

**MILES TOWNSHIP  
CENTRE COUNTY, PENNSYLVANIA**

DRAFT  
ZONING ORDINANCE

**November 2013**

## TABLE OF CONTENTS

ARTICLE I:	TITLE, PURPOSE, GENERAL PROVISIONS	3
ARTICLE II:	GENERAL DEFINITIONS	6
ARTICLE III:	DESIGNATION OF DISTRICTS	48
ARTICLE IV:	FOREST CONSERVATION - FC	50
ARTICLE V:	AGRICULTURE – A	53
ARTICLE VI:	RURAL RESIDENTAIL - RR	57
ARTICLE VII:	VILLAGE – V	59
ARTICLE VIII:	FLOODPLAIN OVERLAY – FO	63
ARTICLE IX:	USE REGULATIONS	64
ARTICLE X:	GENERAL REGULATIONS	82
ARTICLE XI:	NONCONFORMITIES	90
ARTICLE XII:	OFF-STREET PARKING AND LOADING	95
ARTICLE XIII:	SIGNS	104
ARTICLE XIV:	ADMINISTRATION AND ENFORCEMENT	107

**ARTICLE I**  
**Title, Purpose, and Interpretation**

**Title**

This Ordinance shall be known and may be cited as the "Miles Township Zoning Ordinance".

**Purposes of Ordinance**

This Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, as well as fire protection.
- B. To prevent one or more of the following: overcrowding, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To promote the orderly growth and development of Miles Township and as such seeks to implement the Penns Valley Regional Comprehensive Plan.
- D. To protect prime agricultural land.
- E. To provide for the protection of natural and historic features and resources.
- F. To encourage the continuity of development and viability of agricultural operations. The zoning ordinance does not restrict agricultural operations or changes to or expansions of agricultural operations where agriculture has traditionally been present, unless the agricultural operation will have a direct adverse effect on the public health and safety.
- G. To provide for the reasonable extraction of minerals.
- H. To be generally consistent with the Penns Valley Regional Comprehensive Plan.

## **Interpretation**

In its interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Wherever and whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, the most restrictive of that imposing the higher standards shall govern.

## **Municipal Liability**

The granting of a Zoning Permit for the erection and/or use of a building or a lot shall not constitute a representation, guarantee, or warranty of any kind of nature by the municipality, or an official or employee thereof, of the safety of any structure, use or other proposed plan from any cause whatsoever, and shall create no liability upon, or a course of action against such public official or employee for any damage that may be pursuant thereto.

## **Community Development Objectives**

This Zoning Ordinance is enacted as part of the overall plan for the orderly growth and development of Miles Township. As such, this Ordinance is based upon the expressed or implied community development goals and objectives as contained in the Penns Valley Regional Comprehensive Plan, as amended.

## **Disclaimer**

It is recognized that the following acts pre-empt this zoning ordinance:

The act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law",

The act of May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act",

The act of April 27, 1966 (1<sup>st</sup> Sp. Sess., ``P.L. 31, No. 1), known as "The Bituminous Mine Subsidence and Land Conservation Act",

The act of September 24, 1968 (P.L.1040, No.318), known as the "Coal Refuse Disposal Control Act",

The act of December 19, 1984 (P.L.1140, No.223), known as the "Oil and Gas Act",

The act of December 19, 1984 (P.L.1093, No.219), known as the "Noncoal Surface Mining Conservation and Reclamation Act",

The act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law",

The act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances",

The act of May 20, 1993 (P.L.12, No. 6), known as the "Nutrient Management Act", and

The act of January 8, 1960 (P.L 2119, No. 787), known as the "Air Pollution Control Act".

Thus, suggestions, recommendations, options, or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those acts. Nothing contrary to these acts shall be mandated by this zoning ordinance.

## ARTICLE II

### General Definitions

For the purposes of this chapter, certain terms and words used herein shall be interpreted as presented below.

- A. Words in the present tense imply also the future tense.
- B. The singular includes the plural.
- C. The male gender includes the female gender.
- D. The word "person" includes a partnership or corporation as well as an individual.
- E. The term "shall" or "must" is always mandatory.
- F. The word "lot" includes the word "plot" or "parcel".
- G. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".
- H. The word "erected" shall be construed to include the words "constructed, altered or moved".
- I. The word "building" shall include any structure or part thereof.

### Specific words and phrases.

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate offices, the Zoning Hearing Board and Board of Supervisors.

**ABANDONED VEHICLE** - Those vehicles without registration and/or inspection, which have been parked on private and/or public property. For the purpose of this definition, vehicles missing essential driving parts shall be considered "abandoned".

**ABANDONMENT** - The visible or otherwise apparent discontinuance of the use.

**ABUTTING** - Having property or district lines in common.

**ACCESS** - A way or means of approach to provide vehicular or pedestrian physical entrance and exit to a property.

**ACCESS DRIVE** - A paved surface or other durable all weather surface, other than a street, which provides vehicular and/or pedestrian access from a street or a private road to a lot. "Access Drives" shall be located and constructed so as to provide safe ingress and egress with respect to the lot. If the "access drive" provides access to a State highway, issuance of a highway occupancy permit by the Pennsylvania Department of Transportation shall be required prior to the issuance of any permit under this Ordinance.

**ACCESSORY APARTMENT** - A second dwelling unit either in or added to an existing single-family detached dwelling for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

**ACCESSORY BUILDING OR USE** - a building or uses customarily incidental, subordinate to the principal use of the land or building, and located on the same lot with the principal use.

**ACCESSORY DAY CARE** - A subordinate building or a portion of the main building on a lot that serves primarily as a group day care facility, as defined herein, and is accessory to a house of worship, a place of employment or a public or non-public school. A State licensed and/or registered facility in which care is provided or is intended to be provided for six (6) or more children and/or four (4) or more adults in accordance with the definition of Group Day Care Home or Older Adult Daily Living Center, herein.

**ACCESSORY STRUCTURE** - See definition of Structure, Accessory.

**ACT** - The latest version of the Pennsylvania Municipalities Planning Code (MPC), Act 247, as amended.

**ADAPTIVE REUSE** - is a process that adapts buildings for new uses while retaining their historic features.

**ADJUSTED TRACT AREA APPROACH** – One of two methods of determining the maximum number of permitted dwelling units in the Rural Residential District where the adjusted tract area of the site equals the gross tract area minus the constrained land on the site. The other method is the yield plan.

**ADULT-ORIENTED BUSINESSES** - An establishment open to the general public of the age of eighteen (18) years or older, where more than twenty percent (20%) of the occupied area of the facility is used for one or more of the following purposes. The definitions of the Pennsylvania Consolidated Statutes, Title 18, Crimes and Offenses, Chapter 59, Public Indecency relate to the further understanding of the Adult Regulated Facility.

A. ADULT BOOK STORE - Establishment which offers for sale, for rent, for lease, for view on the premises or for loan, pictures, photographs, drawings, sculptures, motion picture film, or similar visual representation of sexual conduct, or sexual excitement, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts of sexual conduct or sexual excitement; or offers for sale devices, equipment, stimulants or other materials for use in sexual conduct or sexual excitement.

