord. 206, 12/10/2010, §211*)

§27-213. The Zoning Officer.

1. A Zoning Officer shall be appointed in accordance with the administrative code of the Township of Cambria, As such, he or she is a non-elected member of the Township's executive branch. The Zoning Officer is hereby given the duty, power, and authority to enforce the provisions of this Chapter as provided for in §27-213, “The Zoning Officer,” are in accordance with requirements of this Chapter, record and file all applications for permits with accompanying plans and documents, may identify and register all nonconforming uses and nonconforming structures, and make such reports as may be required. All documents, applications, permits and certificates required by and issued during the enforcement of this Chapter shall be permanently maintained by the Zoning Officer.

³A “determination” might be the issuance of a zoning permit or the grant of nonconformity status.

⁴This includes procedural or substantive validity challenges. In these cases, the 30-day period shall begin when the proposed construction, reconstruction, alteration, or other physical development receives its zoning permit.

⁵Such a “decision” might be the issuance of an enforcement notice or the denial of a zoning permit or nonconformity status.

2. The provisions of this Section only apply to the Zoning Officer and the parties with which he or she comes into contact.

A. *Appointment.* A Zoning Officer shall be appointed by the Township Board of Supervisors to administer this Chapter. This officer shall:

- (1) Not hold any elected offices within the Township.
- (2) Meet qualifications established by the Township.
- (3) Be able to demonstrate to the satisfaction of the Township Board of Supervisors a working knowledge of municipal zoning.
- (4) Be familiar with both this Chapter and the Central Cambria Coalition Multi-Municipal Comprehensive Plan.

B. *Powers.* The Zoning Officer shall enforce this Chapter in accordance with its literal terms. He or she shall not have the power to permit any construction, use, or change of use which does not conform to the provisions of this Chapter.

C. *Duties of the Zoning Officer.*

(1) The Zoning Officer shall receive, process, file copies of, and make decisions on all applications for zoning permits as required by §27-202, "Zoning Permits." Where such a permit is denied, the Zoning Officer shall inform the applicant, in writing, of the basis for this denial, including a reference to the specific ordinance section.

(2) The Zoning Officer shall receive, process, file copies of, forward, and schedule hearings for all applications for hearings before the Zoning Hearing Board.

(3) The Zoning Officer shall send enforcement notices to alleged violators of this Chapter as specified in §27-207, "Enforcement." Such notices shall be sent via certified mail, return receipt requested, or personally served to provide proof that the notice was received.

(Ord. 206, 12/10/2010, §212)

§27-214. The Zoning Hearing Board.

1. The Zoning Hearing Board of the Township of Cambria is a quasi-judicial body within the municipal government. It has no legislative power, has no enforcement power, and cannot make or modify zoning policy. It is instead a judicial-like body that helps to assure fair and equitable application and administration of this Chapter. The purposes of this Section are to establish the Board, outline its duties, and prescribe procedures that it is to use in fulfilling its duties.

2. Subsection .4.A of this Section explains how the Board is to be established, while subsection .4.B details how its members may be removed. Subsection .4.C explains how the Board is to be organized and provides some guidance concerning how it is to operate. Subsection .4.D discusses how the Board may spend money. Subsection .4.E lists the duties of the Board, and provides some rules on how these duties are to be carried out. Subsection .4.F notes that the Board's decisions may be appealed to the relevant court of common pleas.

3. The Zoning Hearing Board must use the same procedure in each of its hearings—regardless of which one of its duties from subsection .4.E that hearing falls under. Throughout this Chapter, provisions that concern the Zoning Hearing Board have

remarked that it is to hear the involved case.

4. The provisions of this Section only apply to the Zoning Hearing Board and the parties with which it comes into contact.

A. *The Formation of the Zoning Hearing Board.*

(1) The Zoning Hearing Board of the Township of Cambria shall consist of three residents of the Township, appointed by Board of Supervisors via a resolution. Each member's term of office shall be 3 years, and shall be fixed so that the term shall expire each year. Members of the Zoning Hearing Board shall hold no other office in the Township government.

(2) The Board of Supervisors may also appoint by resolution from one to three residents of the Township to serve as alternate members of the Board. The term of office of an alternative member shall also be 3 years. When an alternative is seated on the Board (see paragraph .C below), he or she shall be entitled to participate in all proceedings to the same extent as any other member of the Board. However, alternates shall not be entitled to vote as a member of the Board or be compensated unless they have been designated as a voting alternate member as required by paragraph .C below. Alternates shall also hold no other office in the Township government.

B. *The Removal of Zoning Hearing Board Members.* Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors. However, the member must receive notice of the intent to take such a vote at least 15 days before the actual vote is taken, and he or she may request that a hearing be held in connection with the vote.

C. *The Organization of the Board.*

(1) The Zoning Hearing Board shall elect officers from its own membership. Such officers shall serve annual terms and may succeed themselves.

(2) For the conduct of any hearing and the taking of any action or votes, a quorum shall be no less than a majority of all of the members of the Board.

(3) If, for reasons of absence or disqualification, a quorum is not reached, the chairman of the Board shall designate enough alternates as voting alternative members to reach the quorum. Any alternate so designated shall continue to serve on the Board in all proceedings involving the matter or case for which he or she was designated until the Board has made a final determination on that matter or case. Such designations shall be made on a rotating basis among all alternates on the order of declining seniority.

(4) Tie votes shall be interpreted as maintaining the status quo in the matter at hand. For instance, special exceptions are denied when the Board is tied.

(5) The Board may make, alter, and rescind rules and forms for its procedure, consistent with the requirements of this ordinance and the laws of the Commonwealth of Pennsylvania. The Board shall keep full public records

of its business,⁶ and shall submit a report of its activities to Board of Supervisors if requested.

D. *The Duties of the Zoning Hearing Board.* The Board's duties shall be as follows. All hearings conducted in pursuit of these duties shall be held according to the rules below:

(1) The Board shall hear substantive challenges to the validity of this Chapter and its amendments in accordance with §27-208, "Substantive Challenges."

(a) Based on the testimony presented at the hearing or hearings, the Board shall determine whether the challenged ordinance, ordinance provision, or map is defective as alleged by the applicant. If the challenge is found to have merit, then the final decision of the Board shall include recommended amendments to the challenged ordinance which will cure the involved defects.

(b) In reaching its decision on a substantive challenge to validity of this Chapter or its amendments, the Board shall consider:

1) The impact of the proposal on 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 on 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 the Chapter or map.

3) The suitability of the site for the intensity of use proposed, considering 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.

5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(c) The challenge shall be deemed to be denied if the Board (1) fails to commence the hearing within 60 days, or (2) fails to act on the application within 45 days of the close of the last involved hearing. In the latter two of these cases, the involved time limit may be extended by mutual consent of the applicant and the municipality. If no such consent is reached, the challenge shall be denied on the day after the last day that the Board could have taken the involved action.

(2) The Board shall hear procedural challenges to the validity of this Chapter or one of its amendments in accordance with §27-207, "Procedural

⁶Such records shall be the property of the Township.

Challenges.”

(3) The Board shall hear appeals from the zoning-related determinations of any municipal officer—including the Zoning Officer—in accordance with §27-209, “Appealing the Determination of the Zoning Officer.”

(4) The Board shall hear appeals from the determinations of the municipal engineer with reference to any floodplain provisions of any land use ordinance.

(5) The Board shall hear applications for variances in accordance with §27-204, “Variances.”

(6) The Board shall hear applications for special exceptions in accordance with §27-205, “Special Exceptions.” In granting a special exception, the Board may attach any reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Chapter.

(7) The Board shall hear applications to expand a nonconforming land use or to change one nonconforming land use to another in accordance with Part 3, “Nonconforming Buildings and Uses.”

(8) For land uses not listed under any “Permitted Use,” “Special Exception,” Section of Part 5 (“Zone Provisions”), the Board shall determine (a) which zoning districts they shall be allowed in, (b) how they shall be allowed in those districts (i.e., as permitted principal uses, permitted accessory uses, etc.), and (c) which Sections of the remainder of this Chapter apply to them. The Board may ask the Planning Commission for a recommendation on these matters.

(9) The Board shall hear all other applications and appeals that are assigned to it by this Chapter or the laws of the Commonwealth of Pennsylvania.

E. *Appeals.* All decisions rendered by the Zoning Hearing Board may be appealed to the court of common pleas of the judicial district where the involved land is located; so long as these appeals are filed no more than 30 days after the Board renders its decision.

F. *Procedure.* In fulfilling its duties listed under paragraph .E above, the Board shall follow the rules and procedures specified for it by the table below:

(1) *Time Limitations.*

(a) Each hearing that is to be held shall begin within 60 days of the date that the request for that hearing was filed.

(b) The Zoning Hearing Board or the hearing officer (as the case may be) shall render a written decision or (when no decision is called for) make written findings on the application within 45 days of the end of the hearing.

(c) If the hearing is conducted by a hearing officer (see paragraph .C above), and there has been no stipulation that his or her decisions or findings are final, the Zoning Hearing Board shall make his or her report and recommendations available to all of the involved parties within 45 days of the end of the hearing. The parties are then entitled to make written responses to this report. The Zoning Hearing Board shall make a

final decision after reading these responses, but no later than 30 days after the Hearing Officer's report is issued.

(d) Where the Zoning Hearing Board fails to render this decision within the required period, or where the Board fails to hold the hearing within the required period, the decision shall be deemed to have been rendered in favor of the applicant or appellant (as the case may be)—unless either (1) the applicant/appellant has agreed in writing or on the record to an extension of time, or (2) the hearing concerns a challenge to the substantive validity of the ordinance⁷ (see §27-209, “Substantive Challenges”). When a deemed decision is rendered, the Board shall give notice of this—within 10 days of the last day that it could have met to render a decision—to the parties and at the locations listed under “Required Public Notice” below. If the Board fails to provide such notice, the applicant/appellant may do so. Protesting or aggrieved parties cannot obtain a deemed decision.

(2) *Required Public Notice.*

(a) The Secretary shall publish a notice containing the information listed under “Contents of Required Public Notice” below shall be published once each week for 2 successive weeks in a newspaper of general circulation in the Township. The first of these publications shall not be more than 30 days before the date of the hearing, and the second shall not be less than 7 days before the date of the hearing.

(b) Written notice shall be provided by the Zoning Officer and mailed to (1) the applicant, (2) the Planning Commission, (3) all residents and owners of contiguous properties to the subject site, (4) any party that has requested such notice and (5) conspicuously posted on the involved tract of land at least one week prior to the hearing. The timing and manner of this notice shall follow rules adopted by the Zoning Hearing Board.

(3) *Contents of the Required Public Notice.*

(a) The required notice shall be written by the Zoning Officer in plain language and shall state that the Zoning Hearing Board of the Township of Cambria will hold a public hearing on the appropriate date, at the proper timing, and pertinent location.

(b) The name of the applicant or appellant (as the case may be) shall be given, as well as the nature of the hearing for which a permit is sought, and where and when written comments will be received concerning the request. The notice shall also state that the Township of Cambria shall promptly make a copy of the application and supporting documentation available for inspection by an interested person at the Township Building.

(c) The location or locations of the involved property or properties

⁷Where the Zoning Hearing Board fails to commence a hearing on the substantive validity of the Chapter within 60 days of the involved request, or where the Board fails to act on such a hearing within 45 days of its closure, the challenge shall be deemed to be valid.

shall be provided.

(d) All applicable sections of the Chapter shall be cited.

(e) If the involved hearing involves a substantive challenge to the validity of this Chapter or one of its amendments, then the notice shall state that the validity of the Chapter is being questioned.

(f) The following statement shall be included: "All persons having an interest in these matters are encouraged to attend this meeting. Persons with a disability who wish to attend this hearing and require an auxiliary aid, service, or other disability accommodation to participate in the proceedings can be accommodated by contacting the Township office.

(g) The date of the publication shall be given.

(4) *Stays of Proceedings.*

(a) An appeal to the Zoning Hearing Board automatically stops all affected land development. However, if the Zoning Officer certifies that such a halt would cause an imminent danger to life or property, then the development may be stopped only with a restraining order granted by the Zoning Hearing Board or by any court with competent jurisdiction—following notice to the Zoning Officer.

(b) An applicant or appellant may petition a court of competent jurisdiction to force those contesting an authorized permit or approval to either post bond or drop their appeal. The burden of proof shall be on the applicant/appellant to prove that the appeal is frivolous. If the party contesting an authorized permit or approval refuses to post bond as ordered by the involved court, appeals to an appellate court, and loses, then that party is liable for all reasonable costs, expenses, and attorney fees incurred by the applicant in the hearing.

(c) The parties to the hearing shall be (1) the Township, (2) any person affected by the application or appeal who has made timely appearance of record before the Board, and (3) any other person—including civic or community organizations—permitted to appear by the Board. The Board may require that everyone who wishes to be considered a party to a hearing fill out a form that asks (1) the person's name and address, (2) who he or she is representing, and (3) whether or not he or she desires a copy of any final decision in the case.

(5) *Fees.*

(a) Through a separate resolution, the Board of Supervisors may prescribe reasonable fees for a Zoning Hearing Board hearing which may include (1) compensation for the secretary and members of the Board, (2) public notice and advertising costs, (3) necessary administrative overhead connected with the hearing, and (4) one half the cost of a stenographer.

(b) The cost of the original transcript shall be paid by the Board if the original is ordered by the Board or the Hearing Officer, and shall be paid by the applicant/appellant if he or she orders it.

(c) Additional copies shall be paid for by the parties requesting them. Fees may not compensate for the legal expenses of the Board.

Furthermore, fees may not be used to compensate engineering, architectural, planning, or other technical consultants or expert witnesses.

(6) *The Zoning Hearing Board's Solicitor.*

(a) The Zoning Hearing Board may hire its own solicitor.

(b) The Zoning Hearing Board's solicitor shall be a different person, and shall be from a different law firm, than the Township's Solicitor.

(7) *Conducting the Hearing.*

(a) Either the Zoning Hearing Board or a hearing officer (see paragraph .C above) shall conduct all hearings.

(b) A stenographic record that conforms with civil trial transcripts must be taken in all hearings. Furthermore, written minutes shall be taken of all Board meetings. The substance of all official actions, the names of people who appear officially, and the subject of their testimony must be recorded.

(c) Each party has the right to be represented by counsel, to present and respond to evidence, and to cross-examine adverse witnesses on all relevant issues.

(d) The chairman of the Zoning Hearing Board (if a hearing officer has not been appointed) or the hearing officer (if one has been appointed, see paragraph .C above) has the power to administer oaths and issue subpoenas to compel both the attendance of relevant witnesses and the production of relevant papers. All testimony should be affirmed, as unaffirmed statements do not constitute legal evidence to make a record.

(e) Formal rules of evidence do not apply to hearings. However, the Zoning Hearing Board may exclude any irrelevant, immaterial, or unduly repetitious evidence. Hearsay evidence, if not objected to, may be given its natural probative value. Yet, the Board has the power to reject even uncontradicted testimony if it finds this testimony to be lacking in credibility.

(f) In the time following the beginning of a hearing and prior to a rendering of the decision or findings, the Board shall not communicate with any party or party representatives unless all parties are given an opportunity to participate. No communication, reports, staff memoranda, or other materials—except advice from the Board's own solicitor—may be accepted or noticed by the Board unless all parties are given an opportunity to contest that information. The Board should not inspect the involved site or its surroundings during the hearings unless all parties are given an opportunity to be present. Any reports by the Zoning Officer shall be filed with all involved parties.

(g) A case should not be postponed to a later date without substantial or compelling reasons, especially if the issue is of great concern and has attracted an audience. However, where (1) a new issue is raised for the first time at a hearing, and (2) the applicant/appellant had no notice of this issue, the hearing should be continued at a later date to give the applicant/appellant an opportunity to react properly. When a case is

continued at a second hearing, a notice shall be prominently posted at the hearing site, and all involved parties must be notified.

(8) *Mediation.*

(a) Mediation is “a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable” (from the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*). Mediation is intended to supplement, but not replace, the procedures for Zoning Hearing Board hearings specified here. It can provide a potentially less costly mechanism for resolving land use disputes, as well as a less polarized process.

(b) In no case may the Zoning Hearing Board initiate mediation or participate as a mediating party.

(c) Participation in mediation must be voluntary, and the involved parties must agree to (1) funding, (2) the selection of a mediator, (3) the completion of mediation (including the time limits for such a completion), (4) the suspension of the time limits authorized by this ordinance and the Pennsylvania Municipalities Planning Code,⁸ (5) the identification of all parties, (6) the determination of whether some or all sessions shall be open or closed, and (7) the issuance of mediation solutions in writing, subject to review and approval by the decision making body.

(d) No offers or statements made in the mediation sessions, excluding the final written mediated agreement, can be admissible as evidence in any subsequent judicial or administrative proceedings.

(9) *Making a Decision.*

(a) The decision or, where no decision is called for, the findings shall be made by the Zoning Hearing Board. However, the applicant/appellant and the Township may agree before this decision to waive this and instead accept the decision or findings of the Hearing Officer as final (if a hearing officer has been appointed).

(b) In voting on a final decision, the vote cast by each member of the Board (or the hearing officer, where appropriate) shall be made publicly.

(c) Where an application or appeal is contested or denied, the resulting decision must be accompanied by a finding of fact, the conclusions based on these facts, and the reason that such conclusions were drawn. This will show that the decision was reasoned, and not arbitrary. References to any provisions of any ordinance, rule, or regulation relied on for any conclusion must be made, along with the reason that the conclusion is appropriate for the particular case at hand.

(d) Even where an application or appeal is not contested, the

⁸The suspension of these time limits must be agreed to in writing by the involved parties, and by both the applicant/appellant and the municipality (not the Zoning Hearing Board) – even if neither one of these two is a party to the mediation.

resulting decision should be accompanied by a statement of findings or an opinion that is detailed enough to substantiate the Zoning Hearing Board's decision.

(e) A copy of the final decision, or where no decision is called for, the findings must be delivered or mailed to the applicant/appellant no later than the day after the date of the report.

(f) All other parties to the hearing, as well as all of the parties that are listed under "Required Public Notice" above, shall be sent a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 206, 12/10/2010, §213)

§27-215. The Township Board of Supervisors.

1. The Board of Supervisors of Cambria Township are the chief governing body of the Township, and is the only body that can set the Township's zoning policy. The Board of Supervisors of course, has many duties. The purpose of this Section is to address only Board of Supervisors zoning-related duties—outlining these duties and prescribing the procedures that the Board of Supervisors to use in fulfilling them.

2. Subsection .4.A of this Section lists the Board of Supervisor's major duties under this Chapter and specifies some rules that apply to each. Subsection .4.A(1) discusses enacting amendments, subparagraph (2) explains how Board of Supervisors is to hear and decide on landowner curative amendments to this Chapter.

3. Subsection .4.A(3) explains the procedure for municipal curative amendments. A municipal curative amendment can be used to fix a portion of this Chapter that is substantially invalid. It has a major advantage over fixing invalid provisions via a plain amendment in that the Township need not entertain any substantive challenges to these provisions during the municipal curative amendment process—which can save the Township a significant amount of time and money.

4. The provisions of this Section only apply to the Board of Supervisors and the parties with which it comes into contact on zoning-related issues:

A. *Zoning-Related Duties.* The Board of Supervisors major duties under this Chapter—as well as some rules that apply to these duties—are provided below.

(1) *Enacting Amendments.* The Board of Supervisors shall enact all amendments to this Chapter that are not landowner curative amendments, at the Board of Supervisors discretion, according to the rules below.

(a) Before voting on the enactment of such an amendment, the Board of Supervisors shall hold a public hearing.

(b) Public notice of this hearing shall be provided according to the rules below:

1) The public notice shall include the time and place of the hearing, the purpose of the hearing, the full text or a brief summary of the proposed amendment prepared by the Planning Commission, the date of the publication, and a statement that reads "All persons having an interest in these matters are encouraged to attend this meeting. Persons with a disability who wish to attend this hearing

and require an auxiliary aid, service, or other disability accommodation to participate in the proceedings can be accommodated by contacting the Township Secretary's Office.”

2) If a summary of the proposed amendment is included in the public notice instead of its full text, then (a) the notice shall include a place within the municipality where copies of the full text may be examined without charge or copied at cost, (b) a copy of the full text shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published in that paper, and (c) an attested copy of the full text shall be filed in the Cambria County law library.

3) The public notice shall be published in a newspaper of general circulation once each week for two consecutive weeks. The first of these publications shall not be more than 60 days prior to passage or 30 days before the hearing. The second of these shall not be less than 7 days before either the hearing or passage.

4) If substantial changes are made in the proposed amendment before passage but after the involved public hearing, then a notice shall be published in a newspaper of general circulation within Cambria Township at least 10 days prior to enactment that sets forth the provisions in reasonable detail together with a summary of the changes made. If these changes involve land that was previously not affected by the proposed amendment, then the above requirement shall be dropped, and the public hearing process shall begin again.

5) If the amendment at hand involves a Zoning Map change, then notice of the hearing shall be posted by the Township at points deemed sufficient along involved tracts to notify potentially interested citizens. Such postings shall be made at least one week prior to the date of the hearing.

(c) A proposed amendment shall be submitted to the County Planning Commission at least 30 days prior to the hearing so that the Planning Commission may submit its recommendations.

(d) A proposed amendment shall be submitted to the County Planning Commission within 30 days after the enactment.

(e) If the amendment was prepared by a group other than the Planning Commission, then Board of Supervisors shall submit it to the Planning Commission at least 30 days prior to that amendment's hearing so that the Planning Commission may submit its recommendations.

(f) The Township may offer a mediation option as an aid in completing this section's proceedings. Mediation is described in §27-214, “The Zoning Hearing Board.”⁹

(2) *Curative Amendments.* The Board of Supervisors shall hear all

⁹The Board of Supervisors shall be substituted for the Zoning Hearing Board as it applies to this Section.

applications for landowner curative amendments according to both the following rules and the provisions of §27-209, "Substantive Challenges."

(a) The Board of Supervisors shall commence a hearing on a proposed landowner curative amendment within 60 days of the filing of a complete application for that amendment.

(b) Public notice of this hearing shall be given according to the requirements for enacting amendments described above. This notice shall include (1) notice that the validity of the Chapter or map is in question, and (2) the place and times where a copy of the proposed amendment—including any plans or explanatory materials—may be examined by the public.

(c) Board of Supervisors shall submit the proposed amendment to the Planning Commission at least 30 days prior to the hearing so that the Planning Commission may submit its recommendations.

(d) A proposed amendment shall be submitted to the County Planning Commission at least 30 days prior to the hearing so that the Planning Commission may submit its recommendations.

(e) A proposed amendment shall be submitted to the County Planning Commission within 30 days after that amendment's enactment.

(f) The Board of Supervisors shall render a written decision within 45 days of the end of the hearing.

(g) The Board of Supervisors may prescribe reasonable fees for such a hearing which may include (1) compensation for the Township Secretary (2) public notice and advertising costs, (3) necessary administrative overhead connected with the hearing, (4) enacting amendments as described above, and (5) one half of the stenographer's fee. The cost of the original transcript shall be paid by the Township if the original is ordered by the Township, and shall be paid by the applicant if he or she orders it. Additional copies shall be paid for by the parties requesting them. Fees may not compensate for the legal expenses of the Board of Supervisors. Furthermore, fees may not be used to compensate engineering, architectural, planning, or other technical consultants or expert witnesses.

(h) *Conducting the Hearing.*

1) A stenographic record that conforms with civil trial transcripts must be taken in all hearings. The substance of all official actions, the names of people who appear officially, and the subject of their testimony must be recorded.

2) Each party has the right to be represented by legal council, to present and respond to evidence, and to cross-examine adverse witnesses on all relevant issues.

3) The Township Solicitor shall represent the Township Board of Supervisors, if requested. However, the Township Board of Supervisors may retain an independent attorney to present the defense of the challenged ordinance.

4) The Board of Supervisors has the power to administer oaths

and issue subpoenas to compel both the attendance of relevant witnesses and the production of relevant papers. All testimony should be affirmed, as unaffirmed statements do not constitute legal evidence to make a record.

5) Formal rules of evidence do not apply to these hearings. However, the Board of Supervisors may exclude any irrelevant, immaterial, or unduly repetitious evidence. Hearsay evidence, if not objected to, may be given its natural probative value. Yet, the Board of Supervisors has the power to reject even uncontradicted testimony if it finds this testimony to be lacking in credibility.

6) In the time following the beginning of a hearing and prior to a rendering of the decision or findings, the Board of Supervisors shall not communicate with any party or party representatives unless all parties are given an opportunity to participate. No communication, reports, staff memoranda, or other materials may be accepted or noticed by the Board of Supervisors unless all parties are given an opportunity to contest that information. The Board of Supervisors should not inspect the involved site or its surroundings during the hearings unless all parties are given an opportunity to be present. Any reports by the Zoning Officer shall be filed with all involved parties.

7) A case should not be postponed to a later date without substantial or compelling reasons, especially if the issue is of great concern and has attracted an audience. However, where (a) a new issue is raised for the first time at a hearing, and (b) the applicant had no notice of this issue, the hearing should be continued at a later date to give the applicant an opportunity to react properly. When a case is continued at a second hearing, a notice shall be prominently posted at the hearing site, and all involved parties must be notified.

(i) *Making a Decision.*

1) In voting on a final decision, the vote cast by each Board of Supervisors member shall be made publicly.

2) In making its decision, the Board of Supervisors shall consider (a) the proposed amendments, plans, and explanatory materials submitted by the applicant; (b) the impact of the proposal on roads, sewer facilities, water supplies, schools, and other public service facilities; (c) the impact of the proposal on 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; (d) the suitability of the site for the intensity of use proposed (considering the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features); (e) the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources; and (f) the impact of the proposal on the preservation of agriculture and other land uses which are essential to

public health and welfare.

3) Where the Board of Supervisors fails to render this decision within the required period, or fails to hold the hearing within the required period, the decision shall be deemed to have been rendered against the amendment. When a deemed decision is rendered in favor of the amendment, the Board of Supervisors shall give notice of this within 10 days of the last day that it could have met to render a favorable decision.

4) If the Board of Supervisors determines that a validity challenge has merit, then it may either accept the applicant's landowner curative amendment—with or without revision—or adopt an alternative amendment that will cure the alleged defects in this Chapter.

5) Where an application is denied, the resulting decision must be accompanied by a finding of fact, the conclusions based on these facts, and the reason that such conclusions were drawn. This will show that the decision was reasoned, and not arbitrary. References to any provisions of any ordinance, rule, or regulation relied on for any conclusion must be made, along with the reason that the conclusion is appropriate for the particular case at hand.

6) Even where an application is not denied, the resulting decision should be accompanied by a statement of findings or an opinion that is detailed enough to substantiate the involved decision.

7) A copy of the final decision must be delivered or mailed to the applicant no later than the day after the date of the report.

(j) The elected official's decision may be appealed to the Zoning Hearing Board.

(3) *Municipal Curative Amendments.* If Board of Supervisors determines that this Chapter or a portion thereof is substantially invalid or defected, then the Board of Supervisors may initiate a municipal curative amendment as follows:

(a) The Board of Supervisors shall first (1) declare this Chapter or the substantially invalid portion or portions thereof to be invalid by formal action, and (2) propose to prepare a municipal curative amendment to overcome these invalidities.

(b) Within 30 days of the declaration and proposal, the Board of Supervisors shall: (1) make findings by resolution that set forth the declared invalidity or invalidities (this may include references to specific uses which are either not permitted or not permitted in sufficient quantity, to a class or use or uses which require revision, or to the entire Chapter), and (2) begin to prepare and consider a curative amendment to the Chapter that will correct these invalidities.

(c) Within 180 days of the declaration and proposal, the Board of Supervisors shall either (1) enact this curative amendment according to the provisions of paragraph .A(4) of this Section, or (2) reaffirm the

validity of this Chapter.

(d) During this 180-day period, the Township of Cambria, its Board of Supervisors and its Zoning Hearing Board shall not be required to entertain or consider any substantive challenges to the validity of this Chapter (as laid out in §27-209, “Substantive Challenges”) that are based on the same invalidities declared under clause (b) above.

(e) The Township may not initiate another municipal curative amendment for 36 months after the date that either the curative amendment is enacted or the validity of this Chapter is reaffirmed. However, if a new duty or obligation is imposed on the Township by a statute or a Pennsylvania Appellate Court decision, then the Township may ignore this rule in order to amend this ordinance to fulfill said duty or obligation.

(Ord. 206, 12/10/2010, §214)

Part 3**Nonconforming Buildings and Land Uses****§27-301. Purpose.**

1. The districts established by this Chapter constitute the proper location for the specific enumerated uses, buildings, and other structures permitted therein. Within such districts, however, there exist nonconformities that were lawfully in existence before the effective date of this Chapter, but are prohibited under the terms of this Chapter. Future amendments to this Chapter may be expected to create additional nonconformities.

2. The legitimate interests of those who established these nonconformities are recognized in this Chapter by permitting such nonconformities to continue, subject to regulations for and limitations upon their completion, restoration, reconstruction, extension, and substitution. It is recognized, however, that nonconformities substantially and adversely affect the orderly development, maintenance, use, and taxable value of other property in the district—property that is itself subject to the regulations of this Chapter. In order to secure eventual compliance with the standards of this Chapter, it is, therefore, necessary to strictly regulate nonconformities and to prevent the re-establishment of nonconformities that have been discontinued.

3. Accordingly, the following Sections divide nonconformities into five classes and provide appropriate regulations for each class. These classes are:

- A. Vacant lots smaller than the minimum size, width, depth, or any combination thereof required by this Chapter.
- B. Nonconforming buildings and structures used for a permitted use.
- C. Nonconforming uses of conforming buildings and structures.
- D. Nonconforming buildings and structures used for a nonconforming use.
- E. Nonconforming use of land.
- F. In the case of existing residential uses and structures in any nonresidential zone, regulations for the geographically closest residential district for setbacks, height, areas and coverage shall apply.

(*Ord. 206, 12/10/2010, §301*)

§27-302. Nonconforming Vacant Lots.

1. A “pre-recorded nonconforming lot” is a lot consisting entirely of a tract of land that:

- A. Has less than the prescribed minimum lot size, width, depth, or any combination thereof, for the district in which it is located.
- B. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot such size, width, depth, or any combination thereof, at such location would not have been prohibited by any zoning ordinance.
- C. Has remained in separate and individual ownership from adjoining tracts

of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance.

2. The side yard setbacks for the development of a pre-recorded nonconforming lot shall be as follows:

A. If the development cannot conform to the side yard requirements of the district in which it is located, then the development must conform to a requirement of 3 feet for each side yard. On a corner lot, the side yard abutting the street shall not be less than 10 feet. In no case shall any obstruction be permitted in the areas defined by Part 4, §27-414, and “Obstruction to Vision.”

(Ord. 206, 12/10/2010, §302)

§27-303. Nonconforming Buildings and Structures Used for Permitted Uses.

A lawfully existing building or other structure which contains a conforming use, but which does not comply with the applicable lot size requirements, building bulk limitations, or off-street parking requirements, may be continued so long as it remains otherwise lawful. Such buildings or other structures are referred to in this Part as “nonconforming buildings” and are subject to all of the following regulations:

A. *Ordinary Repair and Maintenance.*

(1) Ordinary maintenance and repair work, or repair and replacement of nonbearing walls, fixtures, wiring, or plumbing may be accomplished provided, however, that this paragraph shall not be deemed to authorize any violation of paragraphs .B through .D of this Section.

(2) Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of a nonconforming building, subject to the provisions of paragraph .D of this Section in accordance with the order of a public official who is charged with protecting the public safety and who declares such building to be unsafe and orders its restoration to a safe condition.

B. *Repairs and Alterations.* Repairs, maintenance, alterations, and modernization may be made to a nonconforming building or structure, except that no structural alteration shall be made in or to such building or structure except those required by law and except those making the building or structure and use thereof conform, or more closely conform, to the regulations of the district in which it is located.

C. *Enlargements.* No nonconforming building shall be enlarged or added to in any manner unless such building and the use thereof shall thereafter conform to, or more closely conform to, the regulations of the district in which it is located.

D. *Reconstruction.* In the event that a nonconforming building or structure used for a permitted use is damaged or destroyed by any means, to such an extent that the cost of restoring it to its condition prior to damage or destruction exceeds 50 percent of the current replacement cost of the entire building, exclusive of foundations, such building and use shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located.

E. *Moving.* No nonconforming building or other structure shall be moved in whole or in part for any distance whatever, to any other relocation on the same lot

or any other lot, unless the entire building and the use thereof shall thereafter conform to the regulations of the district in which it is located after being moved.

F. *Multiple Buildings on a Lot.* In the event that a lot is occupied by two or more buildings; and the use of the buildings is a permitted use under this Chapter; and the owner desires to sell one or more of said structures, thus requiring a lot split or subdivision plan to be prepared and approved by the Planning Commission, effectively making the remaining lots not comply with the yard area and lot coverage requirements as set forth in this Chapter, then said requirements shall not apply.