B. ADULT THEATER - An establishment in which there is offered for view motion picture film, video tape or similar visual representation of sexual conduct or excitement, commonly referred to as "X-Rated" movies, peep shows, or the equivalent thereof.

C. CABARET - An establishment, club restaurant, theater, or hall which features topless dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or specified sexual activities for observation by patrons therein.

D. ADULT MASSAGE PARLOR OR ADULT MASSAGE STUDIO - A commercial establishment whose business emphasis is the administration of sexually oriented massage to patrons by employees.

AGENT - Any person, other than the developer, who, acting for the developer submits to the Planning Commission and Township Supervisors land development plans for the purpose of obtaining approval thereof.

AGRICULTURE, INTENSIVE – Intensive Agricultural Use - Intensive Agricultural Uses include, but are not necessarily limited to: a) slaughter areas, b) areas for processing of manure c) concentrated animal feeding operations, as defined herein.

CONFINED LIVESTOCK OPERATIONS OR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO): Federal regulations define a CAFO as an animal feeding operation that: (a) confines more than 1,000 animal units (AU); or (b) confines between 301 to 1,000 AU and discharges pollutants into waters of the United States through a manmade ditch, flushing system or similar manmade device, or directly into waters of the United States that originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation. Animal quantities equivalent to 1,000 AU are 1,000 slaughter and feeder cattle, 700 mature dairy cattle, 2,500 swine each weighing more than 25 kilograms (55 pounds), 30,000 laying hens or broilers (if a facility uses a liquid manure system), and 100,000 laying hens or broilers (if a facility uses continuous overflow watering).

AGRICULTURE LOT – For the purposes of this Ordinance, an agriculture lot is defined as a lot used primarily for agriculture operations, as defined herein, and consisting of thirty (30) acres or more. This definition does not preclude agriculture operations on smaller lots as permitted within the zoning districts or the existence of smaller agriculture lots in the Township prior to the effective date of this Ordinance.



**AGRICULTURE OPERATION** - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. See "Agriculture, Intensive" for further description of specific agriculture activities.

**AIRPORT** - A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

**AISLE** - The traveled way by which cars enter and depart parking spaces.

**ALLEY** - A thoroughfare other than a side street, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS** - As applied to a building or structure, any change or rearrangement in the total floor area, in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location or position to another.

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

**AMENDMENT**: A change in use in a district, which includes revisions to the zoning text and/or the official zoning map, and the authority for any amendment, lies solely with the Township Supervisors.

**AMERICANS WITH DISABILITIES ACT (ADA)** - Americans with Disabilities Act of 1990, Public Law 101-336.

**ANIMAL** - Any domestic animal or fowl, any wild animal or any household pet.

**ANIMAL FEEDING OPERATION (AFO)** - Federal regulations define an AFO as a facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

**ANIMAL HOSPITAL** - A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian. Boarding of such animals shall be for medical or surgical treatment only.

**ANIMAL HUSBANDRY** - The care, raising, and keeping of livestock (animals, including but not limited to horses, cattle, sheep and swine) and poultry with the intent of producing capital gain, profit, or the intent of selling any livestock or poultry products, provided that the keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this ordinance shall not be construed as “animal husbandry”. Animal husbandry is commercial keeping of livestock.

**ANIMAL WASTE (MANURE) STORAGE FACILITIES** - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, earthen bank, stacking area, and aboveground storage.

**ANTENNA** - Any arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.

**ANTENNA HEIGHT** - The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured and shall include the height of the building upon which the antenna and its structure is situated.

**ANTENNA SUPPORT STRUCTURES** - Any structure, mast, pole, tripod, or tower, including any guide wires and braces utilized for the purpose of supporting an antenna or antennas.

**APPLICANT** -A landowner or developer, as hereinafter defined, who has filed an application for development, including his or hers, personal representatives, successors and assigns.

**APPLICATION FOR DEVELOPMENT** - Every application, whether preliminary 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 building permit, for the approval of a subdivision plot or plan, or for the approval of a development plan.

**AREA** - The total outside surface of anything, as measured in square feet.

A. **LOT AREA** - The area contained within the property lines of individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way and including the area of any easement, future street right-of-way or abandoned alley, which has been deeded to a property owner.

B. **BUILDING AREA** - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps (gross living area).

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

**BASEMENT** - A story partly underground but having at least one-half (½) or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.

**BED AND BREAKFAST INN** - A single-family residential unit where not more than ten (10) guest rooms are rented to overnight guests on a daily basis and may include breakfast or brunch.

**BERM** - A mound of soil, either natural or manmade, used to obstruct views.

**BILLBOARD** - See definition of Signs.

**BLOCK** - A tract of land bounded on one side by a street and on the other sides (normally three) by streets, railroad rights-of-way, waterways, un-subdivided areas and other definite barriers.

**BOARD OR ZONING HEARING BOARD** - The Miles Township Zoning Hearing Board.

**BOARD OF SUPERVISORS** - The Board of Supervisors of the Township of Miles.

**BOARDING / ROOMING HOUSE** - An owner-occupied housing unit where, for compensation, provisions are made for lodging and meals for no more than five (5) persons in an existing building and its appurtenant structures specifically designed or otherwise suitable in whole or in part for the accommodation of roomers.

**BOARDING STABLE** - A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation.

**BUFFER AREA** - A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

**BUFFER YARD** - An open area whose dimensions normally exceed the normal building setback or yard requirement used to protect low-density uses and zoning districts from adjacent higher-density uses and districts.

**BUILDING** - Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING COVERAGE** - The square footage of the horizontal area measured with the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

**BUILDING, DETACHED** - A building surrounded by open space on the same lot.

**BUILDING, FRONT LINE OF** - The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

**BUILDING, OCCUPIED** – A building, either currently or at some point in the future, intended for the permanent or temporary occupancy or use by people or animals.

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

**BUILDING LINE** - A line parallel to the front, side, or rear lot line set so as to provide the required yard.

**BUILDING, PRINCIPAL** - A structure enclosed within exterior walls built, erected, and framed of component structural parts; designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind; main structure on a given lot; a building in which is conducted the principal use of the lot on which it is situated.

**BUILDING SETBACK LINE (Setback)** - The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way or property line and the line defining side and rear yards, where required.

**BUSINESS PARK** - a tract of land that is planned, developed, and operated as an integral facility for a number of individual businesses with consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility.

**CAMP AND CAMPGROUND** – A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes. Pennsylvania Department of Health requires a permit for campgrounds that meet the following definition: a portion of land used for the purpose of providing a space for trailers or tents for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, and Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth, and adults with social, recreational, and educational objectives and operated and used for five (5) or more consecutive days during one or more seasons a year.

**CAMPING UNIT** - A tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

**CAMPSITE** - Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

**CARTWAY OR ROADWAY** - The portion of a street right-of-way, which is paved, improved, designated or intended for vehicular traffic.

**CELLAR (Basement)** - A story partly underground having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

**CEMETERY** - A parcel of land used as a burial ground for human or animal remains.

**CERTIFICATE OF USE** - The certificate issued by a duly authorized Township Officer, which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

**CHANGE OF USE AND OCCUPANCY** - A statement or permit signed by a duly authorized Township Officer, setting forth that a building, structure or use legally complies with the Zoning Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

**CHURCHES AND SIMILAR PLACES OF WORSHIP** - A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, including cemeteries but not including campgrounds, which shall be considered a primary use and shall meet the campground requirements, herein.

**CLEAR SIGHT TRIANGLE** -An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

**COMMERCIAL GREENHOUSE, GARDEN CENTER OR PLANT NURSERY** – A commercial activity devoted to the raising and sale of plants and implements for gardening.

**COMMERCIAL, RECREATIONAL, OR ENTERTAINMENT FACILITY** - A building housing an activity operated as a business, open to the public for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, theaters, swimming pools, health clubs, museums, etc. This does not include adult-related uses, amusement arcades, or golf courses as defined herein.

COMMISSION - The Miles Township Planning Commission, unless otherwise noted.

COMMON FACILITIES - When referring to a development, these facilities are common or community open space, recreational facilities, community sewage facilities, community water supply facilities, storm water management facilities, common parking areas and driveways, preservation areas, private streets, or other community facilities.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as approved in the development plan that are appropriate to recreational and other open-space uses of the land, and shall not include playground, athletic field or other open space areas of any schools or churches to be included within the proposed development.

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 directional 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 band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas.

COMMUNICATION FACILITIES (non-publicly regulated) - Including telephone or telegraph exchanges, communications antenna, which are not regulated by the Pennsylvania Utilities Commission (PUC).

COMMUNICATION FACILITIES (publicly regulated) - Including telephone or telegraph exchanges, communications antenna, which are regulated by the Pennsylvania Utilities Commission (PUC).

COMMUNICATIONS TOWER - A structure other than a building such as a monopole, self-supporting or guyed tower designed and used to support "Communications Antenna".

COMMUNICATIONS TRANSMITTING AND RECEIVING FACILITY - A communications tower or other facility, which transmits or receives a radio, television, or other communication signal.

**COMMUNITY SEWAGE SYSTEM** - Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two (2) or more lots, and the treatment and/or disposal of the sewage or industrial waste on one (1) or more of the lots or at any other site and which shall comply with all applicable regulations of the PA Department of Environmental Protection.

**COMMUNITY WATER SUPPLY SYSTEM** - A public or private utility system designated to transmit potable water from a common source to multiple users. Such systems shall comply with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC) or the Township, whichever is more stringent.

**COMPREHENSIVE PLAN** - The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P. L. 805, No. 247, as amended and reenacted, consisting of maps, charts, and textual material, that constitutes a decisions about the physical and social development of the Township of Miles, as amended from time to time.

**CONDITIONAL USE** -A use, which is permitted in certain districts and may be authorized only by the Miles Township Board of Supervisors.

**CONSERVATION AREAS** - Undeveloped and undisturbed areas, set aside for the preservation and/or continuation of the natural environment, to promote recreational use, agricultural use and retention of open space and undeveloped floodplain areas and to provide areas of wildlife habitat.

**CONSERVATION SUBDIVISION** - A land development process that seeks to identify and permanently protect special natural and/or environmental features and open space in designated conservation areas, greenway areas, or preserves. This process is used in the Rural Residential Districts.

**CONSTRUCTION** -The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

**CONTINUING CARE RETIREMENT COMMUNITY** - a community licensed by the Commonwealth Department of Insurance and offering a range of housing, support and health care services so older people do not have to move when their needs change. Many offer independent living (single or multi-family units) and personal care units as well as long-term care nursing centers, all at one campus and developed as a planned unit development.

**CONVENIENCE STORE WITH GAS DISPENSING** - A retail store which primarily offers food and related items but which may also dispense fuel.

CONVENIENCE STORE WITHOUT GAS DISPENSING - A retail store, which offers food and related items but does not dispense fuel.

CONVENTIONAL DEVELOPMENT - Development other than conservation subdivisions.

COOPERATIVE - Ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property and where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.

COUNTY - County of Centre, Pennsylvania.

COVERAGE - That portion or percentage of the plot or lot covered by the building area, vegetation or impervious surface as designated.

CULTURAL FACILITIES - Include art galleries, auditoriums, libraries, museums, community centers, adult education centers or other similar facilities open to the public or connected with a permitted educational, philanthropic or religious use.

CURB – The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

DAY CARE - Care provided for individuals, either children or adults by an unrelated individual. Care is provided for part of a 24-hour day. The following definitions apply to different types of child and adult day care in accordance with Chapter 3270, Child Day Care Centers, of Title 55, Public Welfare of the Pennsylvania Code and the Pennsylvania Department of Aging, Pennsylvania Code, Title 6, Chapter 11 as revised or amended.

A. DAY CARE CENTER - A state-certified facility providing care for six (6) or more children.

(1.) GROUP DAY CARE HOME - A state-certified facility in which care is provided at one time for more than six (6) but fewer than sixteen (16) older school-age level children or more than six but fewer than 13 children of another age level who are unrelated to the operator, including:

(a) Care provided to a child at the parent's work site when the parent is not present in the childcare space.

(b) Care provided in private or public, profit or nonprofit facilities.



(c) Care provided before or after the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.

(2.) OLDER ADULT DAILY LIVING CENTERS – a facility licensed through the Pennsylvania Department of Aging and operated for profit or not-for-profit to provide daily living services for part of 24-hour day to four or more older adults, who are sixty years of age or older or eighteen years and older with a dementia-related disease and who are not a relative of the operator, in accordance with the Pennsylvania Code, Title 6, Chapter 11, as revised or amended.

(3.) FAMILY DAY CARE HOME – A state-certified home other than the child's own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator.

DECISION - Final adjudication of any board or other body granted jurisdiction under any land use ordinance of this Ordinance to do so, either due to the grant of exclusive jurisdiction or because of appeals from determinations. All decisions shall be appeal-able to the Court of Common Pleas of the county and judicial district wherein the municipality lies.

DECK OR PATIO - A platform, which is not covered by a roof or permanent awning and is designed, intended or used for outdoor living purposes as an accessory use to a structure.

DEDICATION - An act transmitting property or interest thereto.

DENSITY -The total number of dwelling units per acre of land.

DCED -The Department of Community and Economic Development of the Commonwealth of Pennsylvania or any successor agency.

DEP - The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

DCNR -The Department of Conservation and Natural Resources of the Commonwealth of Pennsylvania or any successor agency.

DESIGN STANDARDS - Standards that set forth specific improvement requirements.

DETERMINATION - Final action by an officer, body or agency charged with the administration of any land use ordinance or applications hereunder, except the following: (a) the Supervisors; or

(b) The Zoning Hearing Board. Determinations shall be appeal-able only to the boards designated as having jurisdiction for such appeal.

**DEVELOPER** - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development or submits a development plan under the terms of this Ordinance.