(Ord. 206, 12/10/2010, §303)

§27-304. Conforming Buildings and Structures Used for Nonconforming Uses.

A lawfully existing nonconforming use of part or all of a building or structure may be continued subject to all of the following provisions:

A. *Expansion of Nonconforming Use.* A nonconforming use of a part of a building or structure may be expanded or extended into any other portion of such building or structure provided that such expansion or extension shall not in any case be detrimental to or tend to alter the character of the neighborhood and that approval therefor be granted by the Zoning Hearing Board.

B. *Change of Nonconforming Use.* A nonconforming use all or partially conducted in a structure or structures may be changed to another nonconforming use only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be more conforming to its neighborhood and surroundings than the use it is to replace. In determining such relative conformity, the Board shall review the written report of the Zoning Officer, which may include the recommendations of the Planning Commission. This report shall take into consideration such factors, among others, as traffic generated, nuisance characteristics, such as emission of noise, dust, odors and smoke, creation of vibrations and fire hazards, the hours and manner of operation. The Zoning Officer may request the assistance of other applicable Township agencies in preparing his report.

C. *Discontinuance of Nonconforming Use.* A use occupying a building or structure, not conforming to the regulations of the district in which it is located that is discontinued during any continuous period of 12 months, shall not be continued and said building or structure shall only be occupied by a use which conforms to the district in which it is located.

D. *Reconstruction.* In the event that a conforming building or structure containing a nonconforming use is damaged or destroyed by any means, voluntary or involuntarily, said building may be restored. If the owner chooses to reconstruct the conforming building or structure the nonconforming use must be reinstated within 24 months.

E. *Moving.* No building or other structure that is devoted in whole or in part to a nonconforming use, shall be moved in whole or in part for any distance, whatsoever, to any other lot unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is

located after being so moved. Moreover, no nonconforming use of land shall be moved, in whole or in part for any distance whatsoever, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

(Ord. 206, 12/10/2010, §304)

§27-305. Nonconforming Buildings and Structures Used for Nonconforming Uses.

A lawfully existing nonconforming building or other structure which contains a lawfully existing nonconforming use of part or all of said building or structure may be continued subject to all the following provisions:

A. Ordinary Repair and Maintenance of Nonconforming Building or Structure.

(1) Ordinary maintenance and repair work, or repair and replacement of nonbearing walls, fixtures, wiring, or plumbing may be accomplished; provided, however, that this paragraph shall not be deemed to authorize any violation of paragraphs .B through .H of this Section.

(2) Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of a nonconforming building, subject to the provisions of paragraph .G of this Section in accordance with the order of a public official who declares such building to be unsafe and order its restoration to a safe condition.

B. Repairs and Alterations to a Nonconforming Building or Structure. Repairs, maintenance, alterations, and modernization may be made to a nonconforming building or structure, except that no structural alteration shall be made in or to such building or structure, except those required by law, and except those making the building or structure and use thereof conform, or more closely conform, to the regulations of the district in which it is located.

C. Enlargements of Nonconforming Building or Structure. No nonconforming building or structure shall be enlarged or added to in any manner unless such building or structure shall thereafter conform to, or more closely conform to, the regulations of the district in which it is located.

D. Expansion of Nonconforming Use. A nonconforming use of a part of a nonconforming building or structure may be expanded or extended into any portion of such building or structure; provided, that such expansion or extension shall not in any case be detrimental to or tend to alter the character of the neighborhood and that approval therefore be granted by the Zoning Hearing Board.

E. Change of Nonconforming Use. A nonconforming use all or partially conducted in a nonconforming structure or structures may be changed to another nonconforming use only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be more conforming to its neighborhood and surroundings than the use it is to replace. In determining such relative conformity, the Board shall review the written report of the Zoning Officer, which may include the recommendations of the Planning Commission. This report shall take into consideration such factors, among others, as traffic generated, nuisance characteristics, such as emission of noise, dust, odors, and smoke, creation

of vibrations and fire hazards, the hours and manner of operation. The Zoning Officer may request the assistance of other applicable Township agencies in preparing his report.

F. *Discontinuance of Nonconforming Use.* A use occupying a nonconforming building or structure, not conforming to the regulations of the district in which it is located that is discontinued during any continuous period of 12 months, shall not be continued and said building or structure shall only be occupied by a use which conforms to the district in which it is located.

G. *Reconstruction.* In the event that a nonconforming use within a nonconforming building or structure damaged or destroyed by any means, to such an extent that the cost of restoring it to its condition prior to damage or destruction exceeds 50 percent of the current replacement cost of the entire building, exclusive of foundations, such building and use shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located.

H. *Moving.* No nonconforming building or other structure that is devoted in whole or in part to a nonconforming use, shall be moved in whole or in part for any distance, whatsoever, to any other lot unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being so moved. Moreover, no nonconforming use of land shall be moved, in whole or in part for any distance whatever, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

I. *Multiple Buildings on a Lot.* In the event that a lot is occupied by two or more buildings; and the use of the buildings is a permitted use under this Chapter; and the owner desires to sell one or more of said structures, thus requiring a lot split or subdivision plan to be prepared and approved by the Planning Commission, effectively making the remaining lots not comply with the yard area and lot coverage requirements as set forth in this Chapter, then said requirements shall not apply.

(Ord. 206, 12/10/2010, §305)

§27-306. Nonconforming Use of Land.

The nonconforming use of land may be continued subject to all of the following provisions:

A. *Expansion of Use.* A nonconforming use of land may be expanded provided that such expansion not be detrimental to or tend to alter the character of the neighborhood and that approval therefore be granted by the Zoning Hearing Board.

B. *Discontinuance of Use.* A use not conforming to the regulations of the district in which it is located, prior to the Chapter's date of enactment, which is discontinued and is not renewed during any continuous period of 12 months, shall not be renewed except by a use, which conforms to the use regulations of the district in which the land is located.

(Ord. 206, 12/10/2010, §306)

Part 4

Designation of Zones

§27-401. Purpose.

The purpose of this Part is to constitute policies that involve and affect all or a majority of the zoning districts in this Chapter. The Part provides for the designation of the zoning districts, the establishment of the Zoning Map and the district boundaries interpretation procedure as well as annexation.

(Ord. 206, 12/10/2010, §401)

§27-402. Zoning Districts.

For the purpose of this Chapter, the Township is hereby divided into ten zoning districts and a Floodplain Area, which shall be designated as follows:

Zone/Area Designation	Category	Title
R-SH	Residential	Single household
R-MH	Residential	Multi-household
R-MHP	Residential	Mobile home parks
MX-VC	Mixed Use	Mixed Use–Village Commercial
C-G	Commercial	General Commercial
C-H	Commercial	Highway Commercial
I-L	Industrial	Light Industrial
I-H	Industrial	Heavy Industrial
O-C	Conservation	Open Space Conservation
A	Agricultural	Agriculture

(Ord. 206, 12/10/2010, §402)

§27-403. Zoning Map.

The boundaries of the zoning districts shall be shown upon the Map attached to and made part of this Chapter, which shall be designated “Township of Cambria Zoning Map.” The said Map and the entire notation, references, and other data shown thereon are hereby incorporated by reference into this Chapter as if all were fully described herein.

(Ord. 206, 12/10/2010, §403)

§27-404. Boundaries Between Districts.

Zone boundary lines are intended to follow street, alley, or public rights-of-way, center lines, railroad rights-of-way, streams, and lot or property lines as they exist on

plats of record at the time of the passage of this Chapter. Whenever any street, alley, or other public right-of-way is vacated, the one adjoining each side of such street, alley, or public right-of-way shall be automatically extended to the center of such vacation.

(Ord. 206, 12/10/2010, §404)

§27-405. Interpretation of Boundaries.

When a district boundary line divides a lot, held in single and separate ownership at the effective date of this Chapter, the regulations of the district, which contains the majority of the lot, will apply.

(Ord. 206, 12/10/2010, §405)

§27-406. Annexation.

Where land area has become a part of the Township by annexation, the same shall automatically be classed as being in the “R-SH, Single Household Residential” zone until such classification shall have been changed by an amendment to the Chapter as provided herein. The process for such amendment shall begin within 60 days of the annexation. Zoning districts has been identified as being situate in a floodplain area as defined by the Federal Emergency Management Agency (FEMA) and indicated on the Flood Boundary and Floodway Maps, then the floodplain regulations of the Township of Cambria shall also govern as regards to building and uses for any said parcel. However, the provisions and requirements of this Chapter shall remain in full force and effect to the extent that they are more restrictive than the floodplain regulations.

(Ord. 206, 12/10/2010, §406)

Part 5**District Provisions****§27-501. “R-SH” Single Household Residential.**

1. *Purpose.* The purpose of this zone is to provide areas within the Township for the development of low density, primarily residential single-household detached homes, and to protect those areas presently developed in this manner. Note: Additional provisions may apply including, but not limited to, those listed in the “Supplementary Regulations” Section of this Chapter.

2. *Permitted Uses.*

A. *Residential Uses.*

(1) Accessory uses.

(2) Essential services.

(3) Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.

(4) Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.

(5) No-impact home based businesses.

(6) Single household dwellings.

B. *Nonresidential Uses.*

(1) Essential services accessories only.

(2) Forestry activities.

(3) Houses of worship.

(4) Open spaces.

(5) Accessory buildings and uses on the same lot, which are customarily incidental to the permitted nonresidential uses in this Section.

3. *Special Exceptions.* Special exceptions may be permitted where the Zoning Hearing Board finds after a public hearing that such uses will not create a hazardous condition and the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter.

A. Minor-impact home based businesses.

B. Houses of worship, fire station, public utility buildings, schools, colleges, and universities, water storage may be permitted as “special exceptions” where the Zoning Hearing Board finds after a public hearing that such uses will not create a hazardous condition and will otherwise meet the following requirements:

(1) The following table:

		Minimum lot width at the front lot line	Minimum lot area
(a)	Fire Stations	40 feet	21,780 sq. ft.
(b)	Public Utility Buildings	40 feet	10,000 sq. ft.
(c)	Schools, Colleges, and Universities	60 feet	7,000 sq. ft.
(d)	Water Storage	150 feet	87,120 sq. ft.

(2) The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood.

(3) The appearance of the building shall be residential in character (i.e., gabled rooflines, wood siding or brick, an articulated footprint, varied facade, etc.).

(4) Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic.

(5) There shall be no exterior loud speaker systems or other audible signals which can be heard at or beyond the property line, other than chimes or bells to signal the top and bottom of the hour—and only between 7 a.m. and 7 p.m.

(6) Signs, parking and any other provisions of this Chapter for the zoning district shall be in compliance with the regulations for the district.

C. Day Care Facilities (In-Home).

(1) This Section shall apply to child or adult day care facilities (in-home) providing service for all or part of a 24-hour day for children less than 16 years of age, or for adults who are otherwise not capable of living on their own. The person primarily responsible for the day care facility home shall be a full-time resident of the facility. Friends and/or family members who provide occasional, common babysitting services and places of worship furnishing babysitting during religious services (regardless if they accept donations or a nominal fee) shall not be deemed as operating a day care facility.

(a) A day care facility shall only be permitted in single-household detached and semi-detached dwellings and shall not be permitted in any accessory buildings.

(b) The facility shall present to the Township a copy of their required State license upon request of the Zoning Officer and documentation indicating compliance with all applicable state or local building and fire safety codes.

(c) The owner/operator shall permit official Township representatives to enter the property to inspect and verify compliance with the requirements of this Chapter.

(d) Child and adult day care facilities shall not provide medical or personal care services that extend beyond assistance with bathing, diet,

dressing, and medication prescribed for self administration unless licensed to provide such services.

(e) Off-street parking and pick-up/drop-off areas shall be adequate and provided in a safe and secure manner to protect all persons using such spaces and in compliance with §27-502.5.

(f) Day care facilities shall provide documentation to local police and fire departments indicating the scope of their operation, including the hours of operation, the number of customers and the location of sleeping areas (if applicable).

(2) For child day care facilities, the following additional provisions shall apply:

(a) The facility shall not be located within 300 feet of any potentially hazardous land use or activity which might pose a threat to the safety of the children or staff.

(b) Outdoor play for children shall be confined to a fenced area which shall not be located in any front yard. The time period for such outdoor play shall be from dawn to dusk only.

(c) Play equipment shall be located at least 10 feet from all abutting property line and no excessive noise shall be permitted.

4. *Prohibited Uses.* Any use not complying with the specifications of this Part is prohibited.

5. *District Regulations.*

Zoning District	Cambria Twp. Proposed Zoning Ordinance
Single Household Residential (R-SH)	Height: 35 feet P/20 feet A Area: 21,780* Coverage: 30 percent Width: 100 feet Front Setback: 50 feet Side Setback: 15 feet Rear Setback: 25 feet *If no municipal sewer service is available, lot area must be 43,560 square feet (1 acre)

No accessory structure (i.e., garage, patio, swimming pool, gazebo) shall be erected nor shall its dimensions be increased beyond the front of the principal structure at its front foundation line. An accessory structure may be erected within the rear yard or side yard provided that the height, area, width, setbacks and coverage as required for the district have been met.

6. *Required Off-street Parking Spaces.*

Land Use	Required Off-Street Parking Spaces	
	Minimum	Maximum
Residential Uses		

	Required Off-Street Parking Spaces	
Land Use	Minimum	Maximum
Single-household detached dwellings	Minimum of 2 spaces per dwelling unit	
Governmental home offices	nothing beyond those required by the dwelling unit itself	
No-impact home based businesses	nothing beyond those required by the dwelling unit itself	
Accessory buildings and uses on the same lot, which are customarily incidental to the above use	N/A	
Nonresidential Uses		
Forestry activities	Minimum of 1 space per 200 sq. ft. of enclosed gross floor area if a building or structure is involved, and 1 space per each employee	
Open spaces	N/A	
Public utility facilities accessories	N/A	
Accessory buildings and uses on the same lot which are customarily incidental to the above uses	N/A	
Houses of worship	1 space per each 9 fixed seats or 12 linear feet of fixed benches. If there is no fixed seating, 1 space for each 50 square feet of enclosed gross floor area	1 space per each 5 fixed seats or 8 linear feet of fixed benches. If there is no fixed seating, 1 space for each 25 square feet of enclosed gross floor area.
Special Exception Uses		
Houses of worship	1 space per each 9 fixed seats or 12 linear feet of fixed benches. If there is no fixed seating, 1 space for each 50 square feet of enclosed gross floor area	1 space per each 5 fixed seats or 8 linear feet of fixed benches. If there is no fixed seating, 1 space for each 25 square feet of enclosed gross floor area
Minor-impact home based business	Minimum of 2 spaces for the residential use + 2 spaces for the business use if no nonresidential employees exist; or 2 spaces for the residential use + 3 spaces for the business use if one nonresidential employee exists; or 2 spaces for the residential use + 4 spaces for the business use if two nonresidential employees exist	
Professional offices and services	Minimum of 1 parking space per office, plus 1 parking space for every 200 square feet of net floor area.	

Land Use	Required Off-Street Parking Spaces	
	Minimum	Maximum
Schools, colleges and institutions	Minimum of 1 parking space for every 6 seats occupied at maximum capacity in auditorium, stadium, or gymnasium of greatest capacity—if no such exists, then 1 parking space for each employee plus 5 additional spaces for each classroom	

(Ord. 206, 12/10/2010, §501)

§27-502. “R-MH” Multi-Household Residential.

1. *Purpose.* It is the purpose of this zone to provide areas for medium density residential use, relatively small lot sizes, duplexes, apartment buildings and other multiple household uses, and attached as well as detached dwellings, while protecting the characteristics of these areas. Note: Additional provisions may apply including, but not limited to, those listed in the “Supplementary Regulations” Section of this Chapter.

2. *Permitted Uses.*

A. *Residential Uses.*

(1) Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.

(2) Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.

(3) Multi-household dwellings.

(4) No-impact home based businesses.

(5) Row dwellings with not more than six dwelling units in one structure.

(6) Single household dwellings.

B. *Nonresidential Use.*

(1) Essential services (buildings and accessories).

(2) Forestry activities.

(3) Parks, playgrounds and open space.

(4) Accessory buildings and uses on the same lot, which are customarily incidental to the permitted non-residential uses in this Section.

3. *Special Exceptions.* Special exceptions may be permitted where the Zoning Hearing Board finds after a public hearing that such uses will not create a hazardous condition and the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter.

A. *Day Care Facilities (In-Home).*

(1) This Section shall apply to child or adult day care facilities (in-home) providing service for all or part of a 24-hour day for children less than 16 years of age, or for adults who are otherwise not capable of living on their own. The person primarily responsible for the day care facility home shall be a full-time

resident of the facility. Friends and/or family members who provide occasional, common babysitting services and places of worship furnishing babysitting during religious services (regardless if they accept donations or a nominal fee) shall not be deemed as operating a day care facility.

(a) A day care facility shall only be permitted in single-household detached and semi-detached dwellings and shall not be permitted in any accessory buildings.

(b) The facility shall present to the Township a copy of their required State license upon request of the Zoning Officer and documentation indicating compliance with all applicable state or local building and fire safety codes.

(c) The owner/operator shall permit official Township representatives to enter the property to inspect and verify compliance with the requirements of this Chapter.

(d) Child and adult day care facilities shall not provide medical or personal care services that extend beyond assistance with bathing, diet, dressing, and medication prescribed for self administration unless licensed to provide such services.

(e) Off-street parking and pick-up/drop-off areas shall be adequate and provided in a safe and secure manner to protect all persons using such spaces and in compliance with subsection .5.

(f) Day care facilities shall provide documentation to local police and fire departments indicating the scope of their operation, including the hours of operation, the number of customers and the location of sleeping areas (if applicable).

(2) For child day care facilities, the following additional provisions shall apply:

(a) The facility shall not be located within 300 feet of any potentially hazardous land use or activity which might pose a threat to the safety of the children or staff.

(b) Outdoor play for children shall be confined to a fenced area which shall not be located in any front yard. The time period for such outdoor play shall be from dawn to dusk only.

(c) Play equipment shall be located at least 10 feet from all abutting property line and no excessive noise shall be permitted.

C. Minor-impact home based businesses.

D. Fire stations, public utility buildings, schools, colleges, and universities, water storage may be permitted as "Special Exceptions" where the Zoning Hearing Board finds after a public hearing that such uses will not create a hazardous condition and will otherwise meet the following requirements:

(1) The following table:

		Minimum lot width at the front lot line	Minimum lot area
(a)	Fire stations	40 feet	21,780 sq. ft.
(b)	Public utility buildings	40 feet	10,000 sq. ft.
(c)	Schools, colleges, and universities	60 feet	7,000 sq. ft.
(d)	Water storage	150 feet	87,120 sq. ft.

(2) The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood.

(3) The appearance of the building shall be residential in character (i.e., gabled rooflines, wood siding or brick, an articulated footprint, varied facade, etc.).

(4) Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic.

(5) There shall be no exterior loud speaker systems or other audible signals which can be heard at or beyond the property line; other than a chime or bell to signal the top & bottom of the hour—and only between 7 a.m. and 7 p.m.

(6) Signs, parking, etc., shall comply with the regulations for the district.

4. *Prohibited Uses.* Any use not complying with the specifications of this Part is prohibited.

5. *District Regulations.*

Zoning District	Zoning District Standards
Multiple Household Residential (R-MH)	Height: 40 feet Area: 7,500* Coverage: 40 percent Width: 50 feet Front Setback: 25 feet Side Setback: 10 feet Rear Setback: 25 feet *If no municipal sewer service is available, lot area must be 43,560 square feet (1 acre).

No accessory structure (i.e., garage, patio, swimming pool, gazebo) shall be erected nor shall its dimensions be increased beyond the front of the principal structure at its front foundation line. An accessory structure may be erected within the rear yard or side yard provided that the height, area, width, setbacks and coverage as required for the district have been met.

6. *Required Off-Street Parking Spaces.*

	Required Off-Street Parking Spaces	
Land Use	Minimum	Maximum
Residential Uses		
Single-household detached dwellings	Minimum of 2 spaces per dwelling unit	
Duplex and two to six maximum household high and low-rise dwellings, townhouses and apartments (max. 4 stories)	Minimum of 1.5 spaces per dwelling unit	
Governmental home offices	nothing beyond those required by the dwelling unit itself	
No-impact home based businesses	nothing beyond those required by the dwelling unit itself	
Accessory buildings and uses on the same lot, which are customarily incidental to the above use	none	none
Nonresidential Uses		
Essential services (buildings and accessories)	1 space per every 2 employees if the involved structure is a building	1 space per each employee if the involved structure is a building
Forestry activities	Minimum of 1 space per 200 sq. ft. of enclosed gross floor area if a building or structure is involved, and 1 space per each employee	
Parks, playgrounds and open space that do not contain any pavilions, play fields or ball fields	none	1 space for every 6 persons of maximum design capacity for the facility
Parks containing playfields, ball fields, pavilions or similar structures	1 space for every 8 persons of maximum design capacity for the facility and 4 per pavilion	1 space for every 6 persons of maximum design capacity for the facility and 8 per pavilion
Public utility facilities (buildings and accessories)	1 space per every 2 employees if the involved structure is a building	1 space per each employee if the involved structure is a building
Accessory buildings and uses on the same lot which are customarily incidental to the above uses	none	none
Special Exception Uses		
Day care facility (in-home)	Minimum of 2 spaces per dwelling unit plus 1 space for each employee	

Land Use	Required Off-Street Parking Spaces	
	Minimum	Maximum
Minor-impact home based business	Minimum of 2 spaces for the residential use + 2 spaces for the business use if no nonresidential employees exist; or 2 spaces for the residential use + 3 spaces for the business use if one nonresidential employee exists; or 2 spaces for the residential use + 4 spaces for the business use if two nonresidential employees exist.	
Schools, colleges and institutions	Minimum of 1 parking space for every 6 seats occupied at maximum capacity in auditorium, stadium, or gymnasium of greatest capacity—if no such exists, then 1 parking space for each employee plus 5 additional spaces for each classroom	

(Ord. 206, 12/10/2010, §502)

§27-503. “R-MHP” Mobile Home Park.

1. *Purpose.* It is the purpose of this zone to provide areas for medium density residential use, relatively small lot sizes, duplexes, apartment buildings and other multiple household uses, and attached as well as detached dwellings, while protecting the characteristics of these areas. Note: Additional provisions may apply including, but not limited to, those listed in the “Supplementary Regulations” Section of this Chapter.

2. *Permitted Uses.*

A. *Residential Uses.*

- (1) Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
- (2) Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
- (3) Mobile home parks.
- (4) Multi-household dwellings.
- (5) No-impact home based businesses.
- (6) Row dwellings with not more than six dwelling units in one structure.
- (7) Single household dwellings.

B. *Nonresidential Uses.*

- (1) Essential services (buildings and accessories).
- (2) Forestry activities.
- (3) Houses of worship.
- (4) Parks, playgrounds and open space.
- (5) Accessory buildings and uses on the same lot, which are customarily incidental to the permitted non-residential uses in this Section.

3. *Special Exceptions.* Special exceptions may be permitted where the Zoning Hearing Board finds after a public hearing that such uses will not create a hazardous condition and the Board may attach such reasonable conditions and safeguards, in

addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter.

A. *Day Care Facilities (In-Home).*

(1) This Section shall apply to child or adult day care facilities (in-home) providing service for all or part of a 24-hour day for children less than 16 years of age, or for adults who are otherwise not capable of living on their own. The person primarily responsible for the day care facility home shall be a full-time resident of the facility. Friends and/or family members who provide occasional, common babysitting services and places of worship furnishing babysitting during religious services (regardless if they accept donations or a nominal fee) shall not be deemed as operating a day care facility.

(a) A day care facility shall only be permitted in single-household detached and semi-detached dwellings and shall not be permitted in any accessory buildings.

(b) The facility shall present to the Township a copy of their required State license upon request of the Zoning Officer and documentation indicating compliance with all applicable State or local building and fire safety codes.

(c) The owner/operator shall permit official Township representatives to enter the property to inspect and verify compliance with the requirements of this Chapter.

(d) Child and adult day care facilities shall not provide medical or personal care services that extend beyond assistance with bathing, diet, dressing, and medication prescribed for self administration unless licensed to provide such services.

(e) Off-street parking and pick-up/drop-off areas shall be adequate and provided in a safe and secure manner to protect all persons using such spaces and in compliance with §27-502.5.

(f) Day care facilities shall provide documentation to local police and fire departments indicating the scope of their operation, including the hours of operation, the number of customers and the location of sleeping areas (if applicable).

(2) For child day care facilities, the following additional provisions shall apply:

(a) The facility shall not be located within 300 feet of any potentially hazardous land use or activity which might pose a threat to the safety of the children or staff.

(b) Outdoor play for children shall be confined to a fenced area, which shall not be located in any front yard. The time period for such outdoor play shall be from dawn to dusk only.

(c) Play equipment shall be located at least 10 feet from all abutting property line and no excessive noise shall be permitted.

B. Minor-impact home based businesses.

C. Fire stations, public utility buildings, schools, colleges, and universities, water storage may be permitted as “special exceptions” where the Zoning Hearing Board finds after a public hearing that such uses will not create a hazardous condition and will otherwise meet the following requirements:

(1) The following table:

		Minimum lot width at the front lot line	Minimum lot area
(a)	Fire stations	40 feet	21,780 sq. ft.
(b)	Public utility buildings	40 feet	10,000 sq. ft.
(c)	Schools, colleges, and universities	60 feet	7,000 sq. ft.
(d)	Water storage	150 feet	87,120 sq. ft.

(2) The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood.

(3) The appearance of the building shall be residential in character (i.e., gabled rooflines, wood siding or brick, an articulated footprint, varied facade, etc.).

(4) Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic.

(5) There shall be no exterior loud speaker systems or other audible signals which can be heard at or beyond the property line; other than a chime or bell to signal the top and bottom of the hour—and only between 7 a.m. and 7 p.m.

(6) Signs, parking, etc., shall comply with the regulations for the district.

4. *Prohibited Uses.* Any use not complying with the specifications of this Part is prohibited.

5. *District Regulations.*

Mobile Home Parks (R-MHP)	Height: 35 feet Area: 5,000 Coverage: 40 percent Width: 70 feet Front Setback: 30 feet Side Setback: 10 feet Rear Setback: 10 feet
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No accessory structure (i.e., garage, patio, swimming pool, gazebo) shall be erected nor shall its dimensions be increased beyond the front of the principal structure at its front foundation line. An accessory structure may be erected within the rear yard or side yard provided that the height, area, width, setbacks and coverage as required for the district have been met.

6. *Parking Regulations.*

Land Use	Required Off-Street Parking Spaces	
	Minimum	Maximum
Residential Uses		
Single-household detached dwellings	Minimum of 2 spaces per dwelling unit	
Duplex and two to six maximum household high and low-rise dwellings, townhouses and apartments (max. 4 stories)	Minimum of 1.5 spaces per dwelling unit	
Mobile home parks		
Governmental home offices	nothing beyond those required by the dwelling unit itself	
No-impact home based businesses	nothing beyond those required by the dwelling unit itself	
Accessory buildings and uses on the same lot, which are customarily incidental to the above use	none	none
Nonresidential Uses		
Essential services (buildings and accessories)	1 space per every 2 employees if the involved structure is a building	1 space per each employee if the involved structure is a building
Forestry activities	Minimum of 1 space per 200 sq. ft. of enclosed gross floor area if a building or structure is involved, and 1 space per each employee	
Parks, playgrounds and open space that do not contain any pavilions, play fields or ball fields	none	1 space for every 6 persons of maximum design capacity for the facility
Parks containing playfields, ball fields, pavilions or similar structures	1 space for every 8 persons of maximum design capacity for the facility and 4 per pavilion	1 space for every 6 persons of maximum design capacity for the facility and 8 per pavilion
Public utility facilities (buildings and accessories)	1 space per every 2 employees if the involved structure is a building	1 space per each employee if the involved structure is a building
Accessory buildings and uses on the same lot which are customarily incidental to the above uses	none	none
Special Exception Uses		

Land Use	Required Off-Street Parking Spaces	
	Minimum	Maximum
Day care facility (in-home)	Minimum of 2 spaces per dwelling unit plus 1 space for each employee	
Minor-impact home based business	Minimum of 2 spaces for the residential use + 2 spaces for the business use if no nonresidential employees exist; or 2 spaces for the residential use + 3 spaces for the business use if one nonresidential employee exists; or 2 spaces for the residential use + 4 spaces for the business use if two nonresidential employees exist.	
Schools, colleges and institutions	Minimum of 1 parking space for every 6 seats occupied at maximum capacity in auditorium, stadium, or gymnasium of greatest capacity—if no such exists, then 1 parking space for each employee plus 5 additional spaces for each classroom	

(Ord. 206, 12/10/2010, §503)

§27-504. “MX-VC” Mixed Use - Village Commercial.

1. *Purpose.* It is the purpose of this zone to incorporate the use of nonresidential uses into residential areas, which are undergoing transition. These areas are predominantly residential, but due to environmental and physical features are no longer prime residential areas. The permitted nonresidential uses are of a nature, and controlled in such a way, as to minimize their impacts on the existing residential use. Note: Additional provisions may apply including, but not limited to, those listed in the “Supplementary Regulations” Section of this Chapter.

2. *Permitted Uses.*

A. *Residential Uses.*

- (1) Accessory buildings and uses on the same lot, which are customarily incidental to the permitted nonresidential uses in this Section single household dwellings.
- (2) Governmental home offices.
- (3) Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
- (4) Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
- (5) Multi-household dwellings.
- (6) No-impact home based business.
- (7) Row dwellings with not more than six dwelling units in one structure.

B. *Nonresidential Uses.*

- (1) Bed and breakfast.
- (2) Bus shelters.
- (3) Car wash.

- (4) Child day care centers (not exceeding 5,000 sq. ft. in gross floor area).
- (5) Commercial establishments, multi-household owner or renter occupied residential development (single of multiple) on second, third, or fourth floors. Commercial greenhouse.
- (6) Essential services (buildings and accessories).
- (7) Forestry activities.
- (8) Funeral homes–mortuary.
- (9) Health services (not exceeding 5,000 sq. ft. in gross floor area).
- (10) Houses of worship.
- (11) Medical clinic.
- (12) Nursing homes.
- (13) Parks, playgrounds and open space.
- (14) Photographers studio.
- (15) Photography and camera supply shop.
- (16) Private and civic clubs.
- (17) Professional offices and services (not exceeding 5,000 sq. ft. in gross floor area).
- (18) Public utility facilities (buildings and accessories).
- (19) Restaurant, cafeteria, and snack bar, including the sale of alcoholic beverages retail sales and services (not exceeding 5,000 sq. ft in gross floor area).
- (20) Accessory buildings and uses on the same lot, which are customarily incidental to the permitted nonresidential uses in this Section.

3. *Special Exceptions.* Special exceptions may be permitted where the Zoning Hearing Board finds after a public hearing that such uses will not create a hazardous condition and the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter.

A. *Conversion Apartments.* Any single-household dwelling existing at the effective date of this Chapter may be converted into a multi-household dwelling providing that the remodeled unit provides separate living units each having a minimum of not less than 800 square feet of habitable area, one bathroom and three habitable rooms (at least one of which shall be a bedroom) separate and private sanitary facilities and cooking and dining facilities for each dwelling unit.

- (1) The owner of the property must reside in the dwelling on a continuing basis as long as the use is in existence.
- (2) It does not exceed density standards.
- (3) The lot area per dwelling unit shall conform to the regulations for the zone in which it is located.
- (4) Fire escapes, where required, shall be in the rear of the structure and shall not be located on any wall facing a front or side street.

(5) Parking shall be provided in accordance with the provision of §27-503.6.

B. Boarding houses and lodging houses, hotel/motel, public libraries and museums, schools public and private including college and institutions of higher education after the Zoning Hearing Board determines they will not create a hazardous condition and will otherwise meet the following requirements:

(1) The following table:

		Minimum lot width at the front lot line	Minimum lot area
(a)	Boarding houses/lodging houses	200 feet	18,000 sq. ft.
(b)	Hotel/Motel	200 feet	18,000 sq. ft.
(c)	Public libraries and museums	150 feet	15,000 sq. ft.
(d)	Public and private schools	150 feet	15,000 sq. ft.

(2) The perceived scale of the proposal shall not detract from the residential character (where applicable) of the surrounding neighborhood.

(3) The appearance of the building shall be residential in character (where applicable) (i.e., gabled rooflines, wood siding or brick, an articulated footprint, varied facade, etc.).

(4) Proposed traffic will not severely change the residential nature of the neighborhood (where applicable) and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic.

(5) There shall be no exterior loud speaker systems or other audible signals which can be heard at or beyond the property line; other than a chime or bell to signal the top and bottom of the hour—and only between 7 a.m. and 7 p.m.

(6) Signs, parking, etc., shall comply with the regulations for the district.

C. Parking lot/facilities for business establishments when not located on the same lot as the principal use for which the parking lot will serve providing:

(1) The lot is owned by the same owner of the principal use for which the parking lot will serve.

(2) The lot must be situate directly abutting, or across the street or alley from, the principal use and must be in the same zoning district.

(3) The lot shall not be placed on a parcel of land where residences exist and abut both sides of the lot, without the express written consent of the homeowners.

(4) Only one (ungated) opening for entrance and exit may exist and must be a minimum of 20 feet wide.

(5) Steel fencing surrounding the outside perimeter of the lot to a

maximum of 4 feet shall be erected and maintained in good condition at all times.

(6) A 3-foot setback area inside the perimeter fencing consisting of hedges, decorative shrubs and woodchips, river stone or similar materials shall be provided and maintained in good condition at all times.

(7) Lighting, which may not exceed a maximum height of 15 feet and must face in a direction to illuminate only the parking area and not be directed in a manner that would create a light hazard or serious annoyance to adjacent or abutting property owners.

(8) Signs, if needed, may not exceed the height of the fence.

(9) The lot must be paved with asphalt or concrete and well marked for parking spaces, exiting, etc.

(10) The owner shall be financially responsible for any curb cutting, grading to the street, sidewalk installation and all similar construction necessities.

4. *Prohibited Uses.* Any use not complying with the specifications of this Part is prohibited.

5. *District Regulations.*

Zoning District	Zoning District Standards
Mixed Use-Village Commercial (MX-VC)	Height: 30 feet Area: 10,000 Coverage: 50 percent Width: 50 feet Front Setback: 15 feet Side Setback: 5 feet Rear Setback: 10 feet

No accessory structure (i.e., garage, patio, swimming pool, gazebo) shall be erected nor shall its dimensions be increased beyond the front of the principal structure at its front foundation line. An accessory structure may be erected with the rear yard or side yard provided that the height, area, width, setbacks and coverage as required for the district have been met.

6. *Density.* In the case of a mixed-use the total gross floor area shall not exceed 2,500 square feet or total gross floor area of 5,000 square feet.

7. *Required Off-Street Parking Spaces.*

Land Use	Required Off-Street Parking Spaces	
	Minimum	Maximum
Residential Uses		
Single-household detached dwellings	Minimum of 2 spaces per dwelling unit	
Duplex and two to six maximum household high	Minimum of 1.5 spaces per dwelling unit	

Land Use	Required Off-Street Parking Spaces	
	Minimum	Maximum
and low-rise dwellings, townhouses and apartments (max. 4 stories), includes group homes and halfway houses		
Multi-household—over 6 dwelling units (maximum 5 stories)	Minimum of 1.5 spaces per dwelling unit + 1 designated visitor parking area for every 4 dwelling units	
Governmental home offices	nothing beyond those required by the dwelling unit itself	
No-impact home based businesses	nothing beyond those required by the dwelling unit itself	
Accessory buildings and uses on the same lot, which are customarily incidental to the above use	none	none
Nonresidential Uses		
Bus shelters	none	none
Day care center (for children)	Minimum of 1 parking space for every 2 children, plus one parking space per employee and one parking space for the owner or operator	
Essential services buildings	1 space per every 2 employees if the involved structure is a building	1 space per each employee if the involved structure is a building
Forestry activities	Minimum of 1 space per 200 sq. ft. of enclosed gross floor area if a building or structure is involved, and 1 space per each employee	
Funeral homes—mortuary	1 space per 1,400 sq. ft. of enclosed gross floor area	1 space per 800 sq. ft. of enclosed gross floor area
Health services	3 spaces up to 1,000 sq. ft. and 3 spaces for every additional 1,000 sq. ft. of enclosed gross floor area	1 space per 200 sq. ft. of enclosed gross floor area
Nursing home	Minimum of 1 parking space for every 2 patient beds, plus 1 parking space per employee and 2 parking spaces for the owner or operator	
Parks, playgrounds and open space that do not contain any pavilions, play fields or ball fields	none	1 space for every 6 persons of maximum design capacity for the facility
Parks containing playfields, ball fields, pavilions or the	1 space for every 8 persons of maximum design capacity for	1 space for every 6 persons per maximum design capacity

	Required Off-Street Parking Spaces	
Land Use	Minimum	Maximum
like	the facility and 4 per pavilion	for the facility and 8 per pavilion
Photographers studio, photography and camera supply shop, private and civic clubs, professional offices and services	3 spaces up to 1,000 sq. ft. and 3 spaces for every additional 1,000 sq. ft. of enclosed gross floor area	1 space per 200 sq. ft. of enclosed gross floor area + 1 loading berth
Public utility facilities buildings and accessories	1 space per every 2 employees if the involved structure is a building	1 space per each employee if the involved structure is a building
Retail sales and services	4 spaces up to 1,000 sq. ft. and 3 spaces every additional 1,000 sq. ft. of enclosed gross floor area	1 space per 200 sq. ft. of enclosed gross floor area + 1 loading berth
Accessory buildings and uses on the same lot which are customarily incidental to the above uses	none	none
Special Exception Uses		
Conversion apartments	Minimum of 2 spaces per dwelling unit	
Boarding house–lodging house	1 space for each sleeping room to be occupied by roomers or boarders + 1 space per dwelling unit + 1 space per every 3 employees not living on the premises	1 space for each sleeping room to be occupied by roomers or boarders + 1 space per dwelling unit + 1 space per every 2 employees not living on the premises
Hotel/Motel	1 space for every 4 guests or sleeping rooms and suites +1 space for every 6 employees + additional space as required by this parking section because of any supplementary parking generating activities	1 space for every 3 guests or sleeping rooms and suites +1 space for every 4 employees + additional space as required by this parking section because of any supplementary parking generating activities
Parking lot/facilities for business use when not located on the same lot as the principal use for which the parking lot will serve	appropriate for the size of the lot	
Public libraries and museums	3 spaces up to 1,000 sq. ft. of enclosed gross floor area + 1 space every additional 250 sq. ft. of floor area	3 spaces up to 800 sq. ft. of enclosed gross floor area + 1 space every additional 100 sq. ft. of floor area

Land Use	Required Off-Street Parking Spaces	
	Minimum	Maximum
Public and private schools including colleges and institutions of higher education	1 space for each 25 students per design capacity + 1 space for each 700 sq. ft. of enclosed gross floor area for offices or teacher lounges	1 space for each 15 students per design capacity + 1 space for each 400 sq. ft. of enclosed gross floor area for offices or teacher lounges

(Ord. 206, 12/10/2010, §504)

§27-505. “C-G” General Commercial.

1. *Purpose.* It is the purpose of this zone to define and provide controls for the major pedestrian-oriented shopping and business areas of the Township. Note: Additional provisions may apply including, but not limited to, those listed in the “Supplementary Regulations” Section of this Chapter.

2. *Permitted Uses.*

- A. Automotive sales and services.
- B. Bed and breakfast.
- C. Bus shelters.
- D. Car wash.
- E. Commercial establishments, multi-household owner or renter occupies residential development (single or multiple) on second, third, and fourth floors.
- F. Cultural facilities.
- G. Essential services (buildings and accessories).
- H. Forestry activities.
- I. Health services.
- J. Hotel/Motel.
- K. Parks and open space.
- L. Private and civic clubs.
- M. Professional offices and services.
- N. Public libraries and museums.
- O. Public utility facilities (buildings and accessories).
- P. Restaurant, cafeteria, and snack bar, including the sale of alcoholic beverages.
- Q. Retail sales and services.
- S. Schools, public and private including colleges and institutions of higher education.
- T. Wholesale sales and services.
- U. Accessory uses on the same lot and customarily incidental to the permitted uses.

3. *Special Exceptions.*

A. Parking lot/facilities for business establishments when not located on the same lot as the principal use for which the parking lot will serve providing:

- (1) The lot is owned by the same owner of the principal use for which the parking lot will serve.
- (2) The lot must be situate directly abutting, or across the street or alley from, the principal use and must be in the same zoning district.
- (3) The lot shall not be placed on a parcel of land where residences exist and abut both sides of the lot, without the express written consent of the homeowners.
- (4) Only one (ungated) opening for entrance and exit may exist and must be a minimum of 20 feet wide.
- (5) Steel fencing surrounding the outside perimeter of the lot to a maximum of 4 feet shall be erected and maintained in good condition at all times.
- (6) A 3-foot setback area inside the perimeter of any fencing consisting of hedges, decorative shrubs and woodchips, river stone or similar materials shall be provided and maintained in good condition at all times.
- (7) Lighting, which may not exceed a maximum height of 15 feet and must face in a direction to illuminate only the parking area and must face in a direction to illuminate only the parking area and not be directed in a manner that would create a light hazard or serious annoyance to adjacent property owners.
- (8) Signs, if needed, may not exceed the height of the fence.
- (9) The lot must be paved with asphalt or concrete and well marked or parking spaces, exiting, etc.
- (10) The owner shall be financially responsible for any curb cutting, grading to the street, sidewalk installation and all similar construction necessities.

4. *Prohibited Uses.* Any use not complying with the specifications of this Part is prohibited.

5. *District Regulations.*

Zoning District	Zoning District Standards
General Commercial (C-G)	Height: 50 feet Area: 25,000 Coverage: 60 percent Width: 100 feet Front Setback: 20 feet Side Setback: 15 feet Rear Setback: 50 feet

6. *Fences and Walls.*

A. Fences and walls may be erected, altered, and maintained forward of the building setbacks and/or just inside the property lines as per the supplementary regulations, §27-607, “Fences and Walls,” and then include the following:

(1) All yards used for the storage of any material needed for the operation or conduct of a commercial enterprise shall be enclosed by a wall, fence, or screen planting, on all sides so as to continually restrict a clear view beyond said wall, fence, or screen planting. These restrictions shall not apply to goods ordinarily offered for sale by display.

7. *Required Off-Street Parking Spaces and Loading Berths.*

	Required Off-Street Parking Spaces	Required Off-Street Loading Berths
Land Use	Minimum	Minimum
Commercial establishments, multi-household owner or renter occupies residential development (single or multiple) on second, third, and fourth floors.	none	none
Accessory buildings and uses on the same lot, which are customarily incidental to the permitted residential use in this Section	N/A	
Automotive sales	1 space per each 1,000 sq. ft. of enclosed gross floor area + 1 space for each 3,000 sq. ft. of outside display area + 100 percent of the additional parking spaces required by this table for other land uses on the same lot; at least 170 sq. ft. of lot area shall be provided for each vehicle stored on the premises	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Automotive services	1 space per each service bay. A service bay shall not count as a parking space	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft.+ 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Bus shelters	none	none
Cultural facilities	1 space per each 7 fixed seats or 12 linear feet of fixed benches, if there is no fixed seating, 1 space for each 100 sq. ft. of enclosed gross floor area	none
Eateries, fast food and sit-down	1 space for every 4 employees +1 space for every 4 customer seats	1 berth for each 10,000 sq. ft. of enclosed gross floor area

	Required Off-Street Parking Spaces	Required Off-Street Loading Berths
Land Use	Minimum	Minimum
Essential services (buildings and accessories)	1 space per every 2 employees if the involved structure is a building	none
Forestry activities	Minimum of 1 space per 200 sq. ft. of enclosed gross floor area and 1 space per each employee (if applicable)	none
Health services	1 space per every 5 beds + 1 space for each 6 outpatients at the peak outpatient period + 1 space per each 3 employees + 1 space per each hospital vehicle (Bassinets may not be counted as beds)	1 berth for each 10,000 sq. ft. of enclosed gross floor area
Hotel/Motel	1 space for every 4 guests or sleeping rooms and suites +1 space for every 6 employees + additional space as required by this parking section because of any supplementary parking generating activities	none
Parks and open spaces that do not contain any pavilions, play fields or ball fields.	none	N/A
Private and civic clubs	Minimum of 1 parking space per employee and 2 parking spaces for the owner or operator, plus such additional spaces as are required to prevent overcrowding of the existing on-street parking facilities	N/A
Professional offices and services	3 spaces up to 1,000 sq. ft. and 3 spaces for every additional 1,000 sq. ft. of enclosed gross floor area	1 berth for each 10,000 sq. ft. of enclosed gross floor area
Public libraries and museums	3 spaces up to 1,000 sq. ft. of enclosed gross floor area + 1 space every additional 250 sq.ft. of floor area	none
Public utility facilities (buildings and accessories)	1 space per every 2 employees if the involved structure is a building	none

	Required Off-Street Parking Spaces	Required Off-Street Loading Berths
Land Use	Minimum	Minimum
Retail sales and services	3 spaces up to 1,000 sq. ft. and 3 spaces for every additional 1,000 sq. ft. of enclosed gross floor area	1 berth for each 10,000 sq. ft. of enclosed gross floor area
Schools, public and private including colleges and institutions of higher education	1 space for each 25 students per design capacity + 1 space for each 700 sq. ft. of enclosed gross floor area for offices or teacher lounges	none
Wholesale sales and services	2 spaces up to 2,500 sq. ft. and 1 space every additional 3,000 sq. ft. of enclosed gross floor area	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft.+ 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Accessory buildings and uses on the same lot which are customarily incidental to the above uses	none	none
Special Exception Uses		
Parking lot/facilities for business use when not located on the same lot as the principal use for which the parking lot will serve	appropriate for the size of the lot	N/A

(Ord. 206, 12/10/2010, §505; as amended by Ord. 206E, 10/22/2012, §10)

§27-506. “C-H” Highway Commercial.

1. *Purpose.* It is the purpose of this zone to define and provide controls for the major pedestrian-oriented shopping and business areas of the Township. Note: Additional provisions may apply including, but not limited to, those listed in the “Supplementary Regulations” Section of this Chapter.

2. *Permitted Uses.*

- A. Accessory uses on the same lot and customarily incidental to the permitted uses.
- B. Airports.
- C. Animal clinics.
- D. Automotive sales and services.
- E. Bed and breakfast.

- F. Bus shelters.
- G. Car wash.
- H. Commercial establishments, multi-household owner or renter occupies residential development (single or multiple) on second, third, and fourth floors.
- I. Commercial recreation.
- J. Cultural facilities.
- K. Eating and drinking establishments.
- L. Essential services.
- M. Fire stations.
- N. Forestry activities.
- O. Governmental home offices.
- P. Health services.
- Q. Home and trailer sales and displays.
- R. Hotel/Motel.
- S. Municipal buildings.
- T. No-impact home based businesses.
- U. Offices.
- V. Parks and open space.
- W. Personal and professional services.
- X. Post Office substations.
- Y. Private and civic clubs.
- Z. Private schools.
- AA. Professional offices and services.
- BB. Public libraries and museums.
- CC. Public utility facilities (buildings and accessories).
- DD. Restaurant, cafeteria, and snack bar, including the sale of alcoholic beverages.
- EE. Retail business.
- FF. Retail sales and services.
- GG. Schools, public and private including colleges and institutions of higher education.
- HH. Supply yards.
- II. Upper floor residential dwellings.
- JJ. Wholesale sales and services.
- KK. Wholesale business.
- LL. All permitted and special exception uses designated in R.S.H. (Residential Single Household), R.M.H. (Residential Multiple Household) and R.M.H.P. (Residential Mobile Home Park) and shall be subject to the regulation relative to such use as set forth under their respective use designation(s). [*Ord. 206E*]

MM. All the MX-VC (Mixed Use Village Commercial), §27-504.2, Permitted Uses, paragraph .B, Nonresidential Uses, and shall be subject to the regulation as to Nonresidential uses set forth in and under the MX-VC (Mixed Use Village Commercial) designation. [Ord. 206E]

3. *Special Exceptions.*

A. Parking lot/facilities for business establishments when not located on the same lot as the principal use for which the parking lot will serve providing.

(1) The lot is owned by the same owner of the principal use for which the parking lot will serve.

(2) The lot must be situate directly abutting, or across the street or alley from, the principal use and must be in the same zoning district.

(3) The lot shall not be placed on a parcel of land where residences exist and abut both sides of the lot, without the express written consent of the homeowners.

(4) Only one (ungated) opening for entrance and exit may exist and must be a minimum of 20 feet wide.

(5) Steel fencing surrounding the outside perimeter of the lot to a maximum of 4 feet shall be erected and maintained in good condition at all times.

(6) A 3-foot setback area inside the perimeter of any fencing consisting of hedges, decorative shrubs and woodchips, river stone or similar materials shall be provided and maintained in good condition at all times.

(7) Lighting, which may not exceed a maximum height of 15 feet and must face in a direction to illuminate only the parking area and must face in a direction to illuminate only the parking area and not be directed in a manner that would create a light hazard or serious annoyance to adjacent property owners.

(8) Signs, if needed, may not exceed the height of the fence.

(9) The lot must be paved with asphalt or concrete and well marked or parking spaces, exiting, etc.

(10) The owner shall be financially responsible for any curb cutting, grading to the street, sidewalk installation and all similar construction necessities.

4. *Prohibited Uses.* Any use not complying with the specifications of this Part is prohibited.

5. *District Regulations.*

Zoning District	Zoning District Standards
Highway Commercial (C-H)	Height: 50 feet Area: 20,000 Coverage: 60 percent Width: 100 feet Front Setback: 50 feet Side Setback: 25 feet Rear Setback: 50 feet

6. *Fences and Walls.*

A. Fences and walls may be erected, altered, and maintained forward of the building setbacks and/or just inside the property lines as per the Supplementary Regulations, §27-607, “Fences and Walls,” and then include the following:

(1) All yards used for the storage of any material needed for the operation or conduct of a commercial enterprise shall be enclosed by a wall, fence, or screen planting, on all sides so as to continually restrict a clear view beyond said wall, fence, or screen planting. These restrictions shall not apply to goods ordinarily offered for sale by display.

7. *Required Off-Street Parking Spaces and Loading Berths.*

	Required Off-Street Parking Spaces	Required Off-Street Loading Berths
Land Use	Minimum	Minimum
Residential Uses		
Upper floor residential dwellings	None	None
Governmental home offices	nothing beyond those required by the dwelling unit itself	
No-impact home based business	nothing beyond those required by the dwelling unit itself	
Accessory buildings and uses on the same lot, which are customarily incidental to the permitted residential use in this Section	N/A	
Automotive sales	1 space per each 1,000 sq. ft. of enclosed gross floor area + 1 space for each 3,000 sq. ft. of outside display area + 100 percent of the additional parking spaces required by this table for other land uses on the same lot; at least 170 sq. ft. of lot area shall be provided for each vehicle stored on the premises	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Automotive services	1 space per each service bay. A service bay shall not count as a parking space	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Bus shelters	none	none

	Required Off-Street Parking Spaces	Required Off-Street Loading Berths
Land Use	Minimum	Minimum
Cultural facilities	1 space per each 7 fixed seats or 12 linear feet of fixed benches; if there is no fixed seating, 1 space for each 100 sq. ft. of enclosed gross floor area	none
Eateries, fast food and sit-down	1 space for every 4 employees + 1 space for every 4 customer seats	1 berth for each 10,000 sq. ft. of enclosed gross floor area
Essential services (buildings and accessories)	1 space per every 2 employees if the involved structure is a building	none
Forestry activities	Minimum of 1 space per 200 sq. ft. of enclosed gross floor area and 1 space per each employee (if applicable)	none
Health services	1 space per every 5 beds + 1 space for each 6 outpatients at the peak outpatient period + 1 space per each 3 employees + 1 space per each hospital vehicle (Bassinets may not be counted as beds)	1 berth for each 10,000 sq. ft. of enclosed gross floor area
Hotel/Motel	1 space for every 4 guests or sleeping rooms and suites +1 space for every 6 employees + additional space as required by this parking section because of any supplementary parking generating activities	none
Parks and open spaces that do not contain any pavilions, play fields or ball fields, Commercial Recreation	none	N/A
Private and civic clubs	Minimum of 1 parking space per employee and 2 parking spaces for the owner or operator, plus such additional spaces as are required to prevent overcrowding of the existing on-street parking facilities	N/A

	Required Off-Street Parking Spaces	Required Off-Street Loading Berths
Land Use	Minimum	Minimum
Professional offices and services	3 spaces up to 1,000 sq. ft. and 3 spaces for every additional 1,000 sq. ft. of enclosed gross floor area	1 berth for each 10,000 sq. ft. of enclosed gross floor area
Public libraries and museums	3 spaces up to 1,000 sq. ft. of enclosed gross floor area + 1 space every additional 250 sq. ft. of floor area	none
Public utility facilities (buildings and accessories)	1 space per every 2 employees if the involved structure is a building	none
Retail sales and services	3 spaces up to 1,000 sq. ft. and 3 spaces for every additional 1,000 sq. ft. of enclosed gross floor area	1 berth for each 10,000 sq. ft. of enclosed gross floor area
Schools, public and private including colleges and institutions of higher education	1 space for each 25 students per design capacity + 1 space for each 700 sq. ft. of enclosed gross floor area for offices or teacher lounges	none
Wholesale sales and services	2 spaces up to 2,500 sq. ft. and 1 space every additional 3,000 sq. ft. of enclosed gross floor area	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Accessory buildings and uses on the same lot which are customarily incidental to the above uses	none	none
Special Exception Uses		
Parking lot/facilities for business use when not located on the same lot as the principal use for which the parking lot will serve	appropriate for the size of the lot	N/A

(Ord. 206, 12/10/2010, §506; as amended by Ord. 206E, 10/22/2012, §§8, 10)

§27-507. “I-L” Light Industrial.

1. *Purpose.* It is the purpose of this zone to provide an area suitable for the use of industry and related uses with controls necessary for ensuring sound industrial

development. Note: Additional provisions may apply including, but not limited to, those listed in the “Supplementary Regulations” Section of this Chapter.

2. *Permitted Uses.*

- A. Alternative towers and wireless telecommunications facilities (see §27-623).
- B. Automotive assembly and services.
- C. Bus shelters.
- D. Essential services (buildings and accessories).
- E. Forestry activities.
- F. Freight, trucking and intermodal terminals, rail yards and railroads.
- G. Medical laboratories and diagnostic facilities.
- H. Parking facilities when not located on the same lot as the use they serve.
- I. Printing and publishing.
- J. Public utility facilities (buildings and accessories).
- K. Research and development laboratories.
- L. Storage of raw materials, equipment, and finished products.
- M. Value-added manufacturing, compounding processing or treatment.
- N. Warehousing.
- O. Wholesale sales and services.
- P. Woodworking.
- Q. Accessory uses on the same lot and customarily incidental to the permitted uses including:

(1) Space for the overnight and/or weekend parking of commercial vehicles.

(2) Other customary accessory uses and structures for the permitted uses.

R. All permitted uses and special exceptions included in R.S.H. (Residential Single Household), R.M.H. (Residential Multiple Household), R.M.H.P. (Residential Mobile Home Park) and H.C. (Highway Commercial) and shall be subject to such regulations as set forth under their respective use designation. [*Ord. 206E*]

3. *Special Exceptions.*

- A. Water recreation and water storage (see §27-619).
- B. Public utility buildings (see §27-619).
- C. Airports (see §27-626).
- D. Adult sexually orientated business (refer to Township *Ord. 151/Res. 409* [Chapter 13, Part 3, and Fee Schedule] for regulations).

4. *Prohibited Uses.* Any use not complying with the specifications of this Part is prohibited.

5. *District Regulations.*

Zoning District	District Requirements
Light Industrial (I-L)	Height: 75 feet Area: 30,000 Coverage: 50 percent Width: 150 feet Front Setback: 50 feet Side Setback: 25 feet Rear Setback: 40 feet

6. *Open Storage.* All permitted open storage shall be located within an area not closer than 50 feet from any street right-of-way line and shall be enclosed with a buffer yard, or other approved screening, not less than 8 feet in height, to normally screen view of stock piles. The storage of lumber, coal, or other combustible material shall not be less than 20 feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street into the property to permit free access of fire trucks and emergency vehicles at all times.

7. *Permanent Containerized Storage.*

A. The containers shall be permanently and securely affixed to the ground or building in accordance with the building code.

B. The containers shall not interfere with the existence or use of the parking, loading, buffering, and screening elements of the lot.

C. The containers shall be maintained in sanitary condition to the standards for structures as determined by the applicable State, local and/or Federal laws governing such matters.

D. The containers shall not be used for advertising; no signs shall be affixed to any part of the exterior of the containers.

E. The containers shall not be visible from any street (alleys excepted) or any non-industrial zoning district.

8. *Fences and Walls.*

A. Fences and walls may be erected, altered, and maintained forward of the building setbacks and/or just inside the property lines as per the Supplementary Regulations, §27-607, “Fences and Walls,” and then include the following:

(1) All yards used for the storage of any material needed for the operation or conduct of a commercial enterprise shall be enclosed by a wall, fence, or screen planting, on all sides so as to continually restrict a clear view beyond said wall, fence, or screen planting. These restrictions shall not apply to goods ordinarily offered for sale by display.

9. *Required Off-Street Parking Spaces and Loading Berths.*

	Required Off-Street Parking Spaces	Required Off-Street Loading Berths
Land Use	Minimum	Minimum
Alternative towers and wireless telecommunication facilities	1 parking space	N/A
Automotive assembly	1 space per each 500 sq. ft of enclosed gross floor area for the first 25,000 sq. ft. of gross floor area + 1 space per each 650 sq. ft. of enclosed gross floor area for the next 25,000 sq. ft. of gross floor area + 1 space per each 800 sq. ft. of enclosed gross floor area over 50,000 sq. ft.	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft.+ 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Automotive services	1 space per each service bay. A service bay shall not count as a parking space	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Bus shelters	N/A	N/A
Essential services buildings	1 space per every 2 employees if the involved structure is a building	none
Forestry activities	Minimum of 1 space per 200 sq. ft. of enclosed gross floor area and 1 space per each employee (if applicable)	none
Medical laboratories and diagnostic facilities	2 spaces per 1,000 sq. ft. of enclosed gross floor area + 1 space per every 3 employees	1 berth for each 10,000 sq. ft. of enclosed gross floor area
Parking facilities when not located on the same lot as the use they serve	appropriate for the size of the lot	N/A
Public utility facilities buildings	1 space per every 2 employees if the involved structure is a building	none
Research and development laboratories	2 spaces per 1,000 sq. ft. of enclosed gross floor area + 1 space per every 3 employees	1 berth for each 10,000 sq. ft. of enclosed gross floor area

	Required Off-Street Parking Spaces	Required Off-Street Loading Berths
Land Use	Minimum	Minimum
Storage of raw materials, equipment and finished products	Parking space for all vehicles used directly in the operation of such establishments + 1 space for every 2 employees	none
Wholesale sales and services	2 spaces up to 2,500 sq. ft. and 1 space every additional 3,000 sq. ft. of enclosed gross floor area	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Woodworking	1 space per each 500 sq. ft of enclosed gross floor area for the first 25,000 sq. ft. of gross floor area + 1 space per each 650 sq. ft. of enclosed gross floor area for the next 25,000 sq. ft. of gross floor area + 1 space per each 800 sq. ft. of enclosed gross floor area over 50,000 sq. ft.	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Accessory buildings and uses on the same lot which are customarily incidental to the above uses	none	none
Special Exception Uses		
Adult/sexually oriented business	Sexually oriented business shall be referred to in the Township of Cambria Code, <i>Ord. 151</i> and <i>Res. 409</i> [Chapter 13, Part 3, and Fee Schedule]	

(*Ord. 206*, 12/10/2010, §507; as amended by *Ord. 206E*, 10/22/2012, §§9, 10)

§27-508. “I-H” Heavy Industrial.

1. *Purpose.* It is the purpose of this zone to provide an area suitable for the use of industry and related uses with controls necessary for ensuring sound industrial development. Note: Additional provisions may apply including, but not limited to, those listed in the “Supplementary Regulations” Section of this Chapter.

2. *Permitted Uses.*

- A. Alternative towers and wireless telecommunications facilities (see §27-623).
- B. Automotive assembly and services.
- C. Bus shelters.

- D. Essential services (buildings and accessories).
- E. Extraction and mining of raw materials.
- F. Forestry activities.
- G. Freight, trucking and intermodal terminals, rail yards and railroads.
- H. Manufacture, compounding, processing, or treatment of products from raw materials or previously prepared materials.
- I. Manufacturing including generation and co-generation plants.
- J. Medical laboratories and diagnostic facilities.
- K. Parking facilities when not located on the same lot as the use they serve.
- L. Printing and publishing.
- M. Public utility facilities (buildings and accessories).
- N. Railroad manufacturing, repair, research and development facilities.
- O. Research and development laboratories.
- P. Storage of raw materials, equipment, and finished products.
- Q. Truck terminals.
- R. Value-added manufacturing, compounding processing or treatment.
- S. Warehousing.
- T. Wholesale sales and services.
- U. Woodworking.
- V. Accessory uses on the same lot and customarily incidental to the permitted uses including:

(1) Space for the overnight and/or weekend parking of commercial vehicles.

(2) Other customary accessory uses and structures for the permitted uses.

3. *Special Exceptions.*

- A. Water recreation and water storage (see §27-619).
- B. Public utility buildings (see §27-619).
- C. Airport (see §27-626).

4. *Prohibited Uses.* Any use not complying with the specifications of this Part is prohibited.

5. *District Regulations.*

Zoning District	District Regulations
Heavy Industrial (I-G)	Height: 175 feet Area: 200,000 Coverage: 50 percent Width: 300 feet Front Setback: 50 feet Side Setback: 15 feet Rear Setback: 15 feet

6. *Open Storage.* All permitted open storage shall be located within an area not

closer than 50 feet from any street right-of-way line and shall be enclosed with a buffer yard, or other approved screening, not less than 8 feet in height, to normally screen view of stock piles. The storage of lumber, coal, or other combustible material shall not be less than 20 feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street into the property to permit free access of fire trucks and emergency vehicles at all times.

7. *Permanent Containerized Storage.*

A. The containers shall be permanently and securely affixed to the ground or building in accordance with the building code.

B. The containers shall not interfere with the existence or use of the parking, loading, buffering, and screening elements of the lot.

C. The containers shall be maintained in sanitary condition to the standards for structures as determined by the applicable State, local and/or Federal laws governing such matters.

D. The containers shall not be used for advertising; no signs shall be affixed to any part of the exterior of the containers.

E. The containers shall not be visible from any street (alleys excepted) or any non-industrial zoning district.

8. *Fences and Walls.*

A. Fences and walls may be erected, altered, and maintained forward of the building setbacks and/or just inside the property lines as per the Supplementary Regulations, §27-607, “Fences and Walls,” and then include the following:

(1) All yards used for the storage of any material needed for the operation or conduct of a commercial enterprise shall be enclosed by a wall, fence, or screen planting, on all sides so as to continually restrict a clear view beyond said wall, fence, or screen planting. These restrictions shall not apply to goods ordinarily offered for sale by display.

9. *Required Off-Street Parking Spaces and Loading Berths.*

	Required Off-street Parking Spaces	Required Off-Street Loading Berths
Land Use	Minimum	Minimum
Alternative towers and wireless telecommunication facilities	1 parking space	N/A
Automotive assembly	1 space per each 500 sq. ft of enclosed gross floor area for the first 25,000 sq. ft. of gross floor area + 1 space per each 650 sq. ft. of enclosed gross floor area for the next 25,000 sq. ft. of gross floor area + 1 space per each 800 sq. ft. of enclosed gross floor sq. ft. area over 50,000 sq. ft.	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft.+ 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.

	Required Off-street Parking Spaces	Required Off-Street Loading Berths
Land Use	Minimum	Minimum
Automotive services	1 space per each service bay. A service bay shall not count as a parking space	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Bus shelters	N/A	N/A
Essential services buildings	1 space per every 2 employees if the involved structure is a building	none
Extraction and mining of raw materials	1 space per each 500 sq. ft of enclosed gross floor area for the first 25,000 sq. ft. of gross floor area + 1 space per each 650 sq. ft. of enclosed gross floor area for the next 25,000 sq. ft. of gross floor area + 1 space per each 800 sq.ft. of enclosed gross floor area over 50,000 sq. ft.	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Forestry activities	Minimum of 1 space per 200 sq. ft. of enclosed gross floor area and 1 space per each employee (if applicable)	none
Freight, trucking and intermodal terminals and railroads	1 space per 1,000 sq. ft. of enclosed gross floor area and 1 space per every two employees	none
Manufacturing, compounding, processing, or treatment of products from raw materials or previously prepared materials	1 space per each 500 sq. ft of enclosed gross floor area for the first 25,000 sq. ft. of gross floor area + 1 space per each 650 sq. ft. of enclosed gross floor area for the next 25,000 sq. ft. of gross floor area + 1 space per each 800 sq. ft. of enclosed gross floor area over 50,000 sq. ft.	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.