**DEVELOPMENT** - A planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

**DEVELOPMENT AREA** - The area in the Rural Residential District designated for development as opposed to conservation.

**DEVELOPMENT PLAN** - The provisions for development of land under the provisions of this Ordinance, including a plat of subdivision; all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "Provisions of the development plan" when used in this Ordinance shall mean both the written and graphic materials referred to in this definition.

**DEVELOPMENT PERMIT** - A zoning and/or building permit authorizing the construction, repair, demolition, relocation and reconstruction of a structure, or any other permit requested or issued in connection with any of the activities defined under "development" herein.

**DEVELOPMENT REGULATION** - Zoning, subdivision, site plan, stormwater management, official map, flood plain regulation, or other governmental regulation of the use and development of land.

**DISTRICT ZONE** - A district includes all buildings, lots and surface areas within certain designated boundaries as indicated on the Zoning Map.

**DOMESTICATED ANIMAL** - A relatively docile animal kept by humans for work or food or as a pet, especially one of a breed notably different from the wild or exotic form.

**DRAINAGE** - The removal of surface water or groundwater from land by drains, grading, or other means.

**DRAINAGE FACILITY** - Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any land development or contiguous land areas.

**DRIVE-THROUGH FACILITIES** - Accessory to the permitted use to provide additional services for public use, including drive-up window for service and driveways for queuing vehicles.

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

**DRIVEWAY/ACCESS ROAD** - A cartway or traveled path, improved or unimproved, by means of which ingress and egress to and from private property is gained and which intersects with a township, state or county right-of-way.

**DWELLING** - A building or structure designed for living quarters for one (1) or more families, including manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

**DWELLING, SINGLE FAMILY, ATTACHED (Row/Townhouse)** - A dwelling designed, occupied or used by one family, having two (2) party walls in common with other buildings and no side yards, commonly called row houses or townhouses, except that end units have one (1) party wall.

**DWELLING, SINGLE FAMILY, DETACHED** - A building used by one (1) family, having only one (1) dwelling unit, and having two (2) side yards.

**DWELLING, SINGLE FAMILY, SEMI-DETACHED** - A building used by one (1) family, having one (1) side yard and one (1) party wall in common with another building.

**DWELLING UNIT** - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**EASEMENT, CONSERVATION** - a legal agreement a property owner makes to restrict the type and amount of development that may take place on his or her property. The easement spells out the rights the landowner retains and the restrictions on use of the property.

**EASEMENT, UTILITY** - A right-of-way granted for the limited use of land for public, quasi-public or private purposes.

**ENGINEER, REGISTERED** - See definition of Professional Engineer.

**ENGINEER, TOWNSHIP** - A Professional Engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township.

**ENVIRONMENTAL CONSTRAINTS** - Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

**ENVIRONMENTALLY SENSITIVE AREA** - An area with one or more of the following environmental characteristics: severe slope, floodplain area, or wetlands.

**EXOTIC WILDLIFE** -Includes, but is not limited to, reptiles and all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether the birds, animals, or reptiles were bred or reared in captivity or imported from another state or nation.

**EXTRACTIVE OPERATIONS** - Include any open excavations such as quarries, strip mines, and borrow pits.

**FAMILY** - (a) one or more persons related by blood, marriage, legal guardianship, licensed or court appointed foster care, or legal adoption including any domestic servants or gratuitous guests thereof who maintain one common household and reside in one dwelling unit; or

(b) No more than two (2) persons, who are not related to each other by blood, marriage, legal guardianship, licensed or court appointed foster care, or legal adoption, in addition to any respective minor children, domestic servants or gratuitous guests thereof, residing in one dwelling unit and living and cooking together as a single housekeeping unit. A roomer, boarder, or lodger is not considered a family member (c) Any number of persons possessing a "handicap" within the meaning of the Fair Housing Act [42 USCS S.3602 (h), or successor legislation] who reside in one dwelling unit and live and cook together as a single housekeeping unit.

**FARM** -Any parcel of land, which is used for agriculture operations as defined herein.

**FARM-RELATED SALES & SERVICES** - A business that supports the farm activity provided in Miles Township.

**FARMSTEAD** -The area of farm parcel occupied by the farmhouse, barns, outbuildings, an accessory dwelling unit (i.e., accessory apartment, attached or detached unit), parking areas and business structures, excluding structures that are associated only with the farming activities in remote fields.

**FARMSTEAD PRINCIPAL SINGLE FAMILY DETACHED DWELLING UNIT** - The original residential unit associated with the farm.

**FARMSTEAD ACCESSORY DWELLING** - An additional accessory apartment attached or detached unit for a family member or farm employee. Only one such unit shall be present within the farmstead.

**FARMSTEAD BUSINESS** - An accessory business to the principal agriculture use, owned and operated by a family member within the farmstead.

**FENCES** -Any freestanding and uninhabitable device constructed of wood, glass, metal, plastic materials, wire, wire mesh or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy or to protect the property so screened or divided or to define and mark the property line when such device is permitted to be erected on or within two (2) feet of any front side or rear line; for the purpose of this Ordinance, a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this Ordinance when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot lines," side yard lot lines, and "front yard lot lines."

**FINDING** - A determination or conclusion based on the evidence presented and prepared by a hearing body in support of its decision.

**FISH AND WILDLIFE MANAGEMENT AREA** - An area owned and managed by a conservancy group, non-profit, or local, State or Federal agency, whose primary interest is the management of land and natural resources that will protect the fisheries and wildlife habitats.

**FLAG LOT** - See definition of Lot, Flag.

**FORESTRY (Timber Harvesting)**: 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 land development.

**FRONTAGE** - The horizontal or curvilinear distance along the street line upon which a lot abuts.

**GARAGE** - An accessory building for the storage of one (1) or more motor vehicles accessory and incidental to the primary use of the premises, if no business, occupation or service is conducted for profit therein.

**GARBAGE** - Animal and vegetable waste resulting from the handling, storage, and sale, preparation, cooking and serving of foods. (Also, see definition of Solid Waste)

**GARDEN STRUCTURES** - Any accessory structure, which may be used or occupied for other than sleeping or general housekeeping purposes.

**GARDENING** - The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

**GASOLINE SERVICE STATION** - A building on a lot or part thereof, that is used primarily for the retail sale of gasoline, oil or other fuel and which may include facilities used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing automobiles and other vehicles, not to include mechanical repairs or body work.

**GOLF COURSE** - Any regulation 18-hole, 9-hole or executive (par 3) golf course including any driving ranges, chip-n-putt, nine-hole, or miniature golf courses.

**GOVERNING BODY** - The Board of Supervisors of the Township of Miles, Centre County, Pennsylvania.

**GOVERNMENTAL AUTHORITY** - Any federal, state or local agency having authority over health factors, such as sewers, water and other related matters.

**GREENWAYS** - A greenway may be any one or combination of the following: (1) a linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or over land along a railroad right-of-way converted to recreational use, a scenic road, or other route; (2) a natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features, or historic sites with each other and with populated areas; and (4) strip or linear parks designated as a parkway or greenbelt.