	Required Off-street Parking Spaces	Required Off-Street Loading Berths
Land Use	Minimum	Minimum
Manufacturing including generation and co-generation plants	Parking or storage space for all vehicles used directly in the conduct of such industrial use plus one parking space for every three employees on the premises at maximum employment on the peak shift.	- - - -
Medical laboratories and diagnostic facilities	2 spaces per 1,000 sq. ft. of enclosed gross floor area + 1 space per every 3 employees	1 berth for each 10,000 sq. ft. of enclosed gross floor area
Parking facilities when not located on the same lot as the use they serve	appropriate for the size of the lot	N/A
Railroad manufacturing, repair research and development facilities	1 space per each 500 sq. ft of enclosed gross floor area for the first 25,000 sq. ft. of gross floor area + 1 space per each 650 sq. ft. of enclosed gross floor area for the next 25,000 sq. ft. of gross floor area + 1 space per each 800 sq. ft. of enclosed gross floor area over 50,000 sq. ft.	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft.+ 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft
Research and development laboratories	2 spaces per 1,000 sq. ft. of enclosed gross floor area + 1 space per every 3 employees	1 berth for each 10,000 sq. ft. of enclosed gross floor area
Storage of raw materials, equipment and finished products	Parking space for all vehicles used directly in the operation of such establishments + 1 space for every 2 employees	none
Value added manufacturing, compounding, processing, or treatment	1 space per each 500 sq. ft of enclosed gross floor area for the first 25,000 sq. ft. of gross floor area + 1 space per each 650 sq. ft. of enclosed gross floor area for the next 25,000 sq. ft. of gross floor area + 1 space per each 800 sq. ft. of enclosed gross floor area over 50,000 sq. ft.	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft
Wholesale sales and services	2 spaces up to 2,500 sq. ft. and 1 space every additional 3,000 sq. ft. of enclosed gross floor area	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of

	Required Off-street Parking Spaces	Required Off-Street Loading Berths
Land Use	Minimum	Minimum
		enclosed floor area over 30,000 sq. ft.
Woodworking	1 space per each 500 sq. ft of enclosed gross floor area for the first 25,000 sq. ft. of gross floor area + 1 space per each 650 sq. ft. of enclosed gross floor area for the next 25,000 sq. ft. of gross floor area + 1 space per each 800 sq. ft. of enclosed gross floor area over 50,000 sq. ft.	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft. + 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft
Accessory buildings and uses on the same lot which are customarily incidental to the above uses	none	none
Special Exception Uses		
Water recreation and water storage	One parking space for every four customers plus one additional space for every two persons regularly employed during peak shift	none
Public utility building	Three parking spaces for each person regularly employed	none
Sewage treatment plants	Three parking spaces for each person regularly employed	none
Airports		

(Ord. 206, 12/10/2010, §508; as amended by Ord. 206E, 10/22/2012, §10)

§27-509. “O-C” Open Space–Conservation.

1. *Purpose.* This district's regulations are designed: (A) to allow the appropriate development of floodplains or lands with a slope of 25 percent or more, (B) to protect the community as a whole against the excessive damage that occurs from erosion and other environmental problems that result from random development on these sensitive lands, (C) to protect lands that are especially valuable to the community's recreation or conservation needs, and (D) to enhance the unique character of this district, its structures, and its quality of life. Note: Additional provisions may apply including, but not limited to, those listed in the “Supplementary Regulations” Section of this Chapter.

2. *Permitted Uses.*

A. Areas of excessive slope, inaccessible or remnants of land not suited for

general uses and areas subject to flooding may be used only for the following purposes or comparable purposes: (1) will not create a hazardous condition; (2) are suited to the characteristics of the land; and (3) are considered compatible with adjacent land uses:

- (1) Forestry activities.
- (2) Governmental home offices.
- (3) No-impact home based business (see §27-621.1).
- (4) Parks, playgrounds, or open spaces.
- (5) Public utility and essential services “accessories” only.
- (6) Single-household detached dwellings (and accessory buildings customarily incidental to residential use) under the following conditions:

Zoning District	Zoning District Regulations
Open Space Conservation (O-C)	Height: R-SH 35 feet/AG 60 feet Area: 2 Acre Coverage: 10 percent Width: 150 feet Front Setback: 30 feet Side Setback: 30 feet Rear Setback: 30 feet

7. Parking requirements shall follow as per the R-SH District Parking Chart. No accessory structure (i.e., garage, patio, swimming pool, gazebo) shall be erected nor shall its dimensions be increased beyond the front of the principal structure at its front foundation line. An accessory structure may be erected with the rear yard or side yard provided that the height, area, width, setbacks and coverage as required for the district have been met.

(Ord. 206, 12/10/2010, §509)

§27-510. “AG” Agricultural.

1. *Purpose.* The purpose of the Agricultural District is to promote and preserve prime agricultural land, agricultural security areas, environmentally sensitive areas, forestry, and areas of natural and historic significance and for providing uses and development as are compatible with this objective. In order to regulate a direct adverse effect on the public health and safety, a High Density Agricultural District has also been established for certain uses.

2. *Permitted Uses.*

- A. Accessory uses.
- B. Agriculture.
- C. Animal husbandry.
- D. Bed and breakfast.
- E. Cemeteries.
- F. Communications antennas mounted on existing public utility transmission towers, building, or other structure and existing communications equipment

buildings.

- G. Educational institutions.
- H. Essential services.
- I. Extractive industries and mine ventilating shafts and portals.
- J. Farm equipment sales.
- K. Forestry activities.
- L. Golf courses.
- M. Green houses.
- N. Houses of worship.
- O. Kennel or stable.
- P. Machine shop for the repair of machinery and/or manufacturing and assembly of light specialized parts; not to exceed a use area of 10,000 square feet, nor more than 10 employees.
- Q. Multiple household dwellings.
- R. Nursery stocking.
- S. Parking lot.
- T. Private and public recreation.
- U. Private or public water reservoir.
- V. Public buildings and institutions.
- W. Sawmills.
- X. Single household dwelling or mobile home.
- Y. Specialized animal raising and care.
- Z. Storage rental units.
- AA. Travel trailer camp.
- BB. Tree growing.
- CC. Veterinarian.

3. *Special Exceptions.*

- A. Mobile home park (see §27-616).
- B. Communication towers (see §27-103).

4. *Prohibited Uses.* Any use not complying with the specifications of this Part is prohibited.

5. *District Regulations.*

Zoning District	Zoning District Regulations
Agriculture (AG)	Height: R-SH 35 feet/AG 100 feet Area: 2 Acres Coverage: N/A Width: N/A Front Setback: 50 feet Side Setback: 50 feet Rear Setback: 50 feet

6. *Required Off-Street Parking Spaces and Loading Berths.*

Land Use	Required Off-Street Parking Spaces		Required Off-Street Loading Berths
	Minimum	Maximum	Minimum
Bed and breakfast	One parking space for each sleeping room offered for tourist accommodation		
Educational institutions	Minimum of 1 parking space for every 6 seats occupied at maximum capacity in auditorium, stadium, or gymnasium of greatest capacity—if no such exists, then 1 parking space for each employee plus 5 additional spaces for each classroom		
Houses of worship	1 space per each 9 fixed seats or 12 linear feet of fixed benches. If there is no fixed seating, 1 space for each 50 square feet of enclosed gross floor area.	1 space per each 5 fixed seats or 8 linear feet of fixed benches. If there is no fixed seating, 1 space for each 25 square feet of enclosed gross floor area.	
Golf course			
Extraction and mining of raw materials	1 space per each 500 sq. ft of enclosed gross floor area for the first 25,000 sq. ft. of gross floor area + 1 space per each 650 sq. ft. of enclosed gross floor area for the next 25,000 sq. ft. of gross floor area + 1 space per each 800 sq. ft. of enclosed gross floor area over 50,000 sq. ft.	1 space per each 300 sq. ft of enclosed gross floor area for the first 20,000 sq. ft. of gross floor area + 1 space per each 500 sq. ft. of enclosed gross floor area for the next 20,000 sq. ft. of gross floor area + 1 space per each 1,000 sq. ft. of enclosed gross floor area over 50,000 sq. ft.	1 berth per each 10,000 sq. ft. of enclosed floor area up to 30,000 sq. ft.+ 1 berth per each 25,000 sq. ft. of enclosed floor area over 30,000 sq. ft.
Forestry activities	Minimum of 1 space per 200 sq. ft. of enclosed gross floor area and 1 space per each employee (if applicable)		none
Private or public reservoir	One parking space for every 4 customers at maximum capacity and 1 space for every 2 persons regularly employed during peak periods		
Private or public recreation	One parking space for every 4 customers at maximum capacity and 1 space for every 2 persons regularly employed during peak periods		

Land Use	Required Off-Street Parking Spaces		Required Off-Street Loading Berths
	Minimum	Maximum	Minimum
Public buildings and institutions	Parking or storage space for all vehicles used directly in the operation of such establishment plus 1 parking space for each 250 square feet of total floor area		
Accessory buildings and uses on the same lot which are customarily incidental to the above uses	none	none	none
Special Exception Uses			
Two-household dwellings	Minimum of 1.5 spaces per dwelling unit		
Mobile home park			

(Ord. 206, 12/10/2010, §510)

Part 6**Supplementary Regulations****§27-601. Introductory Statement.**

The purpose of this Part is to constitute policies that involve and affect all or a majority of the zoning districts in this Chapter including, but not limited to, such matters as lot area measurement and reduction, height measurement and exceptions, restrictions, buffer yards, storage, clear sight triangle and other supplementary regulations necessary for proper use and development within the districts.

(Ord. 206, 12/10/2010, §601)

§27-602. Lot Area, Measurement and Reduction of Dimensions.

1. *Lot Area.* Unless the regulations of the zone in which they are located require greater lot areas the following regulations shall apply:

A. Any parcel of land having an area or width less than that prescribed for a lot in the zone in which such parcel is located at the date of adoption of this Chapter, may be used for the purpose of: (1) forestry activities, (2) parking lot/facilities for business establishments when not located on the same lot as the principal use for which the parking lot will serve, (3) a single household dwelling or business not exceeding a 2,500 square foot “footprint” where such uses are permitted. Provided, however, that all other regulations prescribed for the zone by the Chapter are complied with, and only when the owner of the subject lot owns no adjoining land which could be combined to attain the minimum lot size for the district.

B. No requirement for a “minimum yard area” contained in this Chapter shall prevent the construction of a private garage within the required rear or side yard of a lot where a dwelling was erected prior to the time of enactment of this Chapter, where said lot does not meet minimum lot area requirements of this Chapter. However, it must meet a minimum 5-foot setback from any boundary lines and must not be placed in the clear sight triangle.

2. *Lot Measurement.* For purposes of measuring lot area on exceptionally deep lots, only that part of the depth which is less than six times the average width of the lot may be utilized in calculations.

3. *Reduction of Lot Dimensions.* The area, width, or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, yards, or other open spaces are smaller, or so that the coverage is greater, than prescribed for the district in which it is located.

(Ord. 206, 12/10/2010, §602)

§27-603. Subdivision and Redivision.

1. *Requirements.* Any parcel or parcels of real estate situate within the Township of Cambria, in whole or in part, may be subdivided provided that the parcel or parcels resulting from said subdivision shall meet all other requirements of Chapter.

2. *“Subdivision” Defined.* For the purpose of this Chapter, subdivision shall mean the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of a transfer of ownership, partitioned by the court for distribution to heirs or devisees or the construction of improvements thereon.

3. *Application; Survey Plat.* The person or persons seeking approval of a subdivision shall make application therefore on a form to be established by resolution of the Township Board of Supervisors of the Township of Cambria and shall present a survey plat prepared by a registered professional land surveyor or engineer depicting all existing and proposed lot lines for the requested subdivision.

4. *Planning Commission Review and Report.* The application for subdivision shall be presented to the Planning Commission of the Township of Cambria for its review and report which report shall be presented at the next regular meeting of the Township Board of Supervisors of the Township of Cambria occurring 15 days or more after presentation of the same to the Planning Commission.

5. *Approval; Disapproval.* The Township Board of Supervisors of the Township of Cambria may act to approve or disapprove the requested subdivision at its next regular meeting occurring at least 15 days after presentation of the same to the Cambria Township Planning Commission. If the Township Board of Supervisors fails to act to approve or disapprove the subdivision request at the aforesaid regular meeting of Township Board of Supervisors, and at the next regular meeting of Cambria Township Board of Supervisors thereafter, then the subdivision request is deemed approved.

(Ord. 206, 12/10/2010, §603)

§27-604. Height Measurements and Exceptions.

1. Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:

- A. In the case of a flat roof structure—highest point of coping.
- B. In the case of a mansard roof structure—deck line of roof.
- C. In the case of a gable or hipped roof—average height of roof.

2. An attic designed and intended for use as a habitable space shall be counted as a story when determining height as required in this Chapter.

(Ord. 206, 12/10/2010, §604)

§27-605. Setback Averaging.

Where one or more pre-existing structures are located on adjacent lots within 100 feet in any direction of a proposed structure in the same district, the setback of the proposed structure may conform with the average setbacks of the said pre-existing structures.

(Ord. 206, 12/10/2010, §605)

§27-606. Permitted Setback Encroachments.

1. Cornices, eaves, gutters, bay windows, or chimneys may encroach into the required setback of a lot, not more than 24 inches. However, no cornices, eaves, gutters,

bay windows, or chimneys may be closer than 3½ feet from any side lot line. Sidewalks and steps located at the front door/porch as a means of ingress and regress for the structure may extend up to the front property line.

2. A covered carport or covered patio/porch open on three sides may be erected within any yard when attached to a main structure existing at the effective date of this Chapter provided the covered carport or covered patio or porch open on three sides shall be not less than 5 feet from the applicable lot lines, and shall never be enclosed.

(Ord. 206, 12/10/2010, §606)

§27-607. Fences and Walls.

1. Fences and walls may be erected, altered, and maintained; provided, that:

A. Any solid wall or fence forward of the front yard setback or side yard setback abutting a street shall not exceed 30 inches in height.

B. Any fence or wall set closer to any street than the foundation of the principal structure, which is at least 50 percent open and permitting a clear view, shall be permitted at a maximum height of 4 feet.

C. Any fence in the rear yard shall be permitted a maximum height of 6 feet.

D. Any fence in a non-street side yard shall be permitted a maximum height of 6 feet.

E. All fences shall be erected so that the finished side of the fence faces all abutting and/or adjacent properties.

F. Retaining walls are permitted, but if the retaining wall rises more than 6 inches above the grade of the yard, then the same provisions and regulations for any fence or wall shall apply.

2. Fences and walls may be erected, altered, and maintained in front yards provided that the provisions of the clear sight triangle for corner lots and other provisions of this Section are met.

3. Fences and walls may not be constructed in a manner which may cause water damage to abutting and/or adjacent property.

4. Fences and walls must be erected in a safe manner to protect persons or animals and assure that they are not subject to danger or harm. No spikes, nails or other sharply pointed instruments of any kind or description shall be permitted to extend from, or be attached to, the wall or fence. Barbed wire, razor wire and above ground electric fences shall not be permitted.

(Ord. 206, 12/10/2010, §607)

§27-608. Buffer Yards and Screening.

Where a nonresidential use is established either abutting or adjoining a residential use, a buffer yard not less than 5 feet in width shall be provided along the lot lines of the nonresidential use that abut or adjoin said residential use. The buffer yard shall be in addition to the yards required for the zone in which it is located.

A. All buffer yard areas shall be planted and maintained with a vegetative material plus a screen planting shall be planted and maintained to the full length of the abutting or adjoining lines.

B. Buffer yards shall not be used for parking.

C. Buffer yards, other than interior side buffer yards, may be crossed by driveways less than 20 feet in width provided that the angle of the center line of the road, drive, or easement crosses the lot line and buffer yard at not less than 60 degrees.

D. If a front yard of 30 feet or more in depth is provided, the buffer yard may coincide with the front 30 feet of the front yard.

E. Within required buffer areas, a solid and continuous landscape screen shall be planted and maintained. Said landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least 3½ feet in height and of such species as will produce, within three growing seasons, a screen at least 6 feet in height, so as to continually restrict a clear view beyond said buffer strip.

F. The required height of the buffer strip shall be measured in relation to the elevation of the edge of the adjacent area to be screened. In such cases where the ground elevation of the location at which the screen is to be planted is less than the elevation of the edge of the adjacent area, the required height of the screen shall be increased in an amount equal to said difference in elevation. In the event that the ground elevation of the location at which the screen is to be planted is greater than that at the edge of the adjacent area, the minimum height of the screen shall prevail.

G. In required buffer areas where a natural buffer strip is considered to be impractical or inappropriate, an opaque fence may be substituted in whole or in part of a natural buffer provided an official representative of the Township or the Zoning Hearing Board approves its specifications.

(Ord. 206, 12/10/2010, §608)

§27-609. Storage of Commercial Equipment.

Commercial equipment including trucks (1 ton capacity or larger), tandems, tractor trailers, tractors or other commercial or construction and cargo-moving vehicles or equipment shall not under any conditions be stored or parked overnight in any Residential District.

(Ord. 206, 12/10/2010, §609)

§27-610. Storage/Collection of Junk.

No lot or premises shall be used as a storage area for one or more junk automobiles, junk appliances, or the storage or collection of any other miscellaneous junk items. Also, no lot or premises shall be used as a garbage dump or a dead animal rendering plant, nor may manure, rubbish or miscellaneous refuse be stored in the open within any district where the same may be construed as a menace to the public health or safety.

(Ord. 206, 12/10/2010, §610)

§27-611. Minimum Distances for Certain Offensive Uses.

1. No place of business which dispenses alcoholic beverages shall be located within 200 feet of a residential zone.

2. No foundry, cement plant or other activity which emits significant quantities

of dust into the atmosphere shall be permitted within 800 feet of a residential zone.

3. No business shall establish a storage area for petroleum or petroleum byproducts, other than underground storage tanks necessary for the normal sale, at retail, of petroleum products within 800 feet of a residential zone.

(Ord. 206, 12/10/2010, §611)

§27-612. Clear Sight Triangle.

A clear sight triangle is a triangular area of unobstructed vision on corner lots formed by a 75-foot sight line along the center line of a secondary or primary road by a 50-foot sight line along the center line of a local street and by a line adjoining these two sight lines at the greatest distance from their intersection. In order to prevent the creation of a traffic hazard by limiting visibility at a street intersection; no structure, building, earthen bank or vegetation exceeding 3½ feet in height above the finished paved area at the center of the roadway shall be allowed within the clear sight triangle on corner lots. This clear sight triangle, relative to building construction, is exempted for the C-CB District (where sidewalks are in existence).

(Ord. 206, 12/10/2010, §612)

§27-613. Intended Original Use.

All structures placed on a lot are restricted to the use for which the structure was originally made at the time of its manufacture. No motor vehicle, trailer or other similar product may be placed on a lot of ground and used as a principal building or accessory building.

(Ord. 206, 12/10/2010, §613)

§27-614. Dwellings: Basement, Accessory or Additional.

1. *Basement Dwellings.* No living quarters shall be placed in a basement structure or in any other room or space having less than 7 feet of ceiling clearance above the average ground level as measured from front to rear of the structure.

2. *Accessory Dwellings.* No accessory structures on the same lot where a principal dwelling exists (or existed in the case of a fire or other structural decay or similar condition which made the dwelling uninhabitable) may be used for living purposes in any district in the Township of Cambria.

3. *Additional Dwellings.* Individual lots or subdivided parcels ten acres or less in size shall have no building or buildings in addition to the main building on the same lot used for living purposes. Undivided land parcels of 10 acres or greater in size shall be limited to one residential structure per 10-acre unit of undivided land area or portion thereof as permitted under the requirements of the district in which the land area is located except that associated household service employee and guest quarters are permitted either independently or as an integral part of an accessory structure in accordance with the requirements of any Residential District as established in this Chapter.

(Ord. 206, 12/10/2010, §614)

§27-615. Swimming Pools.

Private swimming pools where permitted as an accessory use, are permitted only in side and rear yards. Pools over 24 inches high, and all in-ground swimming pools, shall be completely enclosed with a protective barrier at least 4 feet in height to prohibit persons or animals from entering and to assure that they are not subject to danger or harm. In addition, all openings in the barrier shall be equipped with gates or doors which must be locked when not in use. For approved above-ground pools 4 feet or higher, the walls of the pool may serve as the required barrier. Pools shall conform with other locational, barrier, pedestrian gate, and wiring, and other applicable requirements as per the Uniform Construction Code (UCC) [Chapter 5, Part 1].

(Ord. 206, 12/10/2010, §615)

§27-616. Mobile Home Parks.

1. No mobile home of any type may hereafter be used for living quarters, except as permitted in a Residential District, or in a mobile home park in conformance with the following requirements:

- A. Mobile homes may be situated in mobile home parks.
- B. A mobile home park shall consist of a minimum of two mobile homes.
- C. No mobile home park shall be less than 10 acres in size.
- D. Minimum yard and area requirements shall be required for individual mobile home spaces in parks as follows:

Lot Area	Width	Depth	Side Yards	Height
4,500 square feet minimum	45 feet minimum	100 feet minimum	24 feet combined 10 feet minimum on each side	16 feet maximum

E. Off-street parking space shall be provided at the rate of at least one parking space for each mobile home lot plus an additional parking space for each four lots to provide for guest parking, for multi-car tenants and for delivery and service vehicles.

F. Enclosures or alterations other than unenclosed porches or patios are not permitted.

G. Pavement widths within the mobile home park:

- (1) All entrance streets and other collector streets with guest parking both sides—38 feet minimum.
- (2) Collector street with no parking—24 feet minimum.
- (3) Local or cul-de-sac street with no parking—22 feet minimum.
- (4) One-way local street with no parking (acceptable only if less than 500 feet total length and serving less than 25 mobile home stands)—11 feet minimum.

H. Mobile home parks shall provide a 6-foot screen planting of trees, evergreens, hedges or shrubs 2-feet wide on the side and rear property lines.

I. In addition to meeting the above requirements and conforming to other laws of the Township of Cambria, Cambria County, and the Commonwealth of

Pennsylvania, including the Pennsylvania Department of Environmental Resources regulations for mobile home parks, mobile home parks shall also conform to the requirements set forth in Sections or Chapters/Ordinances of minimum property standards for mobile home courts of the Federal Housing Administration, provided where provisions of such regulations conflict with those of the Township of Cambria, County of Cambria, or Commonwealth of Pennsylvania, the most restrictive or those imposing the higher standards shall govern.

(*Ord. 206, 12/10/2010, §616*)

§27-617. Storage of Mobile Homes, Camping, and Recreational Equipment.

Trailers as defined within the terms of this Chapter and including mobile homes, travel trailers, pickup coaches, motorized homes and boat trailers may be parked or stored subject to the following requirements:

A. Mobile homes shall be “temporarily parked and stored” or “permanently parked and stored” in mobile home parks only.

B. At no time shall “parked or stored” mobile home, camping or recreational equipment be occupied or used for living, sleeping or housekeeping purposes.

C. Camping and recreational equipment may be “temporarily parked or stored” on a residential property in Residential Districts provided a temporary trailer parking permit is obtained. Temporary trailer parking permits shall be limited to a maximum of one consecutive, 2-week period in any one calendar year.

D. Permanent parking and storing of camping and recreational equipment shall be limited to the interior of automobile garages or other available on-lot accessory buildings or to that portion of the lot behind the principal building. However, if it is physically impossible to place the equipment behind the principal building, it may be placed in a side yard. The placement of the equipment in all cases shall be subject to all the requirements for the district in which it is located.

(*Ord. 206, 12/10/2010, §617*)

§27-618. Essential Services.

1. Buildings and structures governed by local, State or Federal agencies including Police and Fire Departments, U.S. Post Office, Ambulance and EMS Services, Courthouse, Town Hall and Municipal Buildings shall be permitted in the zones as per Part 5, “Zone Provisions,” without regard to the area regulations.

2. Fire alarm boxes, traffic signals, hydrants and similar equipment and accessories necessary for the furnishing of essential services for the public health, safety, or general welfare shall be permitted in all zoning districts.

(*Ord. 206, 12/10/2010, §618*)

§27-619. Public Utility Facilities.

1. Buildings and structures for closely regulated enterprises with a franchise for providing to the public a utility service deemed necessary including natural gas, electric, land-line telephone, water and sewage services shall be permitted in the zones as per Part 5, “Zone Provisions,” without regard to the area regulations.

2. Wires, mains, drains, sewers, pipes, conduits and cables necessary for the

furnishing of a public utility service for the public health, safety, or general welfare, shall be permitted in all zoning districts.

3. Commercial wireless communications companies are not considered a public utility.

(Ord. 206, 12/10/2010, §619)

§27-620. Forestry Activities.

Forestry activities, including, but not limited to, timber harvesting, shall be a permitted use by right in all zoning districts.

A. Forestry activities shall be guided by procedures outlined by the Forestry Management Department of the Commonwealth of Pennsylvania and property owners shall at all times be responsible for all activities on their property.

B. The forest shall be planted with only trees that are native to the Commonwealth of Pennsylvania and a variety of trees is encouraged (excluding poplar trees and willows or other trees which may damage water/sewer lines).

C. Routine maintenance for pruning, trimming, dead tree removal, Brush control, removal of downed branches and pest control must be performed by the property owner.

D. When and if trees are harvested, proper care shall be taken to ensure that no damage occurs to the surrounding properties, and all stumps must be removed and disposed of.

E. If the property is no longer going to be used for the practice of forestry, the land must be returned to its former condition (i.e., cleared and planted with grass). Certainly, a few trees which would enhance the value or aesthetics of the property may be retained.

F. All activities which would create noise or otherwise disturb the peace of the neighborhood shall only be performed from the hours of 9 a.m. to 5 p.m. and shall not impede or otherwise interfere with the normal flow of traffic.

G. Trees growing in the clear sight triangle must comply with the regulations of the clear sight triangle; and trees must not be planted so close to the boundary lines that the branches would extend into or over abutting properties.

(Ord. 206, 12/10/2010, §620)

§27-621. Home-Based Businesses.

1. *No-Impact Home Based Businesses.* A no-impact home based business which is conducted as an accessory use—clearly secondary to the use of a residential dwelling—and which involves no customer, client or patient traffic, (whether vehicular or pedestrian) pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential uses, is permitted without a zoning permit but 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 that is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only entirely within the dwelling and may not occupy more than 25 percent of the habitable floor area of the residence.

H. The business may not involve any illegal activity.

2. *Minor-Impact Home Based Businesses.* A minor-impact home based businesses may be permitted as a “special exception use” where the Zoning Hearing Board finds after a public hearing that such uses will not create a hazardous condition and will otherwise meet the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business must only be conducted in a single-household dwelling.

C. The business shall employ no more than two employees other than family members residing in the dwelling.

D. May allow limited onsite display in the windows depicting services rendered or goods and items for sale.

E. May allow limited stockpiling of inventory for sale not to exceed 5 percent of the gross floor area used for the business.

F. May allow limited outside appearance of a business use.

G. 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.

H. 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.

I. The business activity shall be conducted only entirely within the dwelling and may not occupy more than 25 percent of the habitable floor area of the residence.

J. The business may not involve any illegal activity.

K. Any alteration of the structure for business use must be in compliance with all applicable building codes.

L. Signs, parking and any other provisions of this Chapter for the zoning

district shall be in compliance with the regulations for the district.

M. A business may be permitted which involves the on-site care, grooming or feeding of not more than two domesticated dogs or cats only at a time provided that:

(1) Detrimental effects to the neighborhood relative to noise or smell from the dogs or cats shall not be permitted.

(2) It shall be the business owner's responsibility at all times to monitor the dogs or cats, and to keep the dogs and cats from depositing urine, fecal matter and vomit on streets, sidewalks and other property in the Township.

(3) The owner and all customers shall utilize the business owner's off-street parking only for pickup and delivery, and the dogs or cats must be either fully and safely confined or on a leash at all times when not contained within the dwelling.

(Ord. 206, 12/10/2010, §621)

§27-622. Amateur Radio Antenna.

1. This Section establishes guidelines regarding the accessory use where permitted in zoning districts as per Part 5, "Zoning Provisions," of amateur radio antenna (commonly known as "ham radios"), including, but not limited to, the permitted height of an amateur radio antenna, yard requirements, the location of amateur radio antennae, regulations regarding the maintenance of amateur radio antennae, structural integrity, requirements for anti-climbing devices, and licensing requirements.

2. All amateur radio antennae and activities related to amateur radio communication shall comply with applicable laws and regulations of the Township of Cambria and the Commonwealth of Pennsylvania and prohibits the use of amateur radio antenna for commercial purposes.

A. No amateur radio antennae shall be affixed to any residential dwelling.

B. Amateur radio antennae shall comply with all applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.

C. The antennae shall not cause radio frequency interference with other communications facilities located in the Township of Cambria or other private transmissions such as television or radio reception in the vicinity of the antennae.

D. The location of the antennae shall be subject to the setback requirements in the applicable zoning district.

E. The owner or operator of the antennae shall be licensed, if applicable, by the Federal Communications Commission (FCC) to operate the antennae.

F. The antennae must not be located on any lot other than the lot where the residence, occupied by owner, is situated, and must not be placed in any side(s) or front yard.

G. The proposed height of the antennae may not exceed the minimum height necessary to perform its function. In any event, the antenna shall not extend higher than 20 feet above the surrounding tree canopy.

H. The owner of the antenna and its supporting structure shall maintain it

in a clean appearance so as not to be an eyesore, and keep it in a structurally sound condition and safe condition at all times.

(*Ord. 206, 12/10/2010, §622*)

§27-623. Alternative Towers and Wireless Telecommunications Facilities.

Technical developments in the telecommunications field have provided new options for the expansion and delivery of communication services to the Township of Cambria and its residents. The Township Board of Supervisors recognizes that the police, fire and emergency medical services and its residents and visitors rely on wireless communications service for business and personal uses. Therefore, the Township desires to encourage efficient and adequate wireless communication services while at the same time, protecting the public health, safety and welfare. In an effort to facilitate efficient and adequate communication services and protect the interests of its residents, this Section will serve to regulate the construction and the placement of communications towers and antennae in accordance with Federal and State statutes and regulations that impose certain limitations on the Township's ability to regulate the placement communications towers and antennae.

A. *Purpose.* The purpose of this Section is to establish general guidelines for the siting of wireless communications towers and antennas.

B. *Location of Communication Towers and Equipment.* Towers and equipment may be placed in the Township of Cambria in the I-L District only and must be set back 500 feet from any State roads.

C. *General Regulations for the Placement of Communications Towers.*

(1) *Design.*

(a) Applicants must provide camouflaging as defined by the term "alternative tower structure" or provide documentation as to why camouflage is not feasible or necessary.

(b) The tower shall either maintain a galvanized steel finish or meet the applicable standards of the FAA. If the tower is not to be camouflaged by an alternative tower structure, the tower is to be painted a neutral color so as to reduce visual obtrusiveness.

(c) Whether a tower is camouflaged or not at a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(d) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(e) The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties according to the following criteria:

1) Facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property

used for residences or planned residences. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the compound.

2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or eliminated. However, if future development occurs that no longer isolates the tower, the landscaping requirement would be reinstated and the tower property owner would be notified and given 60 days to comply with the requirement.

3) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(2) Mounted communications antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than 20 feet.

(3) Omni-directional or whip communications antennas shall not exceed 20 feet in height and 7 inches in diameter.

(4) A directional or panel communications antenna shall not exceed 5 feet in height and 3 feet in width.

(5) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other associated with the antenna location.

(6) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review for compliance with the Township's Building Code [Chapter 5, Part 1] and other applicable law.

(7) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

(8) Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(9) Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township.

(10) A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

(11) The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

(12) *Abandoned Towers.* If a communications tower remains unused for a

period of 6 consecutive months, the communications tower must be removed within 90 days of the expiration of such 6-month period, commencing upon receipt of notice from the Township of Cambria notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds for the Township to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Township may condition the issuance of any permit to demolish or remove a tower or antenna on the posting of an appropriate performance bond or other suitable guaranty in a face amount of not less than 120 percent of the cost (as determined by the Township Engineer) of such removal, grading and restoration to a state required under all applicable Township ordinances.

(13) *Existing Towers; Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas.* Nonconforming towers or antennas that are damaged or destroyed may not be rebuilt without having to first obtain administrative approval, a special exception permit. The type, height and location of the Tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within 12 months from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in subparagraph (14).

(14) Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations. Where laws within this Chapter conflict with Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations the aforementioned supersede.

D. Regulations for Communications Towers.

(1) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

(2) The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(3) Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of a potentially suitable structure within a ¼-mile radius of the proposed communications tower to be contacted and that one or more of the following reasons for not selecting such structure apply:

(a) The proposed antennas and related equipment would exceed the structural capacity if the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

(b) The proposed antennas and related equipment would cause radio

frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

(c) Suitable existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(d) Addition of the proposed Antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(e) A commercially reasonable agreement could not be reached with the owner of such structures.

(4) Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.

(5) A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.

(6) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

(7) The maximum height of any communications tower shall be 180 feet.

(8) The communications equipment building shall comply with the required yards and height requirement of the applicable zoning district.