**GROSS BUILDING AREA** - The total area of a building available for construction or use, as measured from the exterior walls of the building. Gross building area should be used in computing all square footage measurements for buildings, as well as dimension requirements.

**GROUND FLOOR** - The floor of a building nearest the mean grade of the front of the building.

**HALFWAY HOUSE** - A non-institutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full time supervision and counseling on employment, vocations, finances, and community living.

**HAZARDOUS MATERIAL** - Materials, which are classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or the Township as having the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage such as logs, storage tanks, and large containers, located in flood prone areas.

**HAZARDOUS WASTE** - Any substance classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or the Township as

having the potential to damage health or impair safety including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,

B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

(NOTE: "Hazardous waste" shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended.)

**HEIGHT OF A COMMUNICATIONS TOWER** - The vertical distance measured from the ground level to the highest point on a Communication Tower, including antennas mounted on the tower.

**HEIGHT DEVELOPMENT REGULATIONS** - Zoning regulations that limit the maximum height of buildings within particular zones.

**HELIPORT** - An area, both at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

**HELISTOP** -A heliport but without auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

**HISTORIC RESOURCE** — Any building, wall, bridge, structure, road, trail, quarry, archeological site or cultural artifact listed or identified on the National Register of Historic Places, the book titled "Historic Buildings of Centre County, Pennsylvania," published in 1980 by the Historic Registration Project of the Centre County Library, any outcomes of the Penns Valley/ Brush Valley Rural Historic District or any historic resource list or map which may be adopted by the Board and amended from time to time.

**HOME-BASED BUSINESS OR OCCUPATION** - A business or commercial activity that is conducted as an accessory use in a principal unit clearly incidental and secondary to the residential living use. The occupation shall be conducted entirely within a dwelling and meeting the criteria set forth in the Zoning Ordinance. No goods are to be publicly displayed on the premises other than a sign as provided herein.

**HOMESTEAD** - The area of a residential lot in the Agriculture District occupied by the house, barns, outbuildings and parking areas, excluding structures that are associated with farming activities in farmed fields.

**HOSPITAL** - A building or part thereof used for the medical, psychiatric, obstetrical, or surgical care on a 24-hour basis. The term hospital shall include facilities used for medical research and training for health care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities, which provide in-patient care. The term hospital shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

**HOTEL** - A building designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals. A conference/convention center may be part of the hotel.

**IMPERVIOUS COVERAGE** - That area of the lot covered by impervious surface.

**IMPERVIOUS SURFACE** - A surface that does not absorb rain, including all buildings and other structures, parking areas, driveways, roads, sidewalks, storage areas and areas of concrete, nonporous asphalt and stone and other such areas as shall be determined to be nonporous by the Board of Supervisors and/or Township Engineer.

**IMPROVEMENTS** - Those physical additions, installations and changes required to render land suitable for the use intended, including grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street shade trees.

**IMPROVEMENTS, PUBLIC** - Streets, pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs and plantings, and other items required for the welfare of the property owners and the public.

**INDIVIDUAL ON-LOT SEWAGE SYSTEM** - Any system of piping, tanks, or other facilities serving on a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition, and which is located upon the lot which it serves.

**INDOOR RECREATION FACILITY, THEATER, POOL PARLOR** - An establishment in which any recreational activities, including but not limited to ping-pong, billiards, a play or movie is carried out solely for entertainment purposes for both the participants as well as the audience.



INDUSTRY - The manufacturing, compounding, processing, assembling, or treatment of materials, articles, or merchandise.

INOPERABLE MOTOR VEHICLE - A vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection or any vehicle in a major or severe state of disrepair.

INTENSIVE AGRICULTURE - See Agriculture, Intensive.

JOINT PARKING FACILITIES - Off-street parking facilities providing parking for more than one use or property on the same sit or off-site in accordance with this Ordinance.

JUNK - Discarded materials, articles or things possessing value in part, gross or aggregate, and including but not limited to scrapped and inoperable motor vehicles and parts thereof, but not including garbage or other organic waste or farm machinery, provided that said farm machinery is used in connection with a bonafide agricultural business, or objects or materials accumulated on any premises as the by-products, waste or scraps of a legitimate business, other than a junkyard as defined in this articles, conducted thereon.

JUNK YARD - Any place or establishment where junk is stored or accumulated out of doors or in any manner other than within a building, edifice or structure that is enclosed on all sides, where the business of selling, buying or dealing in junk is carried on or where ten (10) or more motor vehicles which are unlicensed, inoperable and do not have a current and valid inspection sticker as required by the Motor Vehicles Laws of the Commonwealth of Pennsylvania are stored out of doors; but not including any place where inoperable motor vehicles intended to be repaired are stored for a period not in excess of thirty (30) days in connection with a bona fide automotive repair business.

JUNKED MOTOR VEHICLE - A motor vehicle from which operable parts or accessories have been removed or that shall be inoperable because of damage thereto.

KENNEL -A state-licensed facility through the Department of Agriculture, containing indoor and outdoor housing facilities for the sheltering of four (4) or more canines in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended or revised.

LAND DEVELOPMENT - Any of the following activities:

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any other purpose involving,

(1.) Group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(2.) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominium, building groups or other features; or

B. A subdivision of land.

C. Land development shall not include:

(1.) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; or

(2.) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LAND DISTURBANCE — any activity which exposes soils, alters topography and/or alters vegetation, except for removal of hazardous or invasive alien vegetation. Customary agricultural practices such as tilling, plowing, mowing and harvesting re excluded from the definition of “land disturbance”.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if authorized under the lease to exercise the rights of the landowner, or other person has a proprietary interest in land.

LANDSCAPE ARCHITECT — a licensed landscape architect registered in the Commonwealth of Pennsylvania.

LANDSCAPE PLAN - A component of a development plan, if required, on which is shown proposed landscape species (such as number spacing, size at time of planting, and planting details), proposals for protection of existing vegetation during and after construction, proposed treatment of hard and soft surfaces, proposed decorative features, grade changes, buffers and screening devices, and any other information that can reasonably be required in order that an informed decision can be made by the Board of Supervisors.

LAUNDRY AND DRY CLEANING ESTABLISHMENTS - A business premise equipped with large-scale clothes washing and dry cleaning equipment.

LAUNDRY AND DRY CLEANING ESTABLISHMENTS (PERSONAL) - A business premise equipped with individual clothes washing equipment for the use of retail customers or the drop-off and pick-up of clothing for dry cleaning by retail customers.

LIBRARY - A place in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale.

LIVESTOCK - Any wild or domestic animal, including but not limited to the bovine, swine or sheep family.

LOADING SPACE - An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on or has access to a street.

LONG-TERM CARE NURSING HOME - A facility defined and licensed by the Commonwealth of Pennsylvania Department of Health in accordance with Title 28 of the Pennsylvania Code, Chapter 201. The facility provides skilled or intermediate nursing care services 24 hours a day and 7 days a week to individuals who do not require more intensive hospital-based care.

SKILLED OR INTERMEDIATE NURSING CARE - Professionally supervised nursing care and related medical and other health services provided for a period exceeding 24 hours to an individual not in need of hospitalization, but whose needs are above the level of room and board and can only be met in a long-term care nursing facility or an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity.

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

A. LOT, AREA - The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street, but including the area of any easement.

B. LOT, CORNER - A lot with two (2) adjacent sides abutting on streets, which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.

C. LOT, FLAG - A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

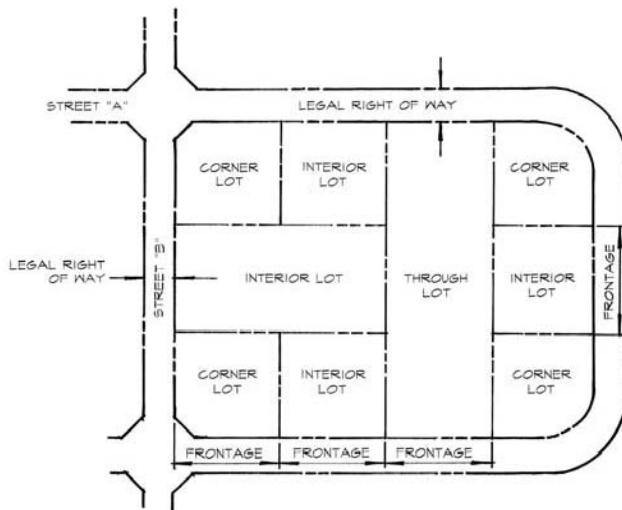
D. LOT, INTERIOR - A lot other than a corner lot.

E. LOT, MINIMUM WIDTH - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

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

G. LOT, REVERSE FRONTAGE - A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts. In the case of a lot fronting on streets of different classification, access to the lot shall be from the lower classified roadway in accordance with the Penns Valley Regional Comprehensive Plan Classification of Roadways.

H. LOT, THROUGH: A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. Lots fronting on a street and an alley are not considered through lots.



**EXAMPLE OF LOT TYPES**

LOT COVERAGE - The total of impervious areas including building area divided by lot area.

LOT LINES -The boundary lines of a lot as defined herein.

A. FRONT LOT LINE - The lot line separating a lot from a street right-of-way. In the case of a corner lot or a lot abutting a street right-of-way on more than one side, the front lot line shall be determined based on the street address assigned by the post office.

B. REAR LOT LINE - Any lot line that is parallel to or within forty-five degrees (45) of being parallel to a street line, except for a lot line that is itself a street line. In the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines,

which are not street lines, is to be considered a “rear lot line”. In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line further from any street shall be considered a “rear lot line”.

C. SIDE LOT LINE - Any lot line, which is not a street line or a rear lot line.

D. STREET LINE - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "street right-of-way line”.

LOT OF RECORD - A lot, which has been recorded in the Office of the Recorder of Deeds of Centre County, Pennsylvania.

LOT WIDTH - The distance measured between the side lot lines at the required or proposed building setback line. When there is only one (1) side lot line, as in the case of single family semi-detached or some single family attached dwellings, the lot width shall be measured between the side lot line and the centerline of the party wall. For interior single-family attached dwellings, lot width shall be measured between the centerlines of party walls. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and directly opposite property line.

LOW-INTENSITY RECREATION USE – see Recreation Area, Passive.

MANUFACTURED HOME - see Dwelling, Manufactured Home.

MANUFACTURING - The processing and/or converting of raw unfinished or finished materials or products, or any, or either of them, into an article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing of the refinishing of manufactured articles.

MANUFACTURING USES - Manufacturing and storage uses that do not constitute an unusual fire or explosion hazard or create a nuisance because of smoke, odor, dust, noise or glare. Also, manufacturing uses that do not cause dust, smoke, fumes, gas or offensive odors to be disseminated beyond the lot boundaries; vibration beyond lot boundaries; noise exceeding that of off-street traffic at the front lot line; or a glare observable from beyond the lot boundaries. These include, but are not limited to, food processing; manufacture of furniture, textiles, leather, rubber, paper, fabricated metals, machinery and glass; and stone and clay processing; printing, polishing, photography and related industries; instrument, tool and die and cabinet making; metal and wood fabrication; assembly of electronic apparatus; electroplating, molding and other related industries; warehousing and distribution.

MANURE -The fecal and/or urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MANURE STORAGE FACILITIES - See Animal Waste Storage Facilities.

MASSAGE PARLOR - An establishment whose business emphasis is the administration of non-sexually oriented massage to patrons by employees.

MEDICAL, DIAGNOSTIC LABORATORIES AND OUTPATIENT CLINICS - Any building for which the use has ten thousand (10,000) square feet or larger, ninety (90) percent or more of the occupying use is medically related, surgical or testing facilities are present, and crisis care services with accommodations for ambulances or emergency vehicles or services offered more than sixty (60) hours per week.

MINERAL RECOVERY USE - See Natural Production Uses and Open Pit Mining.

MIXED USE - Occupancy of a building or land for more than one use.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land under single ownership, which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes for non-transient use.

MOBILE HOME SALES LOT - An open lot for the outdoor display of new or used mobile homes.

MOBILE HOME STAND OR PAD - That part of an individual mobile home space, which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MODULAR / MANUFACTURED HOME - A type of dwelling that is in substantial part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site.

**MOTEL** - A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourists or transients including auto courts, motor lodges and similar establishments.

**MOTOR FREIGHT TERMINAL** - A terminal that is primarily centered on the storage and distribution of motor freight.

**MOTOR VEHICLE** - A means of transportation designed for the conveyance of persons or property requiring a registration under the laws of the Commonwealth of Pennsylvania for operation upon public highways; including an automobile, truck, bus, motor home, motorcycle, or travel trailer.

**MOTOR VEHICLE, REPAIR AND MAINTENANCE** - See Vehicle Repair Garage.

**MOTOR VEHICLE SALES** - See Vehicle, Mobile/Manufactured Home and/or Trailer Sales Lot.

**MUNICIPAL USES AND BUILDINGS** - Includes public and semi-public uses of welfare and educational nature, such as parks, fire stations, municipal buildings and municipal garages, etc.

**MUNICIPAL WASTE** - Municipal waste as defined in the Municipal Waste Planning, Recycling, and Waste Reduction Act of July 28, 1951 as may be amended and supplemented.

**MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT** - The Act of July 28, 1951, P.L. 556, No. 101, 53 P.S. 4000.101 et seq. as the same may be amended and supplemented.

**MUNICIPALITIES PLANNING CODE (MPC)**: The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. 10101 et seq.

**MUNICIPALITY** - The Township of Miles, Centre County, Pennsylvania.

**NATURAL FEATURE** - A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress or energy costs. Such features include those of which, if disturbed, may cause hazards or stress to natural habitats, property, or the natural environment.

**NATURAL PRODUCTION USES** - A lot or parcel of land or part thereof used for the purpose of extracting stone, sand, clay, gravel or top soil for sale, and excluding the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

**NATURE PRESERVES AND WILDLIFE REFUGES** – Areas in which human activities are very limited and where the natural environment is protected from man-made changes.