(9) The applicant shall submit certification from a Pennsylvania registered professional engineer that the proposed communications tower will be designed and constructed in accordance with the current *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, published by the Electrical Industrial Association Telecommunications Industry Association and applicable requirements of the Township's Building Code [Chapter 5, Part 1].

(10) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimal amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.

(11) All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within the fenced enclosure and adhere to the setback requirements of the applicable zoning district.

(12) The site of a communications tower shall be secured by a minimum of a 6-foot fence, to a maximum height of 8 feet, to limit accessibility by the

general public.

(13) No signs or lights shall be mounted on a communications tower except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

(14) Communications towers shall be protected and maintained in accordance with the requirements of the Township's Building Code [Chapter 5, Part 1].

(15) A minimum of one off-street parking space shall be provided on-site.

(Ord. 206, 12/10/2010, §623)

§27-624. Bus Shelters.

1. Shall not impair sight distances at intersections or otherwise pose a hazard to moving traffic.

2. Shall not contain advertising of any kind except identification of the bus company, and a posing of relevant schedule and service information.

3. Shall be perpetually maintained and kept clean and sanitary. This guarantee can be made through an agreement or other binding legal instrument.

4. Shall not be placed on private property without the owner's consent.

5. Shall be completely removed and the site restored to its original condition if the location no longer warrants a shelter. This guarantee can be made through an agreement or other binding legal instrument.

6. Shall not interfere with adjacent property owners' use and enjoyment of property.

(Ord. 206, 12/10/2010, §624)

§27-625. Land Uses Not Categorized in Part 5.

For land uses not listed under the districts in Part 5, "Zone Provisions," Township Board of Supervisors shall determine (1) which zoning districts they shall be allowed in, (2) how they shall be allowed in those districts (i.e., as permitted principal uses, permitted accessory uses, etc.), and (3) which Sections of this Chapter apply to them. The Township Board of Supervisors may ask the Planning Commission for a recommendation on these matters.

(Ord. 206, 12/10/2010, §625)

§27-626. Airports.

The following provisions serve as a guide for the control of land uses affected by or which would affect the use of the Ebensburg Airport:

A. *Definitions.*

Height—for the purpose of determining the height limits in all zones set forth in this Chapter and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

Structure—an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth formations, and

overhead transmission lines.

Tree—any object of natural growth.

B. *Airport Zones*. In order to carry out the provisions of this Section there are hereby created and established certain zones which includes all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to the Ebensburg Airport. Such zones are shown on “Attachment A,”¹⁰ Ebensburg Airport Map. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) *Non-precision Runway Visual Approach Zone*. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the end of the primary surface, its centerline being the continuation of the centerline of the runway. [Ord. 206B]

(2) *Transitional Zones*. These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90-degree angles to the extended runway centerline. At the present time there are no precision approaches at Ebensburg Airport.

(3) *Horizontal Zone*. The horizontal zones is hereby established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(4) *Conical Zone*. The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extend outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the approach zones and the transitional zones.

C. *Airport Zone Height Limitations*. Except as otherwise provided in this Section no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this Chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1) *Utility Runway Visual Approach Zone*. Slopes upward 20 feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

¹⁰Editor’s Note: The Ebensburg Airport Map is on file in the Township offices.

(2) *Transitional Zones.* Slopes upward and outward 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and extending to a height of 150 feet above the airport elevation which is 2,099 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface.

(3) *Horizontal Zone.* One hundred and fifty feet above the airport elevation or a height of 2,249 feet above mean sea level.

(4) *Conical Zone.* Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(5) *Excepted Height Limitations.* Nothing in this Chapter shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to 75 feet above the surface of the land.

Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

D. *Use Restrictions.* Notwithstanding any other provisions of this Section no use may be made of land or water within any zone established by these provisions in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

E. *Nonconforming Uses.*

(1) *Regulations Not Retroactive.* The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other changes or alternation of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter and is diligently prosecuted.

F. *Permits.*

(1) *Future Uses.* No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted.

(a) However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,100 feet from each end of the runway except when

such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.

(b) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(2) *Existing Uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(3) *Nonconforming Uses Abandoned or Destroyed.* Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(4) *Variances.* Any person desiring to erect or increase the height of any structure, or use his property not in accordance with the regulations prescribed in this Section may apply to the Zoning Hearing Board for a variance from such regulations. Such variance shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Section.

(5) *Hazard Marking and Lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the airport owner, at the expense of the applicant, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

(Ord. 206, 12/10/2010, §626; as amended by Ord. 206B, 7/25/2011, §1)

Part 7**Signs****§27-701. Permits and Fees.**

1. No person, firm, corporation or organization shall affix any poster, sign, notice, billboard or other similar item to any public utility pole, sign pole or post, fire hydrant, tree, public building or any other structure in any public place in the Township of Cambria without first having obtained a permit from the Township (unless otherwise exempted in this Part).

2. The application for all permits shall state the length of time for which the permit is desired to be issued and the name of the person, firm, corporation or organization responsible therefor, and such other complete information as the Township shall deem necessary to issue any permit. Application to the Zoning Officer shall be processed within 2 weeks upon receipt of the written request to erect a sign and payment of a fee as predetermined from a fee schedule adopted by Cambria Township Board of Supervisors (provided the size and design of the sign is in conformity with the provisions of this Part and all other effective and applicable ordinances). Refusal to issue a permit shall include a written statement to the applicant containing the reasons for denial.

3. Negligence to apply for a sign permit is punishable by a fine as prescribed by the Cambria Township Board of Supervisors and payable to said Board. Payment of said fine does not grant approval to erect a sign.

4. Nothing in this Part/Chapter shall be interpreted as meaning that the Township of Cambria conveys or gives to any person, firm, corporation or organization, the right to use any pole, post, fire hydrant, tree, public building or other structure without first obtaining permission from the owner or owners thereof.

(*Ord. 206, 12/10/2010, §701*)

§27-702. Signs Exempt from Sign Permit “Application and Fees.”

1. Signs erected or required by the local, State, or Federal government.

2. On or off-site signs erected for public information, safety, or direction by any public utility.

3. Temporary signs such as real estate for sale or rent, political candidate signs, auction, yard or item for sale signs; common, temporary residential signs (i.e., birth announcement graduation party or similar type event) but only for a maximum of 7 consecutive days within a period of 90 calendar days.

4. Temporary signs for retail business establishments running a special sale/event for very limited time only.

5. Holiday signs and decorations with no commercial message.

6. Traffic control signs on private property, such as “stop” or “yield” and similar signs, the face of which must meet the Pennsylvania Department of Transportation standards and which contain no commercial sign of any sort.

(*Ord. 206, 12/10/2010, §702*)

§27-703. Violation If Sign Remains Beyond Time Limit.

1. If any person, firm, corporation or organization shall leave any poster, sign, notice, billboard or any similar item affixed to any public utility pole, sign pole or post, fire hydrant, tree, public building, or other structure in any public place in the Township of Cambria beyond the length of time specified in the permit, such person, firm, corporation or organization shall be in violation of this Part/Chapter.

2. Any person, firm, corporation or organization who shall violate any of the provisions of this Part shall, upon conviction, be sentenced to pay a fine of not more than \$25 per each day the violation continues plus costs of prosecution, and, in default of payment of such fine and costs, to be subject to imprisonment for not more than 10 days. Each day any such violation shall be permitted to exist shall constitute a separate offense.

(Ord. 206, 12/10/2010, §703)

§27-704. Forfeiture of Signs Located in Public Rights-of-Way.

Any sign installed or placed on public property, except in conformance with the requirements of this Part, shall be forfeited to the Township and subject to confiscation. The Township shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.

(Ord. 206, 12/10/2010, §704)

§27-705. Repair or Replacement of a Conforming Sign.

A sign that conforms with the requirements of this Chapter may be: (A) repaired, (B) repainted, (C) removed for repair and then re-mounted, or (D) replaced with an identical sign without any permits. Note that this Chapter considers replacing a sign with a non-identical sign to be the same as erecting a new sign. Thus, such a replacement may or may not require a zoning permit, depending on the type and location of the involved sign.

(Ord. 206, 12/10/2010, §705)

§27-706. Calculating Square Footage for Building Frontage.

1. Calculating the square footage for signage use for commercial buildings shall be based upon the “building frontage”–which is measured from end-to-end of the building's foundation that is exposed to any abutting streets.

2. A building on an “interior lot” may have only one abutting street (the front street) or it may be a “through lot” abutting two streets (the front street and a rear street).

3. A building on a corner lot will have a minimum of two or three abutting streets, the front, the side and the rear street. (It may not have a rear street if the parcel directly abuts another parcel).

4. A building contained within the entire block would obviously have four abutting streets.

5. Examples of how to calculate the square footage for signs on a typical corner lot is as follows:

A. *Front Street.* If the “building frontage” (width of the building at the “front”

street) is 50 feet then the total combined square footage for all signs that may be placed on that front wall is 50 square feet maximum.

B. *Side Street.* If the “building frontage” (width of the building at the “side” street) is 60 feet then the total combined square footage for all signs that may be placed on that side wall is 60 square feet maximum.

C. *Rear Street.* If the “building frontage” (width of the building at the “rear” street) is 50 feet then the total combined square footage for all signs that may be placed on that rear wall is 50 square feet maximum.

D. The total combined square footage for this example building is 160 square feet of signage.

If the above example business did not want to put all of its signage on the building walls, then it would simply reduce the signage maximums all around (or eliminate one or more walls/sides) as it sees appropriate, and utilize the saved square footage as a freestanding sign. However, no freestanding sign may exceed 40 square feet in the Commercial Districts, or 60 square feet in the Industrial Districts.

(Ord. 206, 12/10/2010, §706)

§27-707. Prohibited Signs.

1. All signs that are not expressly permitted under this Chapter are prohibited in the Township.

2. *Off Premises Signage Subject to §27-702.* Signs not located on the premises of the business or industry which they advertise shall be permitted only in the following districts MX-VC (Mixed Village Commercial), C-G (General Commercial), C-H (Highway Commercial), I-L (Light Industrial), I-H (Heavy Industrial), O-C (Open Space), A (Agricultural), provided they are in compliance with all signage regulations as set forth as to the particular district where the sign is to be located.

(Ord. 206, 12/10/2010, §707; as amended by Ord. 206C, 11/14/2011, §1)

§27-708. Abandoned Signs.

If a conforming use has been discontinued for a total of 12 months, then all signs that are related to that use—as well as any structures that support these signs—shall be known as “abandoned signs.” Likewise, if a nonconforming use has been abandoned as described in Part 3, §27-306.B, “Nonconforming Use of Land,” then all signs that are related to that use—as well as any structures that support these signs—shall be known as “abandoned signs.” All abandoned signs shall be removed at the expense of their owners. If such a sign is not removed, the Zoning Officer shall enforce the requirements of this Section via the procedure given in §27-207, “Enforcement.”

(Ord. 206, 12/10/2010, §708)

§27-709. Nonconforming Signs.

1. *Applicability.* The requirements of this Section only apply to nonconforming signs. A nonconforming sign is defined as a sign that: (A) was legally established before the effective date of this Chapter's enactment (see §27-110, “The Effective Date of This Chapter's Enactment”) and (B) due to said Chapter enactment no longer conforms to the requirements of this Part or any other provision of this Chapter. Because the said

nonconforming signs are not illegal, they have a right to remain in place and to be maintained. However, they must adhere to the requirements of this Section.

2. *Nonconforming Status.* The following rules apply to or concern all nonconforming signs:

A. The Zoning Officer may keep and maintain a list of all nonconforming signs that exist in the Township as of the date of this Chapter's enactment and on the effective dates of any relevant amendments to either this Chapter or its map.

B. Any sign that was illegally erected or painted under a previous zoning ordinance or land use regulation, because a permit was not issued, shall remain illegal under this Chapter, even if it conforms to this Chapter's regulations.

C. Any sign that becomes a nonconforming sign due to any amendment made after the effective date of this Chapter's enactment shall be subject to the regulations of this Section.

3. *Maintaining Legal Nonconforming Signs.* The following rules apply to all nonconforming signs:

A. If any legal, nonconforming sign deteriorates to an unsightly or hazardous condition, the owner of that sign shall repair, repaint or remove it for repair. If the Township Zoning Officer finds that such a sign has not been repaired, repainted or removed for repair, he or she shall enforce this requirement via the procedures given in §27-207, "Enforcement."

B. A legal, nonconforming sign may be: (1) repaired, (2) repainted, or (3) removed for repair and then re-mounted without obtaining a zoning permit.

C. Nothing in this Section grants the right to technological upgrades. Technological upgrades are the same as erecting a new sign.

4. *Replacing Nonconforming Signs.*

A. Replacing a temporary nonconforming sign with an identical temporary nonconforming sign does not require any permits. However, replacing a permanent, nonconforming sign with an identical permanent, nonconforming sign does require a zoning permit. Section 27-202, "Zoning Permits," explains how to obtain a zoning permit. Note that this Chapter considers replacing a nonconforming sign with a non-identical sign to be the same as erecting a new sign. Thus, such a replacement may or may not require a zoning permit, depending on the type and location of the involved sign.

5. *Enlarging, Relocating, or Altering Nonconforming Signs.*

A. A nonconforming sign shall not be enlarged or relocated within the Township.

B. A nonconforming sign shall not be altered in any aspect except: (1) to make safety improvements, (2) to keep the sign maintained in accordance with the requirements of this Section or other Township ordinances, or (3) to bring the sign into conformance with the requirements of this Chapter.

C. Nothing in this Section grants the right to technological upgrades. Technological upgrades are the same as erecting a new sign.

6. *Bringing a Nonconforming Sign into Conformance.* If a nonconforming sign is altered so that it becomes a conforming sign, it shall not be subsequently altered back to a nonconforming state. Likewise, if a nonconforming sign is replaced with a

conforming sign, that conforming sign shall not be subsequently replaced with another nonconforming sign.

7. *Abandoned Nonconforming Signs.* If a conforming use has been discontinued for a total of 12 months, then all nonconforming signs that are related to that use—as well as any structures that support these signs—shall be known as “abandoned nonconforming signs.” Likewise, if a nonconforming use has been abandoned as described in Part 3, §27-306.B, “Nonconforming Use of Land,” then all nonconforming signs that are related to that use – as well as any structures that support these signs—shall be known as “abandoned nonconforming signs.” All abandoned nonconforming signs shall be removed at the expense of their owners. If such a sign is not removed, the Zoning Officer shall enforce this requirement via the procedures given in §27-207, “Enforcement.”

(Ord. 206, 12/10/2010, §709; as amended by Ord. 206C, 11/14/2011, §1)

§27-710. R-SH District Signs.

Permanent and Temporary Signs		
Maximum sign area for all signs combined	6 square feet	Residential dwelling uses
	12 square feet	Bus shelters, forestry activities, open spaces
	9 square feet	Minor-impact home based businesses (shall include the 3 square feet for the residential use—for a total of 6 square feet)
	18 square feet	Cemeteries, churches and similar uses, funeral homes/mortuary, nursing homes, private and civic clubs, professional offices and services, public libraries and museums
Number of signs	Depends on how the square footage maximum is divided up	
Location on lot	No sign shall be closer than 4 feet to a property line if no sidewalk exists and no closer than 3 feet from the inside edge of an existing sidewalk.	
Free-standing signs	The “bottommost” part of any sign shall not exceed the height of 2 feet above ground grade.	
Projecting or extending from a building	No further than a 2-foot extension out and must be at least 9 feet above ground/sidewalk level	
Illuminated signs	Not permitted	
Reflective signs	Permitted	
Traffic–directional type signs	Common signs guiding or directing traffic and/or parking, but bearing no advertising matter may be permitted as determined by the Zoning Officer that they do not interfere with official Cambria Township signs of a similar nature.	
Signs with moving devices or intermittent or flashing lights	Not permitted	

Permanent and Temporary Signs	
Note:	<p>Sign area includes support material from the bottom of the sign to beyond the top of the sign and both sides. In addition to the other requirements of this Section, every sign referred to herein:</p> <ol style="list-style-type: none"> 1) Must NOT be located within a public right-of-way. 2) Must NOT be located in the “clear-sight-triangle” of a corner lot if exceeding 3½ feet in height above the finished paved area at the center of the roadway. 3) Must NOT extend over onto the public sidewalk or right-of-way. 4) Must BE constructed of durable materials, kept in good repair and not permitted to become dilapidated. 5) Must BE removed when the circumstances leading to its erection no longer applies.

(Ord. 206, 12/10/2010, §710)

§27-711. R-MH District Signs.

Permanent and Temporary Signs		
Maximum sign area for all signs combined	6 square feet	Residential dwelling (per unit—single and duplex) and parks and playgrounds
	4 square feet per unit	Residential (over 3 units) multi-households, apartments, low rise dwelling (for the building’s owner/operator use re: parking, exit or entrance type signage – 8 square feet per building)
	12 square feet	Bus shelters, forestry activities, open spaces, parks and playgrounds with facilities, essential services and public utility buildings
	12 square feet	Minor-impact home based businesses and day care facilities in-home (shall include the 6 square feet for the residential use—for a total of 12 square feet)
	18 square feet	Cemeteries, churches and similar uses, funeral homes/mortuary, nursing homes, private and civic clubs, professional offices and services, public libraries and museums
Number of signs	Depends on how the square footage maximum is divided up	
Location on lot	No sign shall be closer than 4 feet to a property line if no sidewalk exists and no closer than 3 feet from the inside edge of an existing sidewalk.	

Permanent and Temporary Signs	
Free-standing signs	The “bottommost” part of any sign shall not exceed the height of 2 feet above ground grade.
Projecting or extending from a building	No further than a 2-foot extension out and must be at least 9 feet above ground/sidewalk level
Illuminated signs	Not permitted
Reflective signs	Permitted
Traffic–directional type signs	Common signs guiding or directing traffic and/or parking, but bearing no advertising matter may be permitted as determined by the Zoning Officer that they do not interfere with official Cambria Township signs of a similar nature.
Signs with moving devices or intermittent or flashing lights	Not permitted
<p>Note: Sign area includes support material from the bottom of the sign to beyond the top of the sign and both sides. In addition to the other requirements of this Section, every sign referred to herein:</p> <ol style="list-style-type: none"> 1) Must NOT be located within a public right-of-way. 2) Must NOT be located in the “clear-sight-triangle” of a corner lot if exceeding 3½ feet in height above the finished paved area at the center of the roadway. 3) Must NOT extend over onto the public sidewalk or right-of-way. 4) Must BE constructed of durable materials, kept in good repair and not permitted to become dilapidated. 5) Must BE removed when the circumstances leading to its erection no longer applies. 	

(Ord. 206, 12/10/2010, §711)

§27-712. R-MHP District Signs.

Permanent and Temporary Signs		
Maximum sign area for all signs combined	6 square feet	Residential dwelling (per unit–single and duplex) and parks and playgrounds
	4 square feet per unit	Residential (over 3 units) multi-households, apartments, low rise dwelling (for the building’s owner/operator use re: parking, exit or entrance type signage – 8 square feet per building)
	12 square feet	Bus shelters, forestry activities, open spaces, parks and playgrounds with facilities, essential services and public utility buildings

Permanent and Temporary Signs		
	12 square feet	Minor-impact home based businesses and day care facilities in-home (shall include the 6 square feet for the residential use—for a total of 12 square feet)
	18 square feet	Cemeteries, churches and similar uses, funeral homes/mortuary, nursing homes, private and civic clubs, professional offices and services, public libraries and museums
Number of signs	Depends on how the square footage maximum is divided up	
Location on lot	No sign shall be closer than 4 feet to a property line if no sidewalk exists and no closer than 3 feet from the inside edge of an existing sidewalk.	
Free-standing signs	The “bottommost” part of any sign shall not exceed the height of 2 feet above ground grade.	
Projecting or extending from a building	No further than a 2-foot extension out and must be at least 9 feet above ground/sidewalk level	
Illuminated signs	Not permitted	
Reflective signs	Permitted	
Traffic–directional type signs	Common signs guiding or directing traffic and/or parking, but bearing no advertising matter may be permitted as determined by the Zoning Officer that they do not interfere with official Cambria Township signs of a similar nature.	
Signs with moving devices or intermittent or flashing lights	Not permitted	
Note:	<p>Sign area includes support material from the bottom of the sign to beyond the top of the sign and both sides. In addition to the other requirements of this Section, every sign referred to herein:</p> <ol style="list-style-type: none"> 1) Must NOT be located within a public right-of-way. 2) Must NOT be located in the “clear-sight-triangle” of a corner lot if exceeding 3½ feet in height above the finished paved area at the center of the roadway. 3) Must NOT extend over onto the public sidewalk or right-of-way. 4) Must BE constructed of durable materials, kept in good repair and not permitted to become dilapidated. 5) Must BE removed when the circumstances leading to its erection no longer applies. 	

(Ord. 206, 12/10/2010, §712)

§27-713. MX-VC District Signs.

Permanent and Temporary Signs		
Maximum sign area for all signs combined	6 square feet	Residential dwelling (per unit—single and duplex)
	4 square feet per unit	Residential dwellings (over 3 units) multi-households, apartments, low rise dwelling (for the building's owner/operator use re: parking, exit or entrance type signage – 8 square feet per building)
	12 square feet	Bus shelters, essential services and public utility buildings, forestry activities, open spaces, parks and playgrounds with facilities
	12 square feet	Parking facilities not located on the same lot as the principal use it serves and minor-impact home based businesses (shall include the 6 square feet for the residential use—for a total of 12 square feet)
	18 square feet	Child day care centers, funeral homes, health services, nursing homes, private and civic clubs, professional offices and services, retail sales and services
	18 square feet	Boarding and lodging houses, churches and similar uses, hotel/motel, public libraries and museums, public and private schools
Number of signs	Depends on how the square footage maximum is divided up	
Location on lot	No sign shall be closer than 4 feet to a property line if no sidewalk exists and no closer than 3 feet from the inside edge of an existing sidewalk	
Free-standing signs	No sign shall exceed the height of the associated building or 28 feet whichever is greater	
Projecting or extending from a building	No further than a 2 foot extension out and must be at least 9 feet above ground/sidewalk level	
Illuminated signs	Not permitted	
Reflective signs	Permitted	
Traffic—directional type signs	Common signs guiding or directing traffic and/or parking, but bearing no advertising matter may be permitted as determined by the Zoning Officer that they do not interfere with official Cambria Township signs of a similar nature.	

Permanent and Temporary Signs	
Signs with moving devices or intermittent or flashing lights	Not permitted
<p>Note: Sign area includes support material from the bottom of the sign to beyond the top of the sign and both sides. In addition to the other requirements of this Section, every sign referred to herein:</p> <ol style="list-style-type: none"> 1) Must NOT be located within a public right-of-way. 2) Must NOT be located in the “clear-sight-triangle” of a corner lot if exceeding 3½ feet in height above the finished paved area at the center of the roadway. 3) Must NOT extend over onto the public sidewalk or right-of-way. 4) Must BE constructed of durable materials, kept in good repair and not permitted to become dilapidated. 5) Must BE removed when the circumstances leading to its erection no longer applies. 	

(Ord. 206, 12/10/2010, §713)

§27-714. C-G District Signs.

Permanent and Temporary Signs		
Maximum sign area for all signs combined	6 square feet	Upper floor residential uses
	12 square feet	Parks and open spaces with or without facilities, bus shelters, forestry activities, essential services and public utility buildings, and parking facilities not located on the same lot as the principal use it serves
	Square feet shall not exceed the number of lineal feet of <i>building</i> frontage (see §27-706)	Cultural facilities, eateries, health services, hotel/motel, private and civic clubs, professional offices and services, public libraries and museums, public and private schools and retail and wholesale sales and services
Location on lot	No sign shall be closer than 2 feet to a property line if no sidewalk exists and no closer than 2 feet from the inside edge of an existing sidewalk	
Free-standing signs	No sign shall exceed the height of the associated building or 28 feet whichever is greater. No individual free-standing sign may exceed 40 square feet.	
Projecting or extending from a building	No further than a 4-foot extension and may not exceed 30 square feet in area (where such size is permitted). No sign may extend past the centerline of a public sidewalk. The bottom-most part of any projecting sign must be a minimum of 9 feet from the ground/sidewalk level.	

Permanent and Temporary Signs	
Illuminated signs	Permitted; as long as the light source is contained entirely within the back or sides of the sign cover glass or similar material.
Reflective signs	Permitted
Traffic-directional type signs	Common signs guiding or directing traffic and/or parking, but bearing no advertising matter may be permitted as determined by the Zoning Officer that they do not interfere with official Cambria Township signs of a similar nature.
Signs with moving devices or intermittent or flashing lights	Not permitted
<p>Note: Sign area includes support material from the bottom of the sign to beyond the top of the sign and both sides. In addition to the other requirements of this Section, every sign referred to herein:</p> <ol style="list-style-type: none"> 1) Must not be located within a public right-of-way and [temporary display of business "sale" or "specials" signs, may not be set more than 1 foot away from the wall of the building or impede with foot traffic]. 2) Must NOT extend over onto the public sidewalk or right-of-way. 3) Must be constructed of durable materials, kept in good repair and not permitted to become dilapidated. 4) Must be removed when the circumstances leading to its erection no longer applies. 	

(Ord. 206, 12/10/2010, §714)

§27-715. C-H District Signs.

Permanent and Temporary Signs		
Maximum sign area for all signs combined	6 square feet	Upper floor residential uses
	12 square feet	Parks and open spaces with or without facilities, bus shelters, forestry activities, essential services and public utility buildings, and parking facilities not located on the same lot as the principal use it serves
	Square feet shall not exceed the number of lineal feet of <i>building</i> frontage	Cultural facilities, eateries, health services, hotel/motel, private and civic clubs, professional offices and services, public libraries and museums, public and private schools and retail and wholesale sales and services

Permanent and Temporary Signs	
Location on lot	No sign shall be closer than 2 feet to a property line if no sidewalk exists and no closer than 2 feet from the inside edge of an existing sidewalk
Free-standing signs	No sign shall exceed the height of the associated building or 28 feet whichever is greater. No individual free-standing sign may exceed 40 square feet.
Projecting or extending from a building	No further than a 4-foot extension and may not exceed 30 square feet in area (where such size is permitted). No sign may extend past the centerline of a public sidewalk. The bottom-most part of any projecting sign must be a minimum of 9 feet from the ground/sidewalk level.
Illuminated signs	Permitted; as long as the light source is contained entirely within the back or sides of the sign cover glass or similar material.
Reflective signs	Permitted
Traffic-directional type signs	Common signs guiding or directing traffic and/or parking, but bearing no advertising matter may be permitted as determined by the Zoning Officer that they do not interfere with official Cambria Township signs of a similar nature.
Signs with moving devices or intermittent or flashing lights	Not permitted
<p>Note: Sign area includes support material from the bottom of the sign to beyond the top of the sign and both sides. In addition to the other requirements of this Section, every sign referred to herein:</p> <ol style="list-style-type: none"> 1) Must not be located within a public right-of-way and [temporary display of business "sale" or "specials" signs, may not be set more than 1 foot away from the wall of the building or impede with foot traffic]. 2) Must NOT extend over onto the public sidewalk or right-of-way. 3) Must be constructed of durable materials, kept in good repair and not permitted to become dilapidated. 4) Must be removed when the circumstances leading to its erection no longer applies. 	

(Ord. 206, 12/10/2010, §715)

§27-716. I-L District Signs.

Permanent and Temporary Signs		
Maximum sign area for all signs combined	12 square feet	Bus shelters, forestry activities, essential services and public utility buildings, and parking facilities not located on the same lot as the principal use it serves

Permanent and Temporary Signs		
	18 square feet	, and alternative towers and wireless telecommunications facilities
	24 square feet	Automotive services, medical laboratories and diagnostic facilities and storage of raw materials, equipment, and finished products
	Square feet shall not exceed the number of lineal feet of <i>building</i> frontage (see §27-706)	Automotive assembly, freight trucking and intermodal terminals, rail yards, etc., printing and publishing, research and development labs, value-added manufacturing, wholesale sales and services and woodworking
Location on lot	No sign shall be closer than twelve (10) feet to a property line if no sidewalk exists and no closer than 5 feet from the inside edge of an existing sidewalk	
Free-standing signs	No sign shall exceed beyond 10 feet of the height of the associated building and shall not exceed 18 feet in height above grade when free-standing or 30 feet if attached to the structure. No individual free-standing sign shall exceed 60 square feet.	
Projecting or extending from a building	No further than a 4 foot extension and may not exceed 30 square feet in area (where such size is permitted). No sign may extend past the centerline of a public sidewalk. The bottom-most part of any projecting sign must be a minimum of 9 feet from the ground/sidewalk level.	
Illuminated signs	Permitted; as long as the light source is contained entirely within the back or sides of the sign cover glass or similar material.	
Reflective signs	Permitted	
Traffic-directional type signs	Common signs guiding or directing traffic and/or parking, but bearing no advertising matter may be permitted as determined by the Zoning Officer that they do not interfere with official Cambria Township signs of a similar nature.	
Signs with moving devices or intermittent or flashing lights	Not permitted	

Permanent and Temporary Signs	
Note:	<p>Sign area includes support material from the bottom of the sign to beyond the top of the sign and both sides. In addition to the other requirements of this Section, every sign referred to herein:</p> <ol style="list-style-type: none"> 1) Must not be located within a public right-of-way and [temporary display of business “sale” or “specials” signs, may not be set more than 1 foot away from the wall of the building or impede with foot traffic]. 2) Must not extend over onto the public sidewalk or right-of-way. 3) Must be constructed of durable materials, kept in good repair and not permitted to become dilapidated. 4) Must be removed when the circumstances leading to its erection no longer applies.

(Ord. 206, 12/10/2010, §716)

§27-717. I-H District Signs.

Permanent and Temporary Signs		
Maximum sign area for all signs combined	12 square feet	Bus shelters, forestry activities, essential services and public utility buildings, and parking facilities not located on the same lot as the principal use it serves
	18 square feet	, and alternative towers and wireless telecommunications facilities
	24 square feet	Automotive services, medical laboratories and diagnostic facilities and storage of raw materials, equipment, and finished products
	Square feet shall not exceed the number of lineal feet of <i>building</i> frontage (see §27-706)	Automotive assembly, freight trucking and intermodal terminals, rail yards, etc., printing and publishing, research and development labs, value-added manufacturing, wholesale sales and services and woodworking.
Number of Signs	Depends on how the square footage maximum is divided up	
Location on lot	No sign shall be closer than twelve (10) feet to a property line if no sidewalk exists and no closer than 5 feet from the inside edge of an existing sidewalk	
Free-standing signs	No sign shall exceed beyond 10 feet of the height of the associated building and shall not exceed 18 feet in height above grade when free-standing or 30 feet if attached to the structure. No individual free-standing sign shall exceed 60 square feet.	

Permanent and Temporary Signs	
Projecting or extending from a building	No further than a 4 foot extension and may not exceed 30 square feet in area. No sign may extend past the centerline of a public sidewalk. The bottom-most part of any projecting sign must be a minimum of 9 feet from the ground/sidewalk level.
Illuminated signs	Permitted; as long as the light source is contained entirely within the back or sides of the sign cover glass or similar material.
Reflective signs	Permitted
Traffic-directional type signs	Common signs guiding or directing traffic and/or parking, but bearing no advertising matter may be permitted as determined by the Zoning Officer that they do not interfere with official Cambria Township signs of a similar nature.
Signs with moving devices or intermittent or flashing lights	Not permitted
<p>Note: Sign area includes support material from the bottom of the sign to beyond the top of the sign and both sides. In addition to the other requirements of this Section, every sign referred to herein:</p> <ol style="list-style-type: none"> 1) Must not be located within a public right-of-way and [temporary display of business "sale" or "specials" signs, may not be set more than 1 foot away from the wall of the building or impede with foot traffic]. 2) Must not extend over onto the public sidewalk or right-of-way. 3) Must be constructed of durable materials, kept in good repair and not permitted to become dilapidated. 4) Must be removed when the circumstances leading to its erection no longer applies. 	

(Ord. 206, 12/10/2010, §717)

§27-718. O-C District Signs.

Permanent and Temporary Signs		
Maximum sign area for all signs combined	6 square feet	Residential uses and no-impact home based businesses
	12 square feet	Parks, playgrounds and open spaces
	18 square feet	Forestry activities
Number of signs	Depends on how the square footage maximum is divided up	
Location on lot	No sign shall be closer than 4 feet to a property line if no sidewalk exists and no closer than 3 feet from the inside edge of an existing sidewalk	
Free-standing signs	The "bottommost" part of any sign shall not exceed the height of 2 feet above ground grade	

Permanent and Temporary Signs	
Projecting or extending from a building	No further than a 2 foot extension out and must be at least 9 feet above ground/sidewalk level
Illuminated signs	Not permitted
Reflective signs	Permitted
Traffic-directional type signs	Common signs guiding or directing traffic and/or parking, but bearing no advertising matter may be permitted as determined by the Zoning Officer that they do not interfere with official Cambria Township signs of a similar nature.
Signs with moving devices or intermittent or flashing lights	Not permitted
<p>Note: Sign area includes support material from the bottom of the sign to beyond the top of the sign. In addition to the other requirements of this Section, every sign referred to herein:</p> <ol style="list-style-type: none"> 1) Must not be located within a public right-of-way, nor in the “clear-sight-triangle” of a corner lot. 2) Must not extend over onto the public sidewalk or right-of-way. 3) Must be constructed of durable materials, kept in good repair and not permitted to become dilapidated. 4) Must be removed when the circumstances leading to its erection no longer applies. 	