**NONCOMMERCIAL KEEPING OF LIVESTOCK** - The keeping of domesticated animals for household use or consumption, providing that they be kept in permanent structures and within fenced areas. Under no circumstances shall the noncommercial keeping of livestock include animal husbandry or exotic wildlife as defined herein.

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

**NONCONFORMING SIGN** - A sign, which does not conform to the regulations of the district in which it is located.

**NONCONFORMING STRUCTURE** - See definition of Structure, Nonconforming.

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

**NONCONFORMITY, DIMENSIONAL** - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

**NUISANCE** - Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**OFF-STREET PARKING** - Parking of motor vehicles as an accessory use located upon the same lot as a permitted principal use or in the case of joint parking within close proximity to serve the parking requirements and needs of the principal use.

**OFF-STREET PARKING SPACE** - A parking space provided in a parking lot, parking structure, or private driveway.

**ON-STREET PARKING SPACE** - A parking space that is located on a dedicated or private street right-of-way.



**OPEN PIT MINING** - Open pit mining shall include all activity which removes from the surface or beneath the surface, of the land materials, mineral resources, natural resources, or other elements of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore.

**OPEN SPACE** - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**OUTDOOR FLEA MARKET** - An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public. Flea markets that are permanent shall be subject to land development review to ensure appropriate circulation, safety, off-street parking, lighting, landscaping, signage, and trash storage.

**OUTDOOR LIGHTING** - An illumination source outside any structure, including, but not limited to, an incandescent bulb, mercury, sodium or neon-filled bulb, and the hardware containing the illumination source and supporting it. Lighting fixtures underneath a roof of an open-sided structure, including, but not limited to, storage sheds, canopies and gas station marquees over gas pumps, are deemed outdoor lighting.

**OUTDOOR RECREATION AREAS, PRIVATE AND SEMI-PUBLIC** - The use of open land for leisure time activities, such as a beach, swimming pool, tennis courts, golf courses or similar establishments that are not publicly owned.

**OUTDOOR STORAGE OR DISPLAY** - Storage of materials necessary and incidental to the normal operation of a primary use.

**OWNER** - Any person who, alone or jointly or severally with other persons, has legal title to any premises. This does not include a lessee, sub-lessee or other person who merely has the right to occupy or possess the premises.

**PARCEL** - A lot or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

**PARKING LOT** - Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

**PARKING SPACE** - The area required for parking one motor vehicle.

PEDESTRIAN WALKWAY - An improved thoroughfare designated exclusively for pedestrian traffic.

PERMANENT AGRICULTURE PRODUCE STAND - A permanent structure used to sell produce from a farm.

PERMANENT SAWMILL -A permanent commercial activity in which timber is cut either on-site or transported into the site for further processing and storage.

PERSON - A person shall mean and include one or more individuals, partnerships, associations, organizations, corporations, and legal representatives, trustees in bankruptcy or receivers.

PERSONAL CARE HOME - A facility defined and licensed by the Commonwealth of Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2620. A personal care home is a premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self- administration. A halfway house is not a personal care home.

A. PERSONAL CARE HOME, SINGLE-FAMILY DETACHED DWELLING - A personal care home occupying a single-family residential unit provided the unit is similar in size and character as the surrounding residential units and complies with all district and bulk and area regulations. These personal care homes shall be permitted by right in any district, which allows single-family dwellings.

B. PERSONAL CARE CENTER - A personal care home, that requires a building larger than a single-family residential unit to accommodate the number of residents served and special and accessory commercial services provided, often called an assisted-living center. The personal care center may be a stand-alone facility or may be part of a continuing care retirement community.

PERSONAL SERVICE ESTABLISHMENT - Service activities shall include and be similar to barber shops, beauty salons, health spas, massage parlors, photographic studios, self-service laundry and dry-cleaning establishments, laundromats, radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches, tailor and dressmaking shops, and pet grooming with no overnight boarding. Personal service establishments shall not be construed to be adult regulated facilities as defined herein.

PERVIOUS SURFACE - A surface that permits full or partial absorption of storm water.

PET CARE – For-profit establishments involved in the grooming, sitting and training of pets.

PLANNING COMMISSION - The Planning Commission of Miles Township.

POTABLE WATER SUPPLY - Water suitable for drinking or cooking purposes.

PRECAUTIONARY APPROACH – A recommended approach by the U.S. Department of the Interior, Fish and Wild Life Services (USFWS – May 12, 2003) that states a conservative, scientific approach to conserving and managing habitats and species and absent definitive date, should include:

- A. Use the best steps available to initiate appropriate conservation actions.
- B. Refine these steps using principles of adaptive management and sound science. The absence of complete or definitive science should not be used as a reason for postponing or failing to take measures to conserve target species, associated or dependent species, or non-target species and their environments.

PREMISES - The property upon which the activity is conducted as determined by physical facts rather than property lines.

PRIMARY RESIDENCE - The premises where a person has legal residency.

PRIVATE - Not publicly owned, operated or controlled.

PRIVATE RECREATIONAL FACILITY - A privately owned facility for recreational purposes including, but not limited to, such uses as parks, nature trails, and wildlife sanctuaries and excluding uses which would commonly be considered a nuisance because of noise, pollution, etc., such as racing and promotion of motor vehicles.

PRIVATE OR NON PUBLIC STREET -All streets which are not public, including, but not limited to streets maintained by private agreements, by private owners, or for which no maintenance responsibility has been established.

PROFESSIONAL ENGINEER -Means an individual licensed and registered under the laws of this Commonwealth to engage in the practice of engineering.

PROFESSIONAL LAND SURVEYOR - Means an individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying.

PROFESSIONAL OCCUPATION - The practice of a profession by an attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropodist,

engineer, surveyor, architect, landscape architect, city planner or similar office-oriented occupations entitled to practice under the laws of the Commonwealth of Pennsylvania.

PROFESSIONAL OFFICES - Include but are not limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, banks, financial institutions, contractors (excluding storage) and similar office-oriented uses.

PUBLIC - Owned, operated or controlled by a governmental agency (Federal, state or local, including a corporation created by law for the performance of certain specialized governmental functions, and the Department of Education).

PUBLIC AND OTHER TRANSMISSION AND DISTRIBUTION FACILITIES - Public, semipublic and private utility transmission and distribution facilities including substations, pump stations, booster facilities, etc.

PUBLIC GROUNDS -

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

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC IMPROVEMENTS - An improvement that has been or will be dedicated for public use or that is designed to provide adequate transportation, water, sewerage, flood protection, or recreational facilities or to serve other public requirements in accordance with applicable Ordinances of Miles Township.

PUBLIC MEETING -A forum held pursuant to notice under 65 Pa. C.S. Ch. 7 relating to open meetings.

PUBLIC NOTICE - A notice, in accordance with the Pennsylvania Municipalities Planning Code, published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

**PUBLIC PARKS AND RECREATION AREAS** - Locations for leisure-time activities, including but not limited to, sports and entertainment, that are open to anyone without restriction, except for the rules and standards of conduct and use.