(Ord. 206, 12/10/2010, §718)

§27-719. AG District Signs.

Permanent and Temporary Signs		
Maximum sign area for all signs combined	6 square feet	Residential uses and no-impact home based businesses
	12 square feet	Parks, playgrounds and open spaces
	18 square feet	Forestry activities
Number of Signs	Depends on how the square footage maximum is divided up	
Location on lot	No sign shall be closer than 4 feet to a property line if no sidewalk exists and no closer than 3 feet from the inside edge of an existing sidewalk	
Free-standing signs	The “bottommost” part of any sign shall not exceed the height of 2 feet above ground grade	
Projecting or extending from a building	No further than a 2 foot extension out and must be at least 9 feet above ground/sidewalk level	
Illuminated signs	Not permitted	

Permanent and Temporary Signs	
Reflective signs	Permitted
Traffic-directional type signs	Common signs guiding or directing traffic and/or parking, but bearing no advertising matter may be permitted as determined by the Zoning Officer that they do not interfere with official Cambria Township signs of a similar nature.
Signs with moving devices or intermittent or flashing lights	Not permitted
<p>Note: Sign area includes support material from the bottom of the sign to beyond the top of the sign. In addition to the other requirements of this Section, every sign referred to herein:</p> <ol style="list-style-type: none"> 1) Must not be located within a public right-of-way, nor in the "clear-sight-triangle" of a corner lot. 2) Must not extend over onto the public sidewalk or right-of-way. 3) Must be constructed of durable materials, kept in good repair and not permitted to become dilapidated. 4) Must be removed when the circumstances leading to its erection no longer applies. 	

(Ord. 206, 12/10/2010, §719)

Part 8**Planned Residential Development****§27-801. Purpose.**

Planned residential development is a technique wherein residential structures (semi-detached, detached, and multi-story) are arranged in closely related groups. It may also include land uses of a cultural, recreational, and commercial character to the extent that they are designed to serve the residents. Instead of spreading houses uniformly over an entire tract, cluster development occurs, creating higher densities in certain areas and preserving natural features in others. Under such planning, lot size is reduced and the land thus saved is used for common greens or open space.

(Ord. 206, 12/10/2010, §801)

§27-802. Grant of Power.

1. The Township Planning Commission shall administer planned residential development provisions subject to the provisions set forth in this Chapter and as provided by Article VII, Pennsylvania Municipalities Planning Code, Act 247 as amended, 53 P.S. §10701 *et seq.*

2. The standards, conditions, and regulations for a planned residential development shall be consistent with the provisions contained in Article VII, Pennsylvania Municipalities Planning Code, Act 247 as amended, 53 P.S. §10701 *et seq.*

3. The procedures pertaining to the application for, hearing on, and tentative and final approval of a planned residential development shall be consistent with the provisions contained in Article VII, PA Municipalities Planning Code, Act 247 as amended, 53 P.S. §10701 *et seq.*

(Ord. 206, 12/10/2010, §802)

§27-803. Standards and Conditions.

1. A planned residential development may be permitted by the Township in a R-MH Residential District subject to the requirements set forth in this Chapter and as provided by Article VII, Pennsylvania Municipalities Planning Code, Act 247 as amended, 53 P.S. §10701 *et seq.*

A. *Minimum Overall Lot Size.* The minimum overall lot size for any planned residential development shall be 20 acres.

B. *Permitted Uses.*

(1) Single-household detached dwellings.

(2) Two-household detached dwellings.

(3) Multiple row dwellings, townhouses, and garden apartments with a maximum of eight units per building.

(4) Multi-story apartments not to exceed 60 feet above ground in height.

(5) Community buildings which are for the social, cultural, or recreational use of the residents of the development.

(6) Open space and recreation facilities developed and maintained principally for use of residents of the development.

(7) Certain non-residential uses such as buildings for convenience shopping and personal services provided that such uses along with required parking occupy not more than 10 percent of the total land area of the development.

C. *Dwelling Standards.* Each dwelling unit in a planned residential development shall have a minimum floor area of not less than 800 square feet.

D. *Density.* The dwelling unit density shall conform to the following:

(1) Single household—5 units per acre.

(2) Two-household—10 units per acre.

(3) Row dwelling—15 units per acre.

(4) Multi-story dwellings—29 units per acre.

(5) For mixed types of structures the overall density may not exceed 12 units per acre.

E. *Public Open Space Standards.* At least 250 square feet per dwelling unit shall be set aside and maintained for an outdoor recreation area by the owner of the development, his successors and assigns, of which a 100 square foot unit shall be developed with recreation equipment and playground area. In lieu of maintenance by the developer, an association of homeowners in the development may provide such maintenance, but documents creating such an association shall be approved by the Township solicitor before final approval is given for the planned residential development. Should neither the developer nor an approved homeowners association maintain the public open space required in this subsection, then the Township shall have the option to maintain the public open space and, if it chooses to do so, impose a lien on the individual properties in the development to collect the costs of such maintenance.

F. *Setback Requirements and Minimum Distance Between Buildings.*

(1) *Setback.* The setback requirements for all buildings erected in a planned residential development shall be as follows:

(a) A minimum setback of 70 feet shall be observed around the entire perimeter of tract or lot used for the planned residential development. No main or accessory building may be erected within the setback area. However, outdoor recreation facilities and parking lots may be constructed in the area provided that they are a minimum of 40 feet from the perimeter lot lines.

(b) A front yard setback of 35 feet shall be observed for all buildings erected adjacent to streets within the planned residential development.

(2) *Minimum Distance Between Buildings.* When more than one multiple household dwelling building is erected on a single site, lot, or tract, the minimum distances between buildings shall be as follows:

(a) Front to front—70 feet; front to rear—60 feet.

(b) Side to side—½ of the height of the tallest building but not less

than 25 feet.

(c) Front to side or rear to side—the height of the tallest building but not less than 35 feet.

(d) Rear to rear—50 feet.

G. *Percentage of Lot Coverage.* All buildings including accessory buildings shall cover not more than 40 percent of the area of the lot or tract.

2. The developer or owner of any planned residential development shall be responsible for the engineering, construction, installation, and maintenance of site improvements as follows:

A. *Engineering Site Plan Required.* An engineering site plan shall be prepared by a registered architect, registered landscape architect, professional engineer, or registered surveyor and filed with the Township prior to the start of any construction of an approved planned residential development. The site plan shall be drawn at a minimum scale of 1 inch equals 50 feet and shall indicate the exact location and dimensions of all buildings, streets, sidewalks, roads, parking areas, water lines, sanitary sewer lines, telephone lines, recreation areas, landscaping, walls, fences, right-of-way lines, property lines, and any other features to be constructed or installed on the site. A topographic map shall be prepared at a minimum scale of 1 inch equals 50 feet with a minimum contour interval of 5 feet and shall indicate all existing and final grades for the site; spot elevations shall be indicated for streets, storm and sanitary sewers, and other elevation features as deemed appropriate and necessary by the Township.

B. *Perimeter Survey.* A perimeter survey of the parcel to be developed as a planned residential development shall be prepared by a registered surveyor. Permanent concrete markers, with a minimum standard of 6 by 6 by 30-inch with a copper rod, shall be installed on all corners around the perimeter of the site. The survey shall tie directly into adjoining property.

C. *Street Paving.* The engineering, construction, installation, and maintenance of all streets within the planned residential development shall be the sole responsibility of the developers and shall be in accord with minimum standards as set forth in the Township's Subdivision and Land Development Ordinance [Chapter 22], or by the Township.

D. *Street Signs and Street Lights.* Street signs and street lights shall be installed and maintained by the developer as required by the Township Subdivision and Land Development Ordinance [Chapter 22], or by the Township.

E. *Water Requirements.* If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the planned residential development, the developer shall present evidence to the Township that the planned residential development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility.

F. *Water Lines and Fire Plugs.* The installation of all water lines including fire plugs shall be in accord with requirements and specifications of the local water authority and fire department. Detailed engineering plans and specifications shall be filed with both the Township and the local water company or authority.

G. *Sanitary Sewers.* The installation of all sanitary sewers (if applicable) shall be in accord with detailed engineering plans and specifications submitted to and approved by the local sewer company or authority.

H. *Storm Sewers.* The installation of a storm sewer system shall be in accord with plans and specifications filed with and approved by the Township. The storm sewer system shall also be compatible to or in accord with any Township and County-wide Stormwater Management Plan (if applicable).

I. *Off-Street Parking and Loading Facilities.* Shall be provided as required or permitted under this Chapter.

(Ord. 206, 12/10/2010, §803)

§27-804. Enforcement and Modification.

1. To further the mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to ensure that modifications, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, nor results in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise shall be subject to the following provisions.

A. The provisions of the development plan relating to the following elements shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted by the Township by law:

- (1) The use, bulk, and location of buildings and structures.
- (2) The quantity and location of common space, except as otherwise provided in this Part.
- (3) The intensity of use or the density of residential units.
- (4) The interest of the Township in protecting the health, safety, and welfare of its residents.
- (5) Any dissolution of an association formed to administer development requirements.

B. All provisions of the development plan shall run in favor of the residents of the planned residential development but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.

C. All those provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed, or released by the Township, except grants or easements relating to the service or equipment of a

public utility, subject to the following conditions:

(1) No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this section.

(2) No modification, removal, or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Cambria Township Board of Supervisors or the Cambria Township Planning Commission following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this Part, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest, and is not granted solely to confer a special benefit upon any person.

D. Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

(Ord. 206, 12/10/2010, §804)

§27-805. Application for Tentative Approval.

1. An application for tentative approval of the development plan for a planned residential development shall be filed by or on behalf of the landowner.

2. The application for tentative approval shall be filed by the landowner on such form as provided by the Township.

3. All planning, zoning, and subdivision matters relating to the platting, use, and development of the planned residential development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the governing body or the Planning Commission, if designated by the Board of Supervisors.

4. The provisions shall require only such information in the application as is reasonably necessary to disclose to the governing body or the Planning Commission:

A. The location, size and topography of the site and the nature of the landowner, interest in the land proposed to be developed.

B. The density of land use to be allocated to parts of the site to be developed.

C. The location and size of the common open space and the form of organization proposed to own and maintain the common open space.

D. The use and the approximate height, bulk, and location of buildings and other structures.

E. The feasibility of proposals for water supply and the disposition of sanitary waste and storm water.

F. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities.

G. The provisions for parking of vehicles and the location and width of proposed streets and public ways.

H. The required modification in the municipal land use regulations otherwise applicable to the subject property.

I. The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.

J. In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.

5. The application for tentative approval of a planned residential development shall include a written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the comprehensive plan or community development objectives of the Township.

6. The application for and tentative and final approval of a development plan for a Planned Residential Development described in this Part shall be in lieu of all other procedures or approvals, otherwise required pursuant to Articles V and VI of the Pennsylvania Municipalities Planning Code, Act 247 as amended, 53 P.S. §§10501 *et seq.*, 10701 *et seq.*

7. Within 60 days after the filing of an application for tentative approval of a planned residential development, a public hearing pursuant to public notice on said applicants shall be held by the Township (or Planning Commission) in the manner prescribed in §708 of the Pennsylvania Municipalities Planning Code, Act 247 as amended, 53 P.S. §10708.

8. The Board of Supervisors, or the Planning Commission, within 60 days following the conclusion of the public hearing provided for in this Part, shall, by official written communication to the landowner, either:

A. Grant tentative approval of the development plan as submitted.

B. Grant tentative approval subject to specified conditions not included in the development plan as submitted.

C. Deny tentative approval to the development plan. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. This official written communication shall also include all other information as required by §709 of the Pennsylvania Municipalities Planning Code, Act 247 as amended, 53 P.S. §10709.

9. Tentative approval of a development shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor

violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed within the periods of time specified in the official written communication granting tentative approval.

(*Ord. 206, 12/10/2010, §805*)

§27-806. Application for Final Approval.

1. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to Township Zoning Officer designated by the Chapter and within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond, and such other requirements as may be specified by ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

2. In the event the application for final approval has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the Chapter and the official written communication of tentative approval, the Township shall, within 45 days of such filing, grant such development plan final approval.

3. In the event the development plan as submitted contains variations from the development plan given tentative approval, the approving body may refuse to grant final approval and shall, within 45 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:

A. Refile his application for final approval without the variations objected.

B. File a written request with the approving body that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternative action he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Part for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the approving body shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval

of the development plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Part.

4. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the approving body and shall be filed of record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of §513(a) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10513(a), and post financial security in accordance with §509 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10509.

5. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the approving body in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions stated in §508 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10508, after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to this Chapter in the manner prescribed for such amendments in Article VI of the Municipalities Planning Code, Act 247, as amended, 53 P.S. §10601 *et seq.*

(*Ord. 206, 12/10/2010, §806*)

Part 9**Definitions****§27-901. Terms.**

Abandoned sign—any sign or signs, either conforming or nonconforming, on property leased or owned by the party responsible for the sign that has been discontinued for a total of 12 months as described in §27-708 “Abandoned Signs.” A nonconforming use that has been abandoned as described in §27-306.B, “Nonconforming Use of Land,” and all signs that are related to that use—as well as any structures that support these signs shall be considered abandoned.

Abutting—where the lot lines of any parcel of land physically touch the lot lines of one or more additional parcels of land, those parcels shall be considered as “abutting” parcels. “Abutting” is the same as “adjoining.”

Access—the place, means, or ways by which pedestrians, vehicles, or both shall have safe, adequate, and usable ingress/egress to a property or use. A private access is an access not in public ownership and controlled by means of deed, dedication, or easement.

Accessory building / structure—a structure detached from a principal building but located on the same lot. It serves as a customarily incidental and subordinate use to the use of the lot as a whole or the lot's principal building.

Accessory use—a use customarily incidental and subordinate to the principal use and located on the same lot with such principal use or building.

Adjacent—any lot or parcel of land, or any zoning district, which is situate beside, near, or directly across from another parcel of land, or zoning district, but separated by a street, alley, right-of-way, easement, utility, park or any other natural feature shall be considered an “adjacent” lot or zoning district.

Adjoining—same as “abutting.”

Administrator—the officer appointed by the Cambria Township Board of Supervisors to administer these regulations and to assist administratively the other boards and officers of the Township.

Adult sexually oriented businesses—an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center and similar activities.

Agriculture—the production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations of hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Aisle—the traveled way by which cars enter and depart parking spaces.

Alley—a public thoroughfare other than a side street, which affords only a secondary means of access to abutting property and not for general traffic circulation.

Alteration—an alteration may be a change in construction or a change in occupancy. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another. As applied to a building or structure, any change or rearrangement in the total floor area structural part, in the existing facilities, or in the enlargement, whether by extending a side, by increasing the height; or the moving from one location to another. (See also “addition, building.”)

Alternative tower structure—man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Amateur radio antenna / equipment—amateur radio equipment, including ham radio and CB equipment and antenna for personal use only by registered operators.

Amusement / recreation facility—indoor, commercial or noncommercial facilities or services operated and open to the public including dance halls, theatrical productions, bands, orchestras, and other musical entertainment, bowling alleys, billiard and pool establishments, coin-operated devices and video gaming arcades, swimming pools and skating rinks.

Animal hospital—a building used for the treatment of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

Animals—domestic / household pets—a domesticated animal that is normally, or can generally be, safely kept within the immediate living quarters of a residential structure. Domesticated mice and hamsters kept in cages are permitted. This term excludes any member of the swine, sheep, bovine (cows), poultry, fowl, equine family of quadrupeds, elephants, rhinoceros, hippopotamus, deer, or reptiles having a venomous or constrictor nature, or any large animals normally kept outside or on farms or breeding facilities.

Animals—farm or non-domestic—any member of the swine, sheep, bovine (cows), poultry, fowl, equine family of quadrupeds, elephants, rhinoceros, hippopotamus, deer, etc., or reptiles having a venomous or constrictor nature, or any large animals normally kept outside or on farms or breeding facilities.

Animated sign—any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Appeal—a means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter.

Applicant—the person making application according to the regulations contained in this Chapter and whose signature appears on any zoning application. The applicant may be someone other than the property owner if said person is duly authorized, in writing, to represent the owner.

Application—the submitting of an application, in a “complete state,” for a permit or a service.

Application for development—every application, whether conceptual, preliminary, tentative, or final, required to be filed and approved prior to the start of construction or development, including, but not limited to, an application for a zoning or building permit, or for the approval of a development plan.

Appointing authority—the Township of Cambria Board of Supervisors.

Area, net floor—(as applied to off-street parking requirements) the area used or intended for services to the public as customers, patrons, clients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise. Floor areas may be excluded which are used exclusively for storage, housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen and the general public are denied access.

Authority—a political or corporate body created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as “Municipality Authorities Act of 1945.”

Automotive assembly—facilities used for the assembly of automobile parts.

Automotive sales—the use of any building, land area, or other premise for the display and sale of new or used automobiles, trucks, vans, trailers, or recreational vehicles—including any vehicle preparation or repair work conducted as an accessory use, and where the storage of “junk” and/or “junk vehicles” is prohibited.

Automotive services—any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles, and which may include public rest rooms and facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles. A business that engages in engine rebuilding, major reconditioning of broken or damaged motor vehicles or trailers, collision repair service (including body, frame, or fender straightening or repair), vehicle painting, replacement of parts, motor service to automobiles, and/or state inspections, commonly referred to as a service station. The storage of “junk” and/or “junk vehicles” is prohibited.

Banner building sign—any sign of lightweight fabric or similar material that is permanently mounted to a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Banner, miscellaneous—any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners. No commercial messages are allowed on banners if the messages are legible from a location off of the involved lot.

Billboards / outdoor advertising signs—billboards/outdoor advertising signs, poster panels, bulletins, and the like include those constructed with four sign faces and V-type sign arrangements used for two or more sign faces. Such signs shall not be permitted to be erected upon the roof of any building. Such signs may be illuminated provided that such illumination is effectively shielded so as to prevent beams or rays from being directed at any portion of the traveled ways and are not of such intensity or brilliance to cause glare or impair the vision of any driver of any motor vehicle.

Block—a tract of land, a lot, or a group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, and boundary lines of the Township, non-subdivided land, other definite barriers, or by a combination of the above.

Boarding house, lodging house—a building where, for compensation, lodging on a temporary basis, and meals are provided for at least four but not more than 16

independent individuals. The primary function of the boarding house is to provide room and board. Residents are not involved in the day-to-day maintenance or operation of the boarding house and are not under the supervision or care of staff. Residents do not receive habilitative or rehabilitative services of any type at a boarding house. Relationships between residents are incidental, as opposed to an essential part of living together in a group home or halfway house. Residents do not constitute an interdependent group that emulates a family. Tenancy is on a weekly or longer basis as distinguished from transient housing such as a hotel or motel. A boarding house shall also be considered a “lodging house.”

Building coverage—see “coverage.”

Building, detached—a building surrounded by open space on the same lot having no physical attachments to another structure.

Building, frontage—see “frontage, building.”

Building line—a line parallel to the front, sides, and rear lot lines; set so as to provide the required open spaces and setbacks on a lot. This does not refer to the property “boundary lines” which outline the entire parcel.

Building marker—any sign indicating the name and date of a building, as well as incidental information about its construction or historical data on a historic site, which is cut into a masonry surface or made of bronze or other permanent material.

Building, principal—a building in which is conducted the principal use of the lot on which it is located. Storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings. For purposes of this Chapter, the principal building may also be referred to as the main building, the main structure, or the principal structure.

Building setback line—the allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a principal or accessory building, or structure, (proposed or established) as defined herein. The given point or line of reference will be the lot's “boundary lines” following any required dedication or a special or preservation line if one is required pursuant to this Chapter.

Building/structure—a building is any structure having a roof supported by columns, walls, arches, or other devices and intended for the shelter, housing, or enclosure of persons, animals, or chattels of any nature, and includes covered porches or bay windows and chimneys. A structure includes, but is not limited to, the above-referenced description and any item permanently constructed, placed or set upon (or buried underneath, i.e., gas or liquid storage tanks) any parcel of land, the placement and/or use for which requires the issuance of all applicable permits.

Building/structure, accessory—a building or structure which is clearly subordinate to the main building on the lot and is used for purposes customarily incidental to the use of the main building or lot.

Building sign—any sign attached to any part of a building, as contrasted to a freestanding sign.

Bus shelters—a three-sided structure at a bus stop that gives people limited protection against the weather and is used to aid in the loading and unloading of passengers using public transportation systems.

Bus shelter signs—a sign containing a commercial message, including such items as

the bus line name and time schedules, on a shelter located at a designated bus stop/shelter accepted as such by the Pennsylvania Department of Transportation.

Campground—any portion of land used for the purpose of providing a space or spaces for trailers or tents, for camping purposes regardless of whether a fee has been charged for the leasing, renting, or occupancy of such space.

Campsite—any site intended to be used for temporary and/or seasonal use for camping, inclusive of the area required to sustain a tent, camper, motor home, or other temporary camping facility.

Carport—a structure with a roof covering and two or more sides open which may be used for storage of one or more vehicles.

Cartway (roadway)—the portion of a street right-of-way, paved or unpaved, intended for vehicular traffic.

Center for Local Government Services—the Governor's Center for Local Government Services located within the Department of Community and Economic Development (DCED).

Centerline—a line which determines the center points on highways/roadways dividing them into separate sections and from which property lot lines are commonly determined. The position of the center line shall be determined as follows:

A. For streets or roads that have not been improved in accordance with engineering surveys and plans accepted by the State, County or Township, the center line is at the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof.

B. For streets or roads that have been improved in accordance with engineering surveys and plans accepted by the State, County or Township, the centerline is at the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

C. For highways that have been paved, or are planned to be paved as divided roads, with two or more defined and contiguous traffic lanes in one direction separated from two or more defined and contiguous traffic lanes in the opposite direction, by a directional separator, the centerline is the center of the directional separator, as the road is paved or is planned to be paved.

Child day-care center—any commercial business registered by the Commonwealth of Pennsylvania, operated for profit or not for profit, in which child day care is provided at any one time to six or more children who are not relatives of the caregiver.

Child day care - in-home, accessory use—the provision of supplemental parental care and supervision for profit, on a regular basis for less than 24 hours a day; for less than five children, not more than two of which children are under 23 months of age; and of whom at least one is unrelated to the provider. The home and provider must be registered by the Commonwealth and the business shall be conducted in accordance with the requirements of the Commonwealth of Pennsylvania Department of Health and Social Services and this Chapter. No provider shall offer or operate this use before 6 a.m. or after 7 p.m. As used in this title, the term is not intended to include baby-sitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocities, child care by a group of parents in their respective homes.

Clear sight triangle—a triangular area of unobstructed vision on corner lots formed by a 75-foot sight line along the center line of a secondary or primary road by a 50-foot sight line along the centerline of a local street and by a line adjoining these two sight lines at the greatest distance from their intersection.

Clinic—an establishment operated under license by the Commonwealth of Pennsylvania providing therapeutic, preventative, corrective, healing and health-building treatment services on an outpatient basis by physicians, dentists and other practitioners. Typical uses include medical and dental offices and clinics and outpatient medical laboratories.

Commercial—engaging in a business, enterprise, activity, or other undertaking for a profit.

Commercial building—a building whose principal use is a commercial use. A building with a store or commercial business on the ground level (and/or higher levels) and apartments on the second floor (and/or higher levels) is also considered a commercial building.

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.

Commercial recreation—provides recreation and leisure for a profit. Some of these businesses include resorts, amusement parks, entertainment complexes and health, golf and fitness clubs.

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

Communications antenna—any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni directional or whip antennas and direction or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen's band radio antennas.

Communications equipment building—an unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

Communications tower—a structure, other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas. (Also see “alternative tower structure.”)

Communications tower, height of—the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Complete state—an application submitted with all required, relevant and pertinent information necessary for the approving body to render an informed decision. (Also see “application.”)

Compounding—a process of manufacturing involving forming a complete product through parts assembly or product mixing.

Comprehensive plan—the complete plan, plus amendments, or any of its parts for the development of the Township as adopted by the Township Supervisors of the Township of Cambria in accordance with Article III of the Pennsylvania Municipalities Planning Code, 53 P.S. §10301 *et seq.*

Consistency—an agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship.

Conversion apartment—the remodeling of a single-household dwelling unit into two or more separate living units each having a minimum of not less than 800 square feet of habitable area, one bathroom and three habitable rooms (at least one of which shall be a bedroom) separate and private sanitary facilities, cooking and dining facilities for each dwelling unit. All units must meet the required fire, safety and housing codes and applicable zoning requirements for the district wherein contained. Basement and/or cellar dwellings shall not be defined as conversion apartments.

County—a county of the second class through eighth class. The largest administrative division of most states in the United States of America.

County Comprehensive Plan—a land use and growth management plan prepared by the County Planning Commission which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plans and land use regulations.

County Planning Commission—the Cambria County, Pennsylvania, Planning Commission.

Coverage—the total square feet of a lot's area that is covered by the principal building, and all accessory buildings (exclusive of uncovered porches, terraces, and steps) taken on a horizontal plane at the mean grade level.

Crosswalk—a right-of-way, municipally or privately owned, intended to provide access for pedestrians.

Cul-de-sac—a street having one end open to traffic and being permanently terminated by a vehicular turnaround.

Cut—an excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

Decision—final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealed to the Court of Common Pleas of Cambria County, Pennsylvania.

Detached—see “building, detached.”

Deterioration—the condition of a building, structure or sign, or any part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, lack of maintenance or excessive use.

Development which may endanger human life—in accordance with the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, and regulations adopted by the Department of Community Affairs pursuant to that act; any activity requiring the

production, storage, use of any amount of radioactive substances; structures or land used for the production or storage of any quantity of the following materials; or structures or land used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume) of the following materials:

- A. Acetone.
- B. Ammonia.
- C. Benzene.
- D. Calcium carbide.
- E. Carbon disulfide.
- F. Celluloid.
- G. Chlorine.
- H. Hydrochloric acid.
- I. Hydrocyanic acid.
- J. Magnesium.
- K. Nitric acid and oxides of nitrogen.
- L. Petroleum products (gasoline, fuel oil, etc.).
- M. Phosphorus.
- N. Potassium.
- O. Sodium.
- P. Sulfur and sulfur products.
- Q. Pesticides (including insecticide, fungicides and rodenticides).
- R. Radioactive substances, insofar as such substances are not otherwise regulated.

Disability—a physical or mental impairment which substantially limits one or more of a person's major life activities, impairs their ability to live independently, or a record of having such impairment, or being regarded as having such impairment.

Districts, adjacent—any zoning district which is situate beside, near, or directly across from another zoning district separated only by a street, alley, right-of-way, easement, utility, park or any other natural feature shall be considered an adjacent district.

Districts, adjoining or abutting—any zoning district in which the lot “boundary lines” from one district physically touch the lot “boundary lines” of another district and are not separated by a street, alley, right-of-way, easement, utility, park or any other natural feature.

Duplex dwelling—a building used by two families with one dwelling unit arranged over, beside, or in back of the other, and which may have more than one side, front, and rear yards.

Dwelling unit—a dwelling unit shall mean a room or group of rooms located within a building or structure and forming a single habitable unit with facilities which are used or intended to be designed and used for living, sleeping, cooking and eating, and sanitary purposes, for a single household.

Eateries–

Fast food–an establishment where the principal business is the sale of food and non-alcoholic beverage in a ready-to-consume state and where the design or principal method of operation is that of a quick service restaurant where orders are generally not taken at the customers' tables, where food is generally wrapped in disposable wrapping or containers, and where food and beverage may be served directly to the customer in an automobile.

Sit-down–an establishment including restaurants with bars–means an establishment where the principal business is the sale of food in a ready to consume state, where there is no service to a customer in an automobile and where the design or principal methods of operation consist of one or more of the following:

(1) A sit-down restaurant where customers are normally provided with an individual menu, are generally served food in nondisposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed.

(2) A cafeteria or cafeteria type operation where food and beverage generally are served in nondisposable containers and are consumed within the restaurant; but not including a private or civic club as defined herein.

Effective date–the date on which this Chapter is duly adopted by the Township or as specified in this Chapter.

Electric transmission and/or distribution facilities–electric public utilities transmission and/or distribution facilities, including substations.

Encroachment–any structure or activity which in any manner changes, expands or diminishes the course, current or cross section of any watercourse, floodway or body of water; and/or a building or structure, or any portion of the same, that extends beyond the boundaries of one owner and illegally intrudes on the land of another abutting or adjoining property, street, alley or right-of-way.

Entertainment–any act or performance such as a play, skit, reading, revue, pantomime, scene, song, dance, musical rendition or striptease, whether performed by employees, agents, contractors or customers. The term “entertainment” shall also mean bartenders, waiters, waitresses or other employees exposing “specified anatomical areas” or engaging in “specified sexual activities” in the presence of customers.

Erected–includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavation, fill, drainage, and the like shall be considered part of this erection.

Essential services–buildings and structures governed by local, State or Federal agencies including police and fire departments, U.S. Post Office, ambulance and EMS services, courthouse, town hall and municipal buildings. Fire alarm boxes, traffic signals, hydrants and similar equipment are necessary accessories for the furnishing of essential services for the public health, safety, or general welfare.

Family–an individual, or two or more persons related by blood, marriage or adoption, living together in a dwelling unit, or a group of not more than five individuals not necessarily related by blood, marriage, adoption, or guardianship–living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship. A group of not

more than three unrelated disabled people living together as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage, adoption or guardianship. If appropriate, one staff person may reside on the premises and will not be included in the total number of occupants. Any additional staff shall be included in the total number of occupants.

Fence—an artificially constructed barrier arranged as a line of demarcation between lots, or to enclose a lot, or any portion thereof, or to define areas on a lot and which is made from rails, timbers, chain link, boards, hedges, wire mesh or vinyl, or any other similar materials. (See also “screening” and “walls.”)

Flood boundary and floodway maps—maps prepared by the Federal Emergency Management Agency for the Township of Cambria, indicating the floodway, 100-year flood, and the 500-year flood for purposes of regulating land use as prescribed by the National Flood Insurance Program.

Floodplain—any land area susceptible to being inundated by water from any source during the base flood, as shown on the most current flood plain maps prepared by the Federal Insurance Administration and approved by the Federal Emergency Management Agency (FEMA) for the purpose of determining the official Federal Designated Flood Plain, Floodway and Floodway Fringe. These maps are based on the most current Flood Insurance Study prepared by the Federal Emergency Management Agency; the study being the definitive source of floodplain information, particularly in regards to base flood elevations and floodway widths as reflected in the Floodplain regulations of the Township of Cambria and indicated on the flood boundary and floodway maps.

Floor area, gross—the sum of the gross horizontal areas of the several floors of a building and any accessory buildings on the same lot, excluding cellar and basement floor area not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Floor area, habitable—habitable floor area is floor area used for living purposes means the sum of the gross floor area that can be lived in, usually having access to heat, plumbing, and electricity. It includes foyers, hallways, restrooms, closets, storage, and other common areas within a building. Habitable floor area is measured either from the exterior of the faces of the building or the exterior limits of any interior all that separates habitable floor area from nonhabitable floor area, whichever is applicable.

Floor area ratio—the ratio of floor area of a building to its lot area. For example, when a floor area ratio of four-tenths is specified, the floor area of a building constructed on a lot of 10,000 square feet is limited to a maximum of 4,000 square feet. The number of stories being optional, the building area may be 4,000 square feet for one story, 2,000 square feet for two stories, and so forth.

Forestry activities—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.

Freestanding sign—any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Freestanding sign, incidental—a sign, generally informational, that has a purpose

secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No commercial messages of any kind are allowed on these signs unless the involved message is not legible from any location off the involved lot.

Freestanding sign, residential—any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure. No commercial messages are allowed on these signs except for a commercial message drawing attention to an activity legally offered on the premises if permitted.

Freight, trucking and intermodal terminals, rail yards and railroad facilities—land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal may be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks, trains or other similar vehicles and buildings or areas for the repair of the vehicles associated with the terminal.

Frontage—all lots of land have more than one type of frontage. An empty lot does not have building frontage because no structures exist, but it does have a front lot line which determines the mailing address of the lot. The term for that is lot frontage. If it is an empty interior lot, it will also have street frontage on one street. If it is an empty corner lot, it will have street frontage on two or more streets. A property that sits on a body of water (such as lake) would have lake frontage. A lot only has building frontage when and if a structure is set upon the lot.

Frontage, building—the building frontage of any business/structure is determined by measuring the side of the building where access is gained by a street frontage. If access is gained from two street frontages, the business/structure has two building frontages that may be used to calculate the maximum allowable wall signage. Building frontage relates to the sides of the building closest to and most nearly parallel to any abutting street or streets. Any sides of a building that are not exposed to a street are not included in the measurements for building frontage.

Frontage, lot—the lot frontage (front lot line) of all lots shall be determined according to the street/ mailing address issued by the United States Post Office. A minimum lot frontage requirement specifies the shortest measurement permitted. Note: The entry point of any building placed on any lot may be changed per the desires of the property owner, however the actual lot frontage (front lot line) used in any measurements or calculations shall be determined by the street/ mailing address.

Frontage, street—the sides of a lot abutting one or more streets. An interior lot, generally, has one street frontage. Through lots and corner lots, physically abutting two or more streets have two or more street frontages.

Funeral home, mortuary—an establishment engaged in undertaking services such as preparing the human deceased for burial, and arranging and managing funerals, including mortuaries and crematoria.

Garage—a deck, building, parking structure, or part thereof used or intended to be used for the parking and storage of vehicles.

Garage, private customer and employee—a structure that is accessory to a retail, commercial or manufacturing establishment that is used exclusively for the parking and storage of vehicles operated by the establishment's owners, tenants, customers,

visitors, and employees.

Garage, private residential—a structure that is accessory to a residential building and that is used for the parking storage of vehicles or boats owned and operated by the residents thereof. A private residential garage is not a separate commercial enterprise available to the general public.

Garage, public—a structure or portion thereof that is used primarily for the parking and storage of vehicles and that is available to the general public—but is not a private residential garage, private customer and employee garage, community garage, or municipal garage.

Governmental agency—any department, commission, independent agency, or instrumentality of the United States, the Commonwealth of Pennsylvania, Cambria County, the Township of Cambria, or any other relevant governmental authority.

Government facilities—a building or structure owned or leased by a governmental agency.

Governmental home offices—offices contained within the principal use (not considered professional offices or home occupations) for the purpose of conducting business on behalf of Cambria Township. (i.e., Tax Collector, Zoning Officer or Mayor).

Group home—a single-household, one unit dwelling or structure occupied or accommodating five or more unrelated individuals and which may include, but not be limited to, the following types of facilities: (A) licensed alcohol and drug treatment facilities; (B) licensed board and care homes for the elderly including convalescent, rest homes and nursing homes; (C) licensed homes for minor children; (D) licensed homes for the mentally ill; and (E) licensed homes for the developmentally disabled. Group housing may involve a living arrangement where support services are provided to the occupants, including a live-in supervisor, where cooking, living and sanitary facilities are shared in common between the occupants, or where there is a formal program establishing rules of conduct and purpose of the facility. A group home is not a typical functioning family consisting of one or more persons who may include parent(s) and children and other persons who may be temporary guests (but are not considered roomers). Group homes may be for both the non-protected classes, and the protected classes of people under the Americans with Disabilities Act, the Fair Housing Act, or their amendments.

Hardship—for purposes of lot regulations or restrictions in this Chapter, a hardship refers to “the lay of the land” including unique physical circumstances or conditions of a lot, such as irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and not the result of the action of the applicant, whereby a literal enforcement of the regulations would not permit a property owner to use the property in a requested manner. A hardship does refer to any personal issues and/or financial issues that a property owner may have. (Also see “variance.”)

Health services—a State or Federally licensed institution providing primary health care services and medical or surgical care to persons who are primarily inpatients that are suffering from illness, disease injury, deformity, or other abnormal physical or mental conditions. Facilities may contain, as an integral part of the institution, related facilities – such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Height, communications tower(s)—the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

High-rise apartment—any apartment dwelling with a height of five or more stories.

Home occupation—a business conducted within a residence.

Home-based business—a home-based business is any lawful, commercial activity that is conducted entirely within a dwelling and carried on by the inhabitants thereof which is regulated by the Borough to preserve the peaceful ambience of its residential neighborhoods, and to prevent home-based businesses that may have a negative effect on nearby residents. A home-based business may be “no-impact” or “minor-impact” business and may be permitted either by right or special exception per the criteria set forth in this Chapter.

Hotel, motel—a building or group of buildings, whether detached or in connected units, used as individual sleeping units for transient lodging accommodations to the general public, designed with individual entrances and providing for accessory off-street parking facilities, and that does not provide any of the services included in the definition for “adult motel” or similar facilities. A hotel/motel may include restaurants and newsstands.

Household—either a family living together, or a single person living alone, in a single dwelling unit with common access to and common use of all areas within the individual dwelling. A household shall not include persons living together in a group home facility, halfway house, personal care, boarding home or transitional-type dwelling, as defined herein, or any other supervised group living arrangement for persons not protected by the Fair Housing Act or for any persons who constitute a direct threat to others or their physical property.

Houses of worship—

A. A church, synagogue, temple or other facility that is used for prayer or worship by persons of similar beliefs.

B. A special purpose building that is architecturally designed and particularly adapted for the primary use of conducting—on a regular basis—formal religious services by a religious congregation.

Identification sign—identifies only the address and name of the occupant.

Illuminated sign—signs which are illuminated by electrical, mechanical or other means as well as those using luminous paint or reflectorized glass to reflect light.

Improved street—(see “street, improved”).

Incidental building sign—any sign attached to any part of a building, as contrasted to a freestanding sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No commercial messages of any kind are allowed on these signs unless the involved message is not legible from any location off the involved lot.

Industrial use, general—a land use that:

A. Engages in research and development, wholesale distribution, storage, warehousing, packaging, production, fabrication, processing, cleaning, servicing,

repair, testing, and/or manufacturing activities.

B. Cannot be classified as a “light industrial” use.

C. Includes all other uses of industrial nature undefined herein, not specifically prohibited by law.

Industrial use, light—a light industrial use fits into one of the following two categories:

A. A land use that engages in the research and development, wholesale distribution, storage, warehousing, packaging, and/or light manufacturing of the products listed in the table below, so long as substances which have been identified as hazardous materials by Federal, State, County, or Borough actions are not used or handled in quantities greater than those that would normally be associated with commercial operations.

Art equipment	Graphics	Robotics
Audio equipment	Ice	Rubber and metal hand stamps
Ceramics, pottery, or figurines using only previously fired clay and kilns fired by either electricity or gas	Lasers	Semiconductors
Clocks	Medical instruments	Sheet metal products such as heating and ventilation ducts, cornices and eaves
Communications equipment	Medicine	Television equipment
Computers and computer equipment	Metering equipment	Toys
Data processing equipment and systems	Musical instruments	Vacuum technologies
Electric household appliances and equipment	Novelties	Watches
Electric, neon, or billboard signs	Optical devices and equipment	
	Passive electronic components	
	Photographic equipment	
	Printed and published materials	
	Radios or radio equipment	

B. Land uses involved in the wholesale distribution, storage, warehousing, manufacturing, processing, canning, or packaging of goods from previously prepared materials that are listed below, so long as the involved facility does not:

(1) Render or refine fats and oils.

(2) Handle substances—in quantities greater than those normally associated with commercial operations—that have been identified as hazardous materials by Federal, State, County, or Borough actions.

Agricultural products	Feathers	Pharmaceuticals
Animal or human hair	Felt	Plastics
Animal or human bone	Food products	Precious or semi-precious metals or stones
Canvas	Fur	Shell
Cellophane	Glass	Soaps
Cloth	Horn	Soft drinks
Cork	Leather	

Cosmetics	Natural fibers	Textiles
Dairy products	Paint	Tobacco
Drugs	Paper	Wood

Junk—any worn, cast off, or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage, or conversion to some other use. (e.g., abandoned vehicles, scrap metals and their alloys, bones, used cloth, rubber, rope, tinfoil, bottles, old machinery, tools, appliances, fixtures, utensils, paper, lumber, boxes or crates, pipe or pipe fittings, tires, and other manufactured goods that are not currently awaiting imminent repair, and that are so worn, deteriorated, rusted or obsolete as to make them unusable in their existing condition, without being altered, disassembled, unfastened, changed or reconditioned to serve for its original purpose as readily as when new). Materials which are lawfully stockpiled for recycling purposes by a valid recycling center are not included in this definition. Any article or material which can be used for its original purpose as readily as when new, without being altered, disassembled, unfastened, changed, or reconditioned shall not be considered junk. The term “junk” shall include junk vehicles. The term “junk” shall not include a “classic motor vehicle” nor an “antique motor vehicle” which are defined as follows:

A. A “classic motor vehicle” is a self-propelled vehicle, but not a reproduction thereof, manufactured more than 10 years prior to the current year and, because of discontinued production and limited availability, determined by the Department of Transportation of the Commonwealth of Pennsylvania to be a model or make of significant value to a condition which is substantially in conformity with manufacturer specifications and appearance, and which bears a current, valid “classic motor vehicle” registration plate.

B. An “antique motor vehicle” is a motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications, and which bears a current, valid antique motor vehicle registration plate.

Junkyard—the use of 200 square feet or more of the area of any lot, whether inside or outside a building for storage, keeping, or abandonment of junk including scrap metals, or for the dismantling, demolition, or abandonment of automobiles or other vehicles, machinery or parts thereof and any worn, cast-off or discarded article or material which is ready for destruction, or which has been collected or stored for sale, resale, salvage, or conversion to some other use.

Knowingly—as used in this Chapter, means having knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of: (A) the character and content of any material or performance described herein which is reasonably susceptible of examination by a licensee or person; (B) the age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the licensee or person made a reasonable bona fide attempt to ascertain the true age of such minor. Knowingly also means that a reasonable person, using reasonable skills and faculties, would have known or been aware.

Land—ground, soil, or earth—including structures on, above, or below the surface.

Landowner—any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have charge, care or control as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, receiver, or guardian of the estate, or as mortgagee in possession regardless of how such possession was obtained. All persons, partnerships, corporations, and other legal entities that have an ownership interest (including purchasers and sellers under a real estate contract) in the subject property.

Landscape—

A. An expanse of natural scenery.

B. Lawns, trees, plants, rocks, wood chips, and decorative features such as sculptures, patterned walks, decorative fountains, and similar water features.

Library, public—a public facility housing a collection of books, magazines or other material which is loaned to the general public without charge (excludes adult bookstores or similar publication facilities).

Limited outside appearance—exterior surface comparable with existing residential surface, window openings no wider than 48 feet, no evidence of nonresidential use other than permitted signage, etc.

Loading berth—see “off-street loading berth.”

Lodging house—see “boarding house.”

Lot—a parcel of land occupied by, or which may be occupied by, buildings or structures, including the yards and other open spaces, as required by this Chapter, of the land shown as a separate lot or parcel on the records of Cambria County, Pennsylvania.

Lot area—the total area circumscribed by the legal boundaries of a lot.

Lot, conforming—an occupied or unoccupied lot whose area and dimensions meet the requirements of the zoning district in which it is located.

Lot, corner—a lot at the junction of, and abutting on two or more intersecting streets, or private roads, or at the point of abrupt change of a single street, or private road, where the interior angle is less than 135 degrees.

Lot coverage—see “coverage.”

Lot, depth—the distance between the front lot line and rear lot lines, measured perpendicularly to the right-at-way line at the median between the two side lot lines.

Lot frontage—see “frontage, lot.”

Lot, improved—a lot on which a building either can be constructed or occupied and which meets the requirements of this Chapter.

Lot, interior—a lot other than a corner lot. A through lot is also considered interior lot, but it has access to two streets at the front and rear lot lines.

Lot line—a line of record bounding a lot that divides it from an adjacent or abutting property, street, right-at-way, or public space. There are five kinds of lot lines, as specified below:

Lot line, front—the location of the front lot line for all lots shall be determined by the street/mailling address issued by the United States Post Office for any parcel

of land.

Lot line, rear—a lot line, not intersecting a front lot line, which is most closely parallel to the front lot line. In the case of triangular or otherwise irregularly shaped lots, the rear lot line is a line that is a minimum of 10 feet in length that is entirely within the lot, parallel to the front lot line, and at a maximum distance from the front lot line.

Lot line, side(s)—on “interior lots” these are lines are not the front and rear lot lines.

Lot line, “street” side—on “corner lots” this is a lot line that abuts the right-of-way of a street, but is not the front lot line.

Lot line, “non-street” side—on “corner lots,” this is a lot line that is not a front, rear, or “street” side lot line.

Lot, through—interior lots having access to two streets, commonly situate at the front and rear lot lines of the parcel, and having two sides abutting/adjoining another parcel of land or rights-of-way, easements, utilities, parks or any other natural features. A corner lot is not a through lot.

Lot width—the distance between the side lot lines.

Manufacturing—the making of product for wholesale or retail distribution or for internal use from raw materials by hand, or by machinery, or to produce according to an organized plan and with division of labor.

Medical laboratories (clinical)—facilities for the examination of materials derived from the human body to provide information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of human beings. The definition includes specimen collection stations and blood banks which provide through their ownership or operation a system for the collection, processing, or storage of human blood and its component parts as well as tissue banks which procure, store, or process human or animal tissues designed to be used for medical purposes in human beings.

Minor repair—the replacement of existing materials with equivalent materials for the purpose of its routine maintenance and upkeep. This does not include the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a building or structure affecting the exit-way requirements; nor shall minor repairs include: addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work which would affect public health or general safety.

Mobile home—a transportable, single-household dwelling unit not constructed in accordance with the standards set forth in the Uniform Building Code applicable to on-site built homes, and containing complete electrical, plumbing and sanitary facilities intended for permanent occupancy, and composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and exceeds 40 feet in length and 8 feet in width separated for repeated towing, and constructed so that it may be used with or without a permanent foundation, and placed on a site for more than 180 consecutive days. (For purposes of determining standards that apply, a distinction is made between manufactured home/modular housing units mounted on a permanent foundation, which

meet all the requirements of the adopted Uniform Building Code). (See “trailer, house.”)

Mobile home park—a parcel or contiguous parcels of land that are so designated and improved to contain two or more rental spaces/lots for occupancy specifically by mobile homes, together with certain accessory buildings and uses provided for the benefit and enjoyment of the residents of the park, improved with necessary utility connections and other appurtenances necessary for erection thereon of mobile homes, which mobile homes and/or land may be either owned or rented.

Motel—see “hotel/motel.”

Neighborhood—an area of a community with characteristics that distinguish it from other areas of that community, and which may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers (e.g., major highways, railroads, and natural features such as rivers).

Nonconforming building—a building or structure, which does not conform to all the height, area, and yard regulations of the district in which it is located, where such structure was lawfully in existence prior to the enactment of this Chapter or any amendments hereto, or prior to the application of this Chapter or any amendments to its location by reason of annexation or Zoning Map changes.

Nonconforming lot—a lot which does not conform to lot width, depth and/or area regulations, where such use was lawfully in existence prior to the enactment of this Chapter or any amendments hereto, or prior to the application of this Chapter or any amendments to its location by reason of annexation or Zoning Map changes.

Nonconforming sign—a nonconforming sign is defined as a sign that; (A) was legally established before the effective date of this Chapter's enactment (see §27-110, “The Effective Date of This Chapter's Enactment”) and (B) due to said Chapter enactment no longer conforms to the requirements of this Chapter.

Nonconforming use—a use, which does not conform to the regulations of a district in which it is located where such use was lawfully in existence prior to the enactment of this Chapter or any amendments hereto, or prior to the application of this Chapter or any amendments to its location by reason of annexation or Zoning Map changes. Also see Part 3, “Nonconforming Buildings and Land Uses.”

Nursing home—a building, with sleeping rooms where elderly persons are housed or lodged and furnished with meals and nursing care for hire and is operated under the laws and licensing of the Commonwealth of Pennsylvania.

Occupancy or occupied—either the residing of an individual or individuals overnight, or longer, in a dwelling unit; or the use by individuals during business hours in any private, public, commercial or industrial building; or the storage or use of equipment, merchandise or machinery in such dwellings or structures.

Occupancy permit—a statement signed by the Zoning Officer setting forth either that a building or structure complies with this Chapter, or that a building, structure, or parcel of land may lawfully be employed for a specified use, or both.

Off-street loading berth—an area for the loading or unloading of cargo that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

Off-street parking space—a temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right of way; having an area of not less than 162 square feet, and having a minimum

rectangular dimension of 10 feet by 20 feet which is used exclusively for parking, and exclusive of any access, turning or exit lanes or area, for one vehicle.

Open space—that unoccupied space open to the sky of which 80 percent must be vegetative material.

Outdoor storage—the keeping of any goods, material, merchandise, or vehicles in the same enclosed or unenclosed area for more than 24 hours.

Park—a park, playground or other facility or open space area providing active or passive recreational opportunities for the general public that may or may not contain any pavilions, play fields or ball fields.

Parking area—any public or private area in, under or outside of a building or structure, designed and used for parking motor vehicles. This term includes parking lots, garages, private driveways, and legally-designated areas of public streets.

Parking area, private—a parking area for the exclusive use of the owners, tenants, lessees, customers, employees, or occupants of either the lot on which the parking area is located or the business situated on that lot.

Parking area, public—a parking area open to the public; with or without payment of a fee.

Parking lot—any place, lot, parcel, or yard used in whole or in part for storing or parking six or more motor vehicles where a storage or parking fee may be charged, or where the lot is operated in connection with or for the exclusive use of, the customers of a retail store, theater, or any commercial, industrial, or institutional use.

Parking space—a space for the parking of one motor vehicle within a public or private parking area having an area of not less than 162 square feet, and having a minimum rectangular dimension of 10 by 20 feet which is used exclusively for parking, and exclusive of any access, turning or exit lanes or area, for one vehicle.

Patio/deck—a ground level structure with at least three sides open and used for residential purposes.

Permit—written governmental permission issued by an authorized official, empowering the holder thereof to perform some act not forbidden by law, but not permitted without such an authorization.

Permittee and / or licensee—a person in whose name a permit and/or license has been issued. This person is also the individual listed as an applicant on the application for a permit and/or license. The applicant may be someone other than the property owner if said person is duly authorized, in writing, to represent the owner.

Permitted accessory use—a land use or structure that:

- A. Is allowed either by right, special exception or variance in a zoning district.
- B. Is subject to the restrictions applicable to the zoning district in which it is located.
- C. Is customarily incidental and subordinate to the principal use of the lot on which it is located.

Permitted principal use—a land use or structure that:

- A. Is allowed either by right, special exception or variance in a zoning district.
- B. Is subject to the restrictions applicable to the zoning district in which it is

located.

C. Is the principal use of the lot on which it is located.

Permitted use—a land use that is allowed in a zoning district and subject to the regulations and/or restrictions applicable to the zoning district in which it is located.

Person—any individual, legal representative, sole proprietorship, association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Planning Commission, the—the Planning Commission consists of Cambria Township residents appointed by the Cambria Township Board of Supervisors for purposes, including, but not limited to, preparing, presenting, and making recommendations to the Board of Supervisors concerning the adoption, or any amendments thereto, of any zoning ordinance or building or housing code; proposing recommendations to governmental, civic, and private agencies and individuals as to the effectiveness of any proposals of such agencies or individuals; hold public meetings and hearings; present testimony to any Board; enter upon any land with the permission of the owner to make any examination and/or land surveys thereof; performing studies and/or public surveys; and promoting public interest in the comprehensive plan and planning in general.

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

Plat—a map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual properties.

Playground—an active recreational area with a variety of facilities which generally includes equipment for younger children, court games, and field games. (Also see “park.”)

Portable sign—any sign not permanently attached to the ground or another permanent structure, or a sign designed to be transported. This includes, but is not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames, menu and sandwich board signs; balloons used as signs; patio-type umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is driven in the normal day-to-day operations of the business.

Premises—see “property.”

Principal building—see “building, principal.”

Principal use—the primary or predominant uses of any lot or parcel.

Printing and publishing business—a business that performs commercial printing, publishing, binding and/or typesetting services.

Private and civic clubs—organizations catering exclusively to members and their guests; or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing that any vending stands, merchandising or commercial activities are conducted only as required generally for the membership of such club. Such clubs would include, the American Legion, Elks Club, Rod and Gun

Clubs or the VFW, and operating under the non-profit laws of the State of Pennsylvania.

Private road—a legally established right-of-way, other than a street, which provides the primary vehicular access to a lot or lots, and is privately maintained.

Professional—an individual or association that provides the salable commodity offered to the client including the following types of practices: accountant, administrative or clerical work, architect, physician, dentist, chiropractor, lawyer, engineer, notary public or real estate agent and who are licensed under the laws of the Commonwealth of Pennsylvania (excluding adult sexual oriented services).

Professional office and services—a place where a particular kind of business is transacted or services of the practitioner are the salable commodity offered to the client for the following types of practices: accounting, architect, auditing, bookkeeping and tax return services, advertising agencies, attorneys and legal services, banks and similar financial institutions, chiropractor, employment agencies, engineering, architectural, and surveying services, medical, dental, vision and hearing clinics and offices on an out-patient basis, notary public, real estate sales offices and other brokerage sales offices, travel agencies and other commonly accepted professional services that are licensed under the laws of the Commonwealth of Pennsylvania (excluding adult sexual oriented offices and services).

Prohibited use—a use that is not permitted in any zoning district.

Projecting building sign—any sign affixed to a building or wall in such a manner that its leading edge extends more than 6 inches beyond the surface of such building or wall. A projecting sign incorporates a heavy, integral, steel frame and mounting bolts or steel supports that completely penetrate the building wall. These “through bolts” or supports must be attached to heavy, horizontal, steel braces on the inside wall surface to enable the sign to resist wind force.

Property—a lot, parcel, or tract of land, as well as all buildings and structures located thereon (same as “premises”).

Property line—see “lot line.”

Public utility facility—buildings and structures for closely regulated enterprises with a franchise for providing to the public a utility service deemed necessary including natural gas, electric, land line telephone service, water and sewage services (excluding production, service, and storage yards) wires, mains, drains, sewers, pipes, conduits and cables are necessary accessories for the same. Commercial wireless communications companies are not considered a public utility.

Public utility “electric” transmission tower—a structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Railroad manufacturing, repair/maintenance facility or switching yard—an industrial area dedicated to the repairing and maintenance of railroad equipment or the crossroads of rail lines where the switching of rail cars takes place.

Research and development laboratories—a facility engaged in scientific analysis, testing of hypotheses, product testing, consumer preference testing, pharmaceuticals, development of methodologies, and similar activities. Also, an establishment which carries on investigations in the natural, physical, or social sciences, which may include

engineering and product development.

Retail sales and services—businesses characterized by the physical transfer of tangible goods to customers on the premises and design showcases or any other space intended and primarily suitable for the display of goods for sale and servicing of the same including: appliance sales and service, antique shops, bakeries, barber and beauty shops, camera and photography sales and service, cards, gifts and stationary stores, clothing stores, consignment and thrift shops, computer sales and service, convenience stores, drugstores, florists, plant and flower sales, furniture re-upholstery and repair, general merchandise, variety, and department stores, grocery and food stores and markets, hardware, glass, paint, floor covering, wallpaper, and fabric stores, hobby, arts, crafts and toy shops, home furnishings stores, jewelry sales and service, janitorial cleaning and maintenance services, liquor stores, limousine and cab services, locksmiths, medical equipment sales and rental, radio, television, consumer electronics and music stores, sporting goods, pet supply stores, physical fitness facilities, shoe sales and repair shops, tanning salons and other commonly accepted retail sales and services (excluding adult sexual oriented materials sales and services). The following may be permitted with inside only storage: general equipment rental and leasing, home appliance sales and service, lumber and building supply, plumbing and electrical supply, small engine and lawnmower repair.

Right-of-way—

A. A portion of land that is acquired by reservation, dedication, forced dedication, prescription, or condemnation, and is intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil pipeline, gas pipeline, water line, sanitary sewer line, storm sewer line, and/or other similar use.

B. Generally, the legal right of one to pass over or otherwise legally use the property of another.

Roof sign—any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral—any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Rooming house—see “boarding house.”

Row house—see “townhouse.”

Sanitary landfill—a lot or land, or part thereof, used primarily for the disposal by abandonment, dumping, burial, or burning or any other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts there of, or waste material of any kind.

Satellite dish antenna—a device that is composed of a reflective surface that is solid, open mesh, or bar-configured, and is in the shape of a shallow dish, cone, or horn. Satellite dish antennas are used to transmit or receive radio or similar type signals to or from terrestrially based towers and/or earth orbiting satellites. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (television reception only), and microwave antennas.

School—any building or part thereof, which is designed, constructed, or used for education or instruction in any branch of knowledge including colleges or universities supported wholly or in part by public funds and other colleges or universities giving general academic instruction, as prescribed by the Pennsylvania State Board of Education.

School, private—a school that meets Pennsylvania State requirements for elementary or secondary education and that does not secure the major part of its funding from any governmental agency.

School, public—any building, structure, facility, or complex used by the general public for education that is licensed by the State and that meets the State requirements for education, whether constructed by the Commonwealth of Pennsylvania, Cambria County, the Township of Cambria, a local government, a governmental instrumentality, a private individual, a corporation, a partnership, or an association and which secures a major part of its funding from governmental agencies.

Screening—a vegetative material or opaque fence or fencing of sufficient height and density to filter adequately from the view, in abutting or adjacent districts, the structures and uses on the premises upon which the screen planting or fence is located. (See also “fence and walls.”)

Setback—the distance that must be maintained between all parts (except for walks and steps) of all buildings (except permitted accessory uses as stipulated) and a specified lot line or publicly held right-of-way. In this Chapter, this distance is sometimes expressed as a range between:

A minimum setback—the shortest distance that may exist between a relevant building and a specified lot line or publicly held right-of-way; and,

A maximum setback—the longest distance that may exist between a relevant building and a specified lot line or publicly held right-of-way.

More often, this distance is expressed simply as a minimum setback (i.e., no maximum setback is given). There are five kinds of setbacks, which differ only in that they are measured from different specified lot lines or publicly held right-of-ways.

Front setback—the distance that must be maintained between all parts (except for walks or steps) of all buildings (except permitted accessory uses as stipulated) and the front lot line or publicly held right-of-way. The area between the front lot line and the line formed by the main front of the principal building(s) and running the entire width of the lot is the front yard.

Rear setback—the distance that must be maintained between all parts (except for walks or steps) of all buildings (except permitted accessory uses as stipulated) and the rear lot line or publicly held right-of-way. The area between the rear lot line and the line formed by the rear of the principal building and running the entire width of the lot is the rear yard.

Side setback—for “interior lots”—the distance that must be maintained between all parts (except for walks or steps) of all buildings (except permitted accessory uses as stipulated) and the side lot line on the side of the lot to which those parts are closest. The area between a side lot line and the line formed by the side of the principal building that is closest to that side lot lines are the side yards.

Street-side setback—for “corner lots, the distance that must be maintained

between all parts (except for walks or steps) of all buildings (except permitted accessory uses as stipulated) and the street-side lot line or publicly held right-of-way. The area between the street-side lot line and the line formed by the side of the principal building that is closest to the street-side lot line is the street-side yard. In this definition the “street” side referred to is not the “front street” lot line.

Non street-side setback—for “corner lots”- the distance that must be maintained between all parts (except for walks or steps) of all buildings (except permitted accessory uses as stipulated) and the non street-side lot line. The area between the non street-side lot line and the line formed by the side of the principal building that is closest to the non street-side lot line is the non street-side yard.

If the sidewalks directly in front of any lot (or situate along any additional lot “street” sides) are not legally included as a part of that lot, then 6 feet shall be subtracted from that lot's minimum and maximum front setback requirements. If the sidewalks directly along the side street side of a corner lot are not legally included as a part of that lot, then 6 feet shall be subtracted from that lot's minimum and maximum side street setback requirements. These adjustments are to compensate for the setbacks that are already provided for the involved lot by the sidewalk property, and may not be interpreted as allowing the construction of a structure beyond the lot's legal boundaries.

Sexually oriented business—see “adult sexually oriented business.”

Sign—any structure or device for visual communication that is used for the purpose of bringing the subject matter on it to the attention of the public, including, but not limited to, signs, symbols and/or wording painted or affixed in any manner on any structures.

Single-household dwelling—a building used by one family having only one dwelling unit and having a front, rear and two side yards.

Single-household, semi-detached dwelling—a building used by one family having one side yard, and one common wall with another building which may, or may not be, another dwelling unit.

Special exception use—a “special exception” is a specific use listed in the Chapter as a “special exception,” (said use is not permitted by right) which may be granted after a hearing by the Zoning Hearing Board and pursuant to the express standards and criteria listed to enable such use only in the district in which it is specifically listed. The Board may attach such reasonable conditions and safeguards in addition to those listed in the Chapter as it may deem necessary.

Storage facilities for raw materials, equipment and finished products—long or short term storage facilities used for raw materials (other than hazardous materials) that are incidental to manufacturing and/or transportation purposes and where all materials are held or stored above ground only.

Story—that portion of a building included above the foundation wall and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the next ceiling above it.

Street line—any line defining the edge of the legal boundaries of a dedicated street right-of-way.

Street—a street is a public or private way which affords vehicular access to abutting

or adjacent properties but does not include driveways, parking lots, or walkways. Street includes the entire right-of-way. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place, way, alley or other appropriate name. A street may also be identified according to a type of use as specified in the Subdivision and Land Development Ordinance for the Township of Cambria [Chapter 22].

Street, frontage—see “frontage, street.”

Structure—see “building/structure.”

Structure, main—same as “building, principle.”

Structure, principle—same as “building, principle.”

Subdivision / redivision—

A. The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempt.

B. Any development of a parcel of land (for example, as a shopping center or a multiple dwelling project), which involves installation of streets and/or alleys, even though the streets and alleys may not be dedicated to public use and the parcel may not be divided immediately for purposes of conveyance, transfer or sale.

C. Any development of a single parcel of land involving a group of two or more principal and/or accessory buildings.

Suspended building sign—a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Swimming pool—any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, or recreational bathing and having a depth of 2 feet or more at any point, either above or in the ground.

Temporary sign—any sign that is used only temporarily and is not permanently mounted, set, attached or fixed.

Temporary use—an authorized use, of limited duration, that is to be discontinued after the expiration of a specified time period.

Townhouse-rowhouse dwelling—a building comprised of three to six individual dwelling units, separated by common fire resistant walls; each having separate cooking, sleeping and sanitary facilities and separate addresses, connections for utilities, etc.; and private means of access to and from the outside. No dwelling unit is located over the top, or attached to the back of another unit. Townhouses and row houses share a similar design are not considered condominiums as the only “common portions” of the property are the side walls that separate the units. The front, back (where applicable, side) yards are normally owned by the individual unit owners.

Trailer, house—the word “trailer” when used in the context of the meaning of “house trailer” or the word “house trailer” when used in this Chapter, shall have the same meaning as is ascribed to the word “mobile home” as defined herein. (See “mobile

home”).

Trailer, travel, and related camping and recreation equipment—“travel trailer, camping trailer and recreational equipment” shall include travel trailer, pickup coach, motorized home, boat and boat trailers, as defined below:

A. A travel trailer is a vehicular, portable structure mounted on a chassis and designated for temporary (short-term) occupancy for travel, recreation and vacation purposes; permanently identified as a “travel trailer” by the manufacturer of the trailer, and when factory equipped for the road, having a body width not exceeding 8 feet and being any length, provided its gross weight does not exceed 4,500 pounds or any weight provided its body length does not exceed 29 feet.

B. A pickup coach is a structure designed primarily to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation use.

C. A motorized home is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is usually used for camping or vacation purposes.

D. A boat is a vessel not exceeding 20 feet in length and designed to travel on water.

E. A boat trailer is a trailer designed to haul a boat as defined above.

Transfer of ownership or control—

A. The sale, lease or sublease of any business.

B. The transfer of securities which constitute a controlling interest in any business whether by sale, exchange or similar means.

C. The establishment of a trust, gift or other similar legal device which transfers ownership or control of any business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Truck terminal—either end of a carrier line having facilities for the handling of freight and passengers for an automotive vehicle with a short chassis equipped with a swivel for attaching a trailer and used especially for the highway hauling of freight; a freight or passenger station that is central to a considerable area or serves as a junction at any point with other lines; a town or city at the end of a carrier line.

Upper floor residential dwellings—dwelling units that are situate on the floors above a business or commercial establishment.

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

Value-added manufacturing, compounding, processing or treatment—also know as contract manufacturing, value-added manufacturing essentially is the combining, processing and/or general preparation of components which result in a finished product ready for sale to the end consumer. Value-added manufacturing can be used for anything from single components to a complete product. Printers, computers, and cellular phones, personal care products, printed circuit board, metal, and plastics fabrication are all examples of products that are made using this method.

Variance—a variance, which may be granted by the Zoning Hearing Board, is a modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where owing to physical conditions peculiar to the property, and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. The application procedures, requirements, and standards that must be met to obtain consideration of a variance request are contained in §27-204, “Variances.” (See also “hardship.”)

Wall—a “wall” is defined as follows:

A. As an integral part of a principal or accessory building means: An upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area, especially a vertical construction forming an inner partition or exterior siding of a building.

B. As an exterior, free-standing or semi-free standing barrier (if attached to another structure) not an integral part of a principal or accessory building means: An upright barrier constructed principally of materials including, but not limited to, brick, concrete or cinder block, intended to prevent intrusion, mark a boundary or enclose a parcel of land or structure, where 100 percent of the vertical surface is solid/closed, except for approved gates or other access ways, shall be considered a “wall.”

C. The term “wall” does not include engineering retaining walls that hold back more than 1 foot of dirt on one side. Such walls must still meet all the applicable placement and height requirements in all districts. (See also “fence and screening.”)

Wholesale sales—an establishment whose purpose is the sale of commodities in quantity usually for resale.

Wholesale services—establishments that provide business services to those businesses primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for, or selling merchandise to, such persons or companies.

Window—an opening in an exterior wall, other than a door, which provides all or part of the required natural light, natural ventilation, or both, to an interior space.

Woodworking—any machine or process for working with wood.

Yard—open space that surrounds any buildings or structures on a lot and which exists over the entire portion of the lot not covered by any building or structure; ending at the boundary lines of the entire lot. Yards and building lines may be subject to building setback requirements as required in this Chapter.

Yard, front—the area between the front “boundary line” and the line formed by the front foundation of the principal building and running the entire width of the lot.

Yard, rear—the area between the rear “boundary line” and the line formed by the rear foundation of the principal building and running the entire width of the lot.

Yards, side—the side yards on lots are determined as follows: follow down the full length of the sides of the principal structure, from its front foundation, “the front yard line,” to its back foundation, “the rear yard line,” then extend outwards from each side of the said principal building to the property’s side boundary/lot lines. Those two areas,

one on either side of the principal building, form the two side yards.

Zoning—the delineation of districts within a municipality or county, and the establishment of regulations for each of these districts. These regulations may govern the use of land, lot sizes, the placement, spacing, size, and character of buildings, and more.

Zoning district—a specifically designated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

Zoning Hearing Board—a multiple member board, appointed by the Cambria Township Board of Supervisors that hears appeals and challenges under §909.1 (a) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10909.1(a). See §27-214, “The Zoning Hearing Board.”

Zoning Map—see §27-403, “Zoning Map.”

Zoning Officer—the administrative officer designated to administer this Chapter and issue or deny zoning permits. See §27-213, “The Zoning Officer.”

Zoning permit—the permit that is issued by the Zoning Officer, upon determination by the Zoning Officer that all information contained in the zoning permit application is in compliance with the regulations contained within this Chapter.

Zoning permit application—the application that must be submitted to the Zoning Officer in a complete state in order to apply for a zoning permit as required in this Chapter.

(Ord. 206, 12/10/2010, §901)

Part 10**Regulation of Oil and Gas Exploration****§27-1001. Purpose.**

The purpose of this Part is to provide for the health, safety and welfare of the residents of Cambria Township, through zoning and floodplain management provisions, for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the Township's residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the Township. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the public health, safety, and welfare of the residents of the Township of Cambria and the public at large.

(*Ord. 206*, 12/10/2010; as added by *Ord. 206A*, 5/23/2011, §1)

§27-1002. Definitions.

Applicant—any person, owner, operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas.

Building—an occupied structure with walls and roof with which persons live or customarily work. The term shall not include a barn, shed or other storage building.

Collector street—a public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

Department—the Department of Environmental Protection of the Commonwealth.

Derrick—any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

Drilling pad—the area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

Fracking—the process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

Local street—a public street or road designed to provide access to abutting lots and to discourage through traffic.

Oil and gas—crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

Oil and gas development or development—the well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation,

maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

Oil or gas well—a pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

Oil or gas well site—the location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

Operator—the person designated as the well operator on the permit application or well registration.

Owner—a person, who owns, manages, leases, controls or possesses an oil or gas well.

Natural gas compressor station—a facility designed and constructed to compress natural gas that originates from an gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Natural gas processing plant—a facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

Storage well—a well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

(*Ord. 206*, 12/10/2010; as added by *Ord. 206A*, 5/23/2011, §2)

§27-1003. Zoning Classifications.

Subject to the provisions of this Part:

A. An oil or gas well site, or a natural gas compressor station, or a natural gas processing plant, or any similar facilities performing the equivalent functions shall be considered a principal use by right within Industrial, Agricultural and Open Space Conservation Zoning Districts.

B. An oil or gas well site which would be placed more than 500 feet from any preexisting building which is located off the property where the oil or gas well is sited may be permitted within the Residential or Commercial Zoning District(s) as a special exception to be granted or refused/rejected by the Zoning Hearing Board. Nothing contained herein shall prohibit the Zoning Hearing Board from imposing such conditions/restrictions as deemed necessary to protect the public health and

safety. Otherwise, such siting and/or use shall be prohibited in Residential and Commercial Zones.

C. A natural gas compressor station or a natural gas processing plant or any similar facilities performing the equivalent functions which would be located more than 1,000 feet from any preexisting building which is located off the property where the natural gas compressor station or the natural gas processing plant or similar facility is located may be permitted in the Residential or Commercial Zoning District(s) as a special exception to be granted or refused/rejected by the Zoning Hearing Board. Nothing contained herein shall prohibit the Zoning Hearing Board from imposing such conditions as deemed necessary to protect the public health, safety and welfare. Otherwise, such siting and/or use shall be prohibited in Residential and Commercial Zones.

(Ord. 206, 12/10/2010; as added by Ord. 206A, 5/23/2011, §3)

§27-1004. Applicability.

1. This Part applies to all oil and gas well sites, natural gas compressor stations, and natural gas processing plants that will be permitted or constructed after the effective date of the Part.

2. Oil and gas well sites, natural gas compressor stations, and natural gas processing plants that were permitted or constructed prior to the adoption of this Part shall not be required to meet the requirements of this Part; provided, that any modification to an existing or permitted oil or gas well site that occurs after the effective date of this Part and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modifications to an existing natural gas compressor station or natural gas processing plant shall require compliance with and a permit under this Part.

3. Federal or State law or regulation preempts ordinance requirements that conflict with Federal or State statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

4. This Part amends and supplements this Chapter and should be read and construed/interpreted *in pari materia* with this Chapter.

(Ord. 206, 12/10/2010; as added by Ord. 206A, 5/23/2011, §4)

§27-1005. Permit Requirement.

1. No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located within Cambria Township unless a permit has been issued by the Township to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.

2. The permit application, or amended permit application, shall be accompanied by a fee as established in the Township's schedule of fees.

3. Any modification to an existing and permitted oil or gas well site that materially alters the size, location, number of wells or accessory equipment or

structures, or any modification to an existing, natural gas compressor station or natural gas processing plant shall require a modification of the permit under this Part. Like-kind replacements shall not require a permit modification.

(*Ord. 206*, 12/10/2010; as added by *Ord. 206A*, 5/23/2011, §5)

§27-1006. Pre-application Conferences. (Optional)

1. *Purpose.* Before submitting an application the applicant is strongly encouraged to meet with the Township Supervisors to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the applicant to obtain necessary information and guidance from the Township staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.

2. *Process.* A pre-application conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended for the benefit of the applicant in order to address the required permit submittals and are advisory only, and shall not bind the Township to approve any application for a permit or to act within any time limit relative to the date of such conference.

(*Ord. 206*, 12/10/2010; as added by *Ord. 206A*, 5/23/2011, §6)

§27-1007. Permit Application.

1. The applicant shall provide to the Township at the time of permit application:

A. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment and structures to the extent known. Specify the acreage involved in the drilling site together with over all acreage being utilized for supply.

B. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.

C. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the Township or County for information of emergency responders.

D. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Township and all emergency responders. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township and all emergency providers.

E. A location map of the oil or gas well site showing the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings, Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets shall be

undisturbed.

F. A location map of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.

G. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.

H. A certification or evidence satisfactory to the Township that, prior to the commencement of any activity at the oil or gas well site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a Township roadway maintenance and repair agreement with the Township, in a form acceptable to the Township Solicitor, regarding the maintenance and repair of the Township streets that are to be used by vehicles for site construction, drilling activities and site operations.

I. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Township streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.

J. Verification that a copy of the operation's preparedness, prevention and contingency plan has been provided to the Township and all emergency responders.

K. A statement that the applicant, upon changes occurring to the operation's preparedness, prevention and contingency plan, will provide to the Township and all emergency responders the dated revised copy of the preparedness, prevention and contingency plan while drilling activities are taking place at the oil or gas well site.

L. Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the preparedness, prevention and contingency plan for all emergency responders. The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this Section.

M. A copy of the documents submitted to the department, or if no document has been submitted to the department, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.

N. A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements.

O. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.

2. Within 15 business days after receipt of a permit application and the required fee, the Township will determine whether the application is complete and adequate and advise the applicant accordingly.

3. If the application is complete and fulfills the requirements of this Part, the Township shall issue or deny a permit within 45 days following the date the complete application was submitted.

4. If the application is incomplete and/or inadequate the Township will notify the applicant of the missing or inadequate material and, upon receiving said material, issue or deny the permit within 30 days following receipt.

5. The Township may refer such application to the Cambria Township and Cambria County Planning Commission for their review to be completed and reported to the Township within 30 days. If the Township receives no response within 30 days the Township will assume and deem approval by the respective agency.

(Ord. 206, 12/10/2010; as added by Ord. 206A, 5/23/2011, §7)

§27-1008. Design and Installation.

1. Access.

A. No oil or gas well site shall have access solely through a local street. Whenever possible, access to the oil or gas well site should be from a collector street.

B. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.

2. Structure Height.

A. Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.

B. Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.

C. There shall be an exemption to the height restrictions contained in this Section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or redrilling of an oil or gas well.

(1) The duration of such exemption shall not exceed the actual time period of drilling or redrilling of an oil or gas well.

(2) Provided further the time period of such drilling and exemption shall not exceed 6 months.

(3) The operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.

D. Site preparation shall occur at such times and hours of the day as reasonable considering the site location and neighboring buildings, residential, commercial and industrial businesses.

3. Setbacks.

A. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.

B. The drilling pad for the oil or gas well site shall comply with all setback

and buffer requirements of the zoning district in which the oil or gas well site is located.

C. Natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.

D. Exemption from the standards established in this subsection may be granted by the Township upon a showing, by the operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption and safeguard the public health and safety.

E. Drilling pads, natural gas compressor stations or natural gas processing plants shall be set back 200 feet from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.

4. *Screening and Fencing.*

A. Security fencing shall not be required at oil or gas well sites during the initial drilling, or redrilling operations, as long as manned 24-hour on-site supervision and security are provided.

B. Upon completion of drilling or redrilling security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas. and other mechanical and production equipment and structures on the oil or gas well site.

C. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide.

D. Emergency responders shall be given means to access oil or gas well site in case of an emergency.

E. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency.

F. In construction of oil or gas well sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.

5. *Lighting.*

A. Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the oil or gas well development.

B. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

6. *Noise.*

A. The applicant shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development.

B. Prior to drilling of an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish by generally accepted testing procedures, the continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or 100 feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous 72-hour test the applicant may assume and use, for the purpose of compliance with this Part, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

C. The applicant shall provide the Township documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.

D. The noise generated during the oil and gas operations or the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established in paragraph .B by more than:

- (1) Five decibels during drilling activities.
- (2) Ten decibels during hydraulic fracturing operations.
- (3) Five decibels for a gas compressor station or a natural gas processing plant.
- (4) Allowable increase in paragraph .C shall not exceed the average ambient noise level for more than 10 minutes within any 1-hour period.

E. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.

F. Exemption from the standards established in this subsection may be granted by the Township during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the Township.

G. Complaints received by the Township shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceed the allowable rate.

H. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.

7. *Prohibitions.*

A. No drilling shall be allowed in the floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.

B. Oil and gas drilling in the 100-year floodplain is discouraged but may be permitted by the Township in its discretion if the following provisions are met:

(1) If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the floodplain. The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposit other than a location within the floodplain.

(2) An adequate emergency evacuation plan shall have been produced by the applicant and filed with the Township.

(3) No storage of chemicals shall be permitted within the floodplain. An exemption from this requirement may be granted by the Township if the applicant can show that such storage will not potentially cause any harm to property, persons or the environment in the case of a 100-year flood; and further provides security to the Township assuring the applicant's ability to remedy any damage or injury that may occur.

(4) Only necessary and needed structures will be permitted within the floodplain.

(5) All structures within the flood zone shall be designed to withstand a 100-year storm event.

(6) An engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Township.

C. The use of explosives including dynamite, etc., in any phase of the construction or operation of gas well or supporting/ancillary facility is prohibited unless all Federal and/or State statutes, rules and regulations are adhered to with proper notice and procedure being given and followed.

(*Ord. 206*, 12/10/2010; as added by *Ord. 206A*, 5/23/2011, §8)

§27-1009. Penalties.

1. Any owner, operator, or other person who violates or permits a violation of this Part upon being found liable therefore in a civil enforcement proceeding before a magisterial district judge, shall pay to the Township a fine of not more than \$1,000, plus all court costs, including, but not limited to, reasonable attorney's fees incurred by the Township on account of such violation.

2. No penalty or cost shall be imposed until the date the determination of the violation by the magisterial district judge becomes final. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment as provided by law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and may be charged and collected as a judgment by the Township without further judicial proceedings. Further, the appropriate officers or agents of the Township are hereby authorized, to issue a cease and desist notice and/or to seek equitable relief,

including injunction, to enforce compliance herewith. No bond shall be required of the Township if the Township seeks injunctive relief.

3. Nothing contained herein shall limit the Township's remedies available at law or equity.

(*Ord. 206*, 12/10/2010; as added by *Ord. 206A*, 5/23/2011, §10)

Appendices

Appendix 27-1

A Reader's Guide to the Organization and Applicability of this Chapter

This Chapter regulates all land uses, lots, and structures within Cambria Township. Every regulated land use, lot or structure must either conform to the rules of this Chapter or be a nonconforming use, nonconforming lot, or nonconforming structure. A nonconformity is defined as a use, lot or structure that: (1) was legally established before the effective date of this Chapter's enactment (See Part 1, §27-110, "Effective Date"), and (2) does not conform to the substantive requirements of this Chapter. Because property owners could not have known what the regulations of this Chapter were going to be in advance, they have a legal and ethical right to continue the previously legal use of their property as they had prior to enactment of this Chapter. However, all nonconformities, except nonconforming signs, are subject to the regulations of Part 3, "Nonconforming Buildings and Land Uses." Special regulations for nonconforming signs are provided in Part 7, "Signs." All regulated land uses, lots and structures that are neither in conformance with the controls of this Chapter or are nonconformities do not meet the requirements of the Chapter—and subject to the enforcement procedures and penalties specified in Part 2, §27-207, "Enforcement."

Zoning ordinances are always complex due to the complex nature of modern communities. However, this Chapter is organized to be simple and to minimize the amount of reading required determining how a property or project is restricted.

The first three Parts of this Chapter contain specifications that affect Cambria Township land owners on a daily basis, and apply to all properties within the Township.

Part 1, "General Provisions," titles and enacts the Chapter, explains what the general purposes of this Chapter are and what its basic rules are.

Part 2, "Administration," explains, among other things, 1) when zoning permits are needed, 2) what a variance is 3) what a special exception use is, 4) illustrates the procedures for obtaining permits and/or scheduling hearings for various uses. It also lists the standards that the Township Board of Supervisors is to employ in determining whether or not to grant permission for certain uses, how the Chapter will be enforced, how landowners may contest the Zoning Officer's determinations, and how landowners may dispute the validity of this Chapter. Administrative provisions that are relevant to the Zoning Officer, Township Officials, Township Board of Supervisors, and the Zoning Hearing Board are also contained in Part 2.

Part 3, "Nonconforming Buildings and Land Uses," explains what nonconformity is and what extra regulations apply to nonconforming uses. In summary, anyone who has a question concerning how this Chapter regulates all property should review Parts 1, 2, and 3.

However, many of the regulations in the Chapter should not be applied to all areas of the Township due to the differing statutes and goals for each area. So Part 4, "Designation of Zones," divides the Township into 10 different "zoning districts"—each of which is composed of areas with present-day statutes and goals. Therefore, Part 5 sets forth provisions that differ from one zoning district to another to accomplish these goals. This Part also contains some general zone provisions that apply to a number of

land uses.

Part 5, “Zone Provisions–Permitted Uses,” then provides sets of regulations for each zoning district, addressing specific subjects for the district such as permitted land uses and special requirements found in Part 7, “Signs.” Within each zoning district in Part 5, “Zoning Provisions–Permitted Uses,” are subsections titled “Off-Street Parking” that address the off-street parking requirements for specific land uses within the zones including general requirements, facilities required, and loading and unloading space. A general rule of thumb is that readers who have a question concerning how the Chapter regulates a property need to read the parts of Part 5 that concern the zoning district of that property.

Part 6, “Supplementary Regulations,” constitutes policies that involve and affect all or a majority of zoning districts.

Part 7, “Signs,” contains the majority of the Chapter's sign regulations including those that apply to all residential districts, portable signs, billboards, and business identification.

Part 9, “Definitions,” provides a glossary of the terms used throughout this Chapter. The Sections in Parts 1, 2 and 3 apply to every regulated land use, lot, and structure in the Township. Because they address each of the Cambria Township's 10 zoning districts, the Sections in Part 4 also apply to every regulated land use, lot, and structure in the Township. However, the Sections of Parts 5–7 apply only when a provision of Parts 1, 2 and 3 explicitly says so. Township officials should be familiar with the entire Chapter, as well as the Central Cambria Coalition Multi-Municipal Comprehensive Plan.

Appendix 27-2

Where Do I Begin? A Guide Determining Your Property's Regulations

This Section is designed for the person(s) who are not familiar with this Chapter or zoning regulations in general. Provided is a step-by-step listing of the Sections one would read to determine; (1) what zone your property is in; (2) the zone's regulations; (3) applicable permit procedures; and (4) other requirements, if any, as determined by the type and use of the applicable property. In order to accomplish this basic understanding one need only to research the following:

- A. The Zoning Map to determine the zoning district within which the subject property is located.
- B. Part 4 which designates the various zoning districts and how they are bounded and interpreted.
- C. Part 5 to find the regulations for subject property's zoning district.
- D. The first two Sections of Part 2 for zoning permit information; and (if applicable).
- E. Part 7, "Signs," for sign requirements.

For many applicants the aforementioned reading will cover the necessary Sections so the property owner or project manager may become familiar with the procedures and regulations of this Chapter. However, special regulations or requirements may apply to specific properties or projects. Additional information may need to be reviewed as follows:

- A. Parts 1, 2 and 3.
- B. Any Sections specifically referenced by other Parts reviewed.
- C. The parts of Part 8 that define the terms in the aforementioned relevant Parts.

Appendix 27-3

Statement of Community Development Goals and Objectives for The Central Cambria Coalition (Jackson Township, Cambria Township, Ebensburg Borough)

Historic Resources.

Goal. To prevent and conserve the historic resources and heritage throughout Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives.

A. Maintain an inventory of buildings and structures that are eligible for placement on the National Register of Historic Places.

B. Research and nominate individual properties to be placed on the National Register of Historic Places.

C. Promote the preservation of the local heritage.

Natural Resources.

Goal. To conserve, protect, and properly utilize the natural resources of Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives.

A. Encourage quality development and redevelopment, which are sensitive to environmental protection issues.

B. Preserve open green space by concentrating new development within the designated growth areas.

C. Preserve viewsheds, greenways, and open green space.

D. Preserve environmentally sensitive areas.

E. Preserve the water resources of the multi-municipal area.

F. Utilize the existing coal mines located throughout the multi-municipal area.

Land Use.

Goal. To preserve the existing scenic and rural character of Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives.

A. Conserve existing development concentrations throughout the multi-municipal area.

B. Revitalize existing development concentrations throughout the multi-municipal area.

C. Reserve land resources unsuitable for future growth and development as open green space and conservation areas.

D. Preserve the historic community patterns of development through the multi-municipal area.

E. Recognize, preserve, and protect the historic and cultural resources as a means for preserving the visual and historic character of the multi-municipal area.

Goal. To guide future development utilizing recognized principals for good land use

development principles and smart growth.

Objectives.

A. Concentrate future development within designated and future growth areas, which have been determined to be the most suitable for development and where infrastructure (water and sewer service, and streets and roads) can be made easily available.

B. Concentrate future development outside of and adjacent to designated growth areas to accompany the orderly extension of public infrastructure.

C. Arrange the variety of land uses in such a manner that they are compatible, complementary, and stable.

D. Prevent the mixing of incompatible land uses.

E. Encourage "in-fill" development throughout the multi-municipal area.

F. Insure that land use decisions in the multi-municipal area are consistent with the County Comprehensive Plan.

G. Promote harmony among existing development, future development, and the natural environment.

Goal. To locate development in such a manner that access to public utilities and community facilities are most cost effective.

Objectives.

A. Encourage the reuse of any existing developed land and structures throughout the multi-municipal area.

B. Consider conservation subdivisions throughout the multi-municipal area.

C. Use each parcel of land for the purpose to which it is best suited and most beneficial to the Townships, Borough, and their residents.

D. Encourage balanced development among the various land uses while conserving open green space, natural drainage areas, and viewsheds.

E. Prevent undesirable land use relationships by eliminating or preventing the adjacent mixing of incompatible land uses, such as, single household homes with intensive industrial operations, businesses, mobile home parks, and large commercial signs in primarily single household areas.

F. Protect and preserve the value of the exiting residential areas and homes of the multi-municipal area. By preventing or reversing the indiscriminate spread of spot commercial zoning, multi-household occupations of single-household residences, low density scattered residential development, and other less desirable development patterns, which may be scattered through the multi-municipal area.

G. Encourage new development to occur within and immediately adjacent to existing development concentrations, thereby enabling the most efficient and economic provisions of community facilities and the extension of public utilities.

H. Reserve adequate public open green space and outdoor recreation areas facilities for the enjoyment of present and future population.

I. Provide oversight of subdivision and land development to insure that public concerns with accessibility, stormwater management, water supply, sewage collection and disposal, and other pertinent and unique factors are adequately considered.

J. Update and enforce land use controls including: the Zoning Ordinance [this

Chapter], the Subdivision Land Development Ordinance [Chapter 22], the Floodplain Ordinances [Chapter 8], and the Stormwater Management Ordinance [Chapter 23] to insure orderly future development throughout Jackson Township, Cambria Township, and Ebensburg Borough.

K. Encourage the “cluster” concept of land development to most efficiently utilize the land resources of the Townships and Borough while reserving adequate open space in all new subdivisions and land developments according to the principals set forth in the growing greener concept.

L. Encourage traditional neighborhood design to maintain the historic look of the multi-municipal area.

M. Prepare and follow land use policies, which provide for and strengthen the existing land use categories.

N. Assess current and past zoning practices to determine compliance with the ordinances in effect as well as to update the inventory of nonconforming uses throughout the multi-municipal area.

Housing.

Goal. To ensure that opportunities for adequate housing are available to all residents of Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives.

A. Conserve the housing stock presently existing throughout Jackson Township, Cambria Township, and Ebensburg Borough.

B. Preserve and protect the architectural integrity of structures throughout the multi-municipal area.

C. Encourage additional non-assisted living areas for seniors.

D. Work to provide more rental units for young business professionals and young families, who are moving to the area for the first time.

E. Provide opportunities for the development of a variety of housing types within the multi-municipal area.

F. Initiate a program for housing rehabilitation for low and moderate-income homeowners throughout the multi-municipal area.

G. Enable that affordable housing is provided for all income groups throughout the multi-municipal area.

H. Encourage the provision of housing for young professionals such as condos, town homes, and garden apartments.

Economic Development.

Goal. To maintain and create employment through economic development initiatives (job retention, job expansion, and job attraction) by increasing the number, variety, and choice of employment opportunities throughout Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives.

A. Retain existing and create new small business growth throughout the multi-municipal area.

B. Assist local economic development initiatives with technical, non-technical, and financial assistance.

C. Work in close cooperation with the public utilities, existing development

organization, and local, state, and federal agencies in efforts to assist in achieving desired economic development goals and objectives.

D. Encourage the development of additional industrial/business parks complete with utilities and access within available areas throughout the multi-municipal area.

E. Assist sponsors in obtaining funding for site purchase and site development.

F. Support efforts to provide an adequate transportation network and supply of energy to existing business/industrial sites.

G. Promote the attraction and location of industry by identifying and preserving sites that have favorable physical characteristics, adequate transportation, and available utilities.

Transportation.

Goal. To adequately maintain the existing highway, road, and street system throughout Jackson Township, Cambria Township, and Ebensburg Borough according to generally accepted maintenance standards necessary to meet the needs of the county's population, those of the commercial and industrial establishments, plus those of the recreation and tourism industry.

Objectives.

A. Work with PennDOT to improve and maintain the major routes within the multi-municipal area: U.S. 22, U.S. 422, and U.S. 219 and State Routes 271, 3039, 3041, 3043, 3045, and 3047.

B. Work to upgrade and maintain safe intersections which have been identified as being dangerous through the multi-municipal area, paying close attention to: the intersection of West High Street and New Germany Road and U.S. Route 219 and U.S. 422 intersection.

C. Work to ensure all State Routes and Township roads are maintained at an acceptable level throughout the multi-municipal area.

D. Provide adequate signage, signalizations, and lighting for all highways and streets throughout the more densely developed areas of the multi-municipal area.

E. Increase the level of traffic enforcement, particularly in regard to speeding and obeying stop signs, plus other traffic control devices.

F. Work to eliminate heavy truck traffic through Ebensburg Borough and throughout Jackson and Cambria Township, to insure safety for pedestrians and other drivers.

G. Follow the transportation guidelines established by the Southern Alleghenies Planning and Development Commission, the Cambria County Planning Commission, and PennDOT.

Goal. To plan and implement future transportation improvements to serve Jackson Township, Cambria Township, and Ebensburg Borough to solve existing transportation and identified traffic problems, as well as meeting projected future transportation needs.

Objectives.

A. Prepare and maintain a list of candidate transportation projects (highways and bridges) and recommend them on a bi-annual basis for inclusion in the Pennsylvania Department of Transportation (PennDOT) 12-Year Program and the

Transportation Improvements Program (TIP).

B. Provide for safe, convenient usage of local routes by both bicyclists and pedestrians throughout the multi-municipal area: Share the Road Program.

C. Ensure the efficient and safe movement of traffic among the commercial, residential, and industrial areas of the area.

D. Provide for future traffic to, from, and within new developments.

E. Institute a program of access management for ingress and egress to and from roadside development.

F. Institute a pavement management program for all of the municipalities' streets and roads.

Community Facilities.

Goal. To provide community facilities including recreational facilities and organized activities and programs for the use and enjoyment of the residents and visitors of Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives.

A. Provide adequate maintenance for existing community facilities and services to assure their longevity in serving the residents of the Townships and Borough.

B. Institute a phased improvement program for parks and recreation facilities throughout the multi-municipal area.

C. Bring into American with Disabilities Act (ADA) compliance all municipal buildings and facilities to serve the residents of the multi-municipal area.

D. Maintain the Ghost Town Trail for walking/hiking/biking throughout the Townships and Borough.

Goal. To increase the livability and attractiveness of Jackson Township, Cambria Township, and Ebensburg Borough through the adequate provision of a wide range of community facilities which are easily accessible to all the citizenry of the multi-municipal area.

Objectives.

A. Provide adequate municipal buildings and facilities to accommodate the expanding needs of government in Jackson Township, Cambria Township, and Ebensburg Borough.

B. Provide adequate school complexes with space for the necessary adjunctive facilities strategically located with respect to the communities, which they serve.

C. Provide adequate fire, police protection, and emergency service to the multi-municipal area.

D. Continue to share and purchase equipment among the three municipalities.

Public Utilities.

Goal. To provide municipal water and sewer service to a majority of the residents and businesses of Jackson Township, Cambria Township, and Ebensburg Borough.

Objectives.

A. Maintain and improve the water distribution system and the water quality in the multi-municipal area.

- B. Encourage regional and cooperative water and sewer authorities.
- C. Follow the standards of the Commonwealth Comprehensive Water Quality Management Plan.
- D. Maintain the existing sewage collection system and treatment facility to accepted standards set forth by the DEP and the EPA.
- E. Continue to inspect new on-lot sewage systems and monitor existing on-lot sewage systems as per any existing sewerage ordinance.
- F. Encourage development to occur in areas that are presently served with public water and sewer.
- G. Require all new residential, commercial, and industrial developments to tap into available public water and sewer systems.
- H. Review and implement the content, proposals, and recommendations of the Sewage Facilities Act 537 Plan for Jackson Township, Cambria Township, and Ebensburg Borough.
- I. Prepare and submit applications for financial assistance to Penn Vest, the Pennsylvania Department of Economic Development (DCED), and other applicable programs to expand community water and sewer systems, which will be needed for the future development of the multi-municipal area.
- J. Strengthen working relationships with the surrounding municipalities, the Cambria County Planning Commission, and the Southern Alleghenies Planning and Development Commission.
- K. Expand the function of the Central Cambria Coalition and continue to share services such as maintenance vehicles, recreation areas, joint purchasing, and other resources and functions.

Zoning Map Amendments

Ord./Res.	Date	Subject
Ord. 206D	11/14/2011	Amending the zoning map as regards to 254.5 acres situate on Beulah Road (formerly Credit Union Blvd.), Cambria Township, Cambria County, Pennsylvania, changing the zoning for the affected acreage from I-H (Heavy Industrial), I-L (Light Industrial), AG (Agricultural) to C-H (Highway Commercial).
Ord. 206E, §1	10/22/2012	Amending and changing the zoning map so that the zoning district/area designation involving the "PA State Route 422-Village of Revloc-Corridor" in an area on the north side of State Route 422, extending west from the Ebensburg Borough line and north and west along Township Municipal Road and along the northerly line of Union Training Center - Map No. 08-018-100.4 and T.H.S., Inc., 08-018-130 (120.8 acres) to the easterly line of said T.H.S., Inc., 08-018-130 and easterly line of 08-018-3, Loppicolo, Jr., (used car lot) and on the south side of Route 422, west from Municipal Road - Ebensburg Borough line - on south to certain alley, west to Belair Street (Cambria Twp. Ball Field), north along Belair Street to Route 422, change from RMH (Residential Multiple Household) to CH (Highway Commercial) - with uses and regulations applicable to such zoning district/area.
Ord. 206E, §2	10/22/2012	Amending and changing the zoning map so that the zoning district/area designation involving the area south of the Pennsylvania Central Railroad Right-of-Way, located in the "Mylo Park" section of Cambria Township now with zoning district/designation is changed from R.M.H. (Residential Multiple Household) to R.S.H. (Residential Single Household) - with uses and regulations applicable to such zoning district/area.
Ord. 206E, §3	10/22/2012	Amending and changing the zoning district/area designation involving the Cambria Township Route No. 601, Jamesway Road area, extending from West High Street, Ebensburg Boro, Mylo Park area to the Wal-Mart Plaza entrance, is changed from the/any Residential Designation (R.S.H.) Residential Single Household, (R.M.H.) Residential Multiple Household to H.C. - Highway Commercial - with uses and regulations applicable to such zoning district/area.
Ord. 206E, §4	10/22/2012	Amending and changing the zoning district/area designation involving the Agway area, contiguous to Admiral Peary Highway - Route 22 (Map No. 08-11), now designated R.S.H. (Residential Single Household) is changed/amended so that the area is designated MX-VC - Mixed Use Village Commercial.
Ord. 206E, §5	10/22/2012	Amending and changing the zoning district/area designation involving a certain tract of land approximately 332 acres, bearing Cambria County Assessment Map No. 08-32-100 and currently owned by Rodney Davis, et. al., which is contiguous to extensive lands zoned/designation A.G. (Agricultural) is changed from its current O.C. (Open Space Conservation) to

Ord./Res.	Date	Subject
		A.G. (Agricultural) - with uses and regulations applicable to such zoning district/area.
Ord. 206E, §6	10/22/2012	Amending and changing the zoning area designation of certain lands, described in Cambria County Court Orders entered to No. 2011-4457, owned by the William Natcher Family, L.L.C., as per said Court Order, is changed from R.S.H. (Residential Single Household) to H.C. (Highway Commercial) District - with uses and regulations applicable to such zoning district/area.
Ord. 206E, §7	10/22/2012	Amending and changing the zoning area designation of the northerly area of "Old U.S. Route 219," extending past Emerald Estates area to the Cambria Twp/East Carroll Twp. Line with zoning designation R.M.H. (Residential Multiple Household) is changed to H.C. (Highway Commercial) - with uses and regulations applicable to such zoning district/area.