**PUBLIC SEWER** - A municipal sanitary sewer system, or a comparable common or package sanitary facility approved by the State of Pennsylvania, Department of Environmental Protection.

**PUBLIC UTILITY BUILDINGS AND STRUCTURES** - Any structure, which belongs to a public utility for uses such as electrical, telephone, gas, water and sewer that are regulated by the PUC or any other governmental agency.

**PUBLIC UTILITY 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.

**PUBLIC WATER** - A municipal water supply system, or a comparable common water facilities approved by the State of Pennsylvania, Department of Environmental Protection.

**RACE TRACK** - A purpose-built facility for the conducting of races. This racing can be of animals or human-operated machines.

**RECREATION, ACTIVE** -Any recreational activity that requires some physical exertion on the part of the participant.

**RECREATION, PASSIVE** - Any recreational activity that requires little or no physical exertion on the part of the participant.

**RECREATION AREA, ACTIVE** -Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

**RECREATION, AREA, PASSIVE** - Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectator areas, also known as low-intensity recreation use.

**RECREATION OPEN SPACE** - The area of land suitable for the development of specific active recreation facilities for leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields

and community swimming pools and attendant facilities.

**RECREATIONAL VEHICLE** - A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power or is mounted on or drawn by another vehicle (including Camping Trailer, Motor Home, Travel Trailer, and Truck Camper) and licensed under the laws of the Commonwealth of Pennsylvania.

**RESIDENTIAL CONVERSION** - A multi-family dwelling constructed by converting an existing single family dwelling into no more than two additional dwelling units, which does not substantially alter the exterior of the building.

**RESORT** - A hotel, motel or campground that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals and a conference/convention center. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

**RESTAURANT** - A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on premises consumption.

**RETAIL BUSINESS** – Retail business shall include variety stores, apparel stores, florists, drug stores, grocery stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting goods stores, book, stationary, magazines, candy and tobacco shops, and other outlets that sell merchandise on a retail basis, but not “adult regulated facilities”.

**RIDING ACADEMY OR BOARDING STABLE** - An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, farm or similar establishment.

**RIGHT-OF-WAY** – A strip of land acquired reservation, dedication, prescription, purchase or condemnation and intended to be occupied by a street, trail, access way, waterline, sanitary sewer, and/ or other public utilities or facilities.

**ROOMING AND BOARDING HOUSE** - See Boarding/Rooming House.

**SANITARY FACILITY, LANDFILL OR INCINERATOR** - Land, structures, or improvements where municipal or residual waste disposal or processing is permitted or takes place or where hazardous waste is treated, stored or disposed. The term includes land used or affected during the lifetime of operations, including areas where solid waste management occurs, support facilities, offices, equipment sheds, air and water pollution control and treatment systems, access roads, onsite collection, transportation and storage facilities, closure and post closure care and maintenance activities, borrow

areas and other activities in which the natural land surface has been disturbed or used as a result of or incidental to operation of the facility. A waste facility must meet the requirements of Title 25 of the Commonwealth of Pennsylvania Code, Articles VII to Article IX and any state or federal act or laws, as applicable and amended, such as the Solid Waste Management Act, the Clean Streams Law, and all applicable federal regulation, such as the Resource Conservation and Recovery Act (RCRA – 42 U.S.C. Section 6901 to 6992) and 40 CFR Parts 260 – 279. A waste disposal or processing plant may include landfills, incinerators, impoundment, transfer facilities, composting facilities, or resource recovery facilities as defined in the Pennsylvania Code.

SCHOOL - Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

- A. COLLEGE - The same as elementary and secondary school except general education and/or research is provided above the level of the secondary school and may include junior college, college, or university, and is authorized to grant academic degrees.
- B. SCHOOL, COMMERCIAL - A school conducted for profit for such instruction as business, art, music, trades, handicraft, dancing or riding.
- C. SCHOOL, ELEMENTARY - Any school having regular sessions with employed instruction, which teaches those subjects that are fundamental and essential in general education for elementary grades.
- D. SCHOOL, PRIVATE - An educational facility not operated by a public agency.
- E. SCHOOL, NURSERY (Day Care Center) - A facility, not in a private residence, enrolling four (4) or more children no more than five (5) years of age and where tuition, or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.
- F. SCHOOL, PUBLIC - A public place of instruction other than a commercial school operated by a Public Agency.
- G. SCHOOL, SECONDARY - The same as elementary school except general education is provided for secondary grades.
- H. SCHOOL, TRADE/PROFESSIONAL - See definition of School, Commercial.
- I. SCHOOL, VOCATIONAL - The same as elementary and secondary school except that the primary activity is training in a trade or vocation.

**SCREENING** - The provision of a barrier to visibility, airborne particles, glare and noise between adjacent properties, uses and/or districts, composed entirely of trees, berm, shrubs, hedges, sight-tight fences and/or other similar type materials.

**SCREEN PLANTING** - A vegetative material of sufficient height and density to conceal from the view of adjoining property owners the structures and uses on the premises on which the screen planting is located.

**SETBACK (Building Setback Line)** - The line within a property defining the required minimum distance between any enclosed structure and the adjacent dedicated right of way or in the case where a dedicated right of way is not present, the deed description line, and the line defining rear and side yards where required.

**SEWAGE DISPOSAL SYSTEM (On Site)** - Any system designed to eliminate sanitary sewage within the boundaries of the lot.

**SEWAGE DISPOSAL SYSTEM (Public or Community)** - A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to the central treatment and disposal plant.

**SEWAGE ENFORCEMENT OFFICER (SEO)** - The Sewage Enforcement Officer of the Township.

**SEWER** - A public or private utility system designed to collect, centrally treat and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Township, whichever is more stringent. See also Community Sewage System and Individual On-Lot Sewage System.

**SHARED DRIVEWAY** - A path or road extending from a public or private road to two (2) lots, buildings, dwellings, or structures, intended to provide shared or joint ingress and egress primarily for the occupants thereof.

**SIDEWALK** - See definition of Walkway.

**SIGHT DISTANCE** - The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

**SIGHT TRIANGLE** - A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**SIGN** - Any device, configuration, surface or fabric, whether permanent or temporary, which uses symbolic representations for visual communication and used for bringing a subject to the attention of the public. Additional sign definitions are as follows:



- A. ADVERTISING SIGN (Billboard): A sign, which directs attention to a business, product, service, activity or entertainment sold or offered not upon the premises where such sign is located.
- B. BUSINESS IDENTIFICATION SIGN - A sign, which directs attention to a business, product, service, activity or entertainment sold or offered upon the premises where such sign is located.
- C. DIRECTIONAL SIGN - A sign, which directs attention to a business, profession, industry or activity conducted upon the property in which the sign is located.
- D. FREE STANDING (Ground Pole) SIGN - A sign supported by uprights or braces placed upon the ground and not attached to a building.
- E. PROJECTING SIGN - a sign that is wholly or partly dependent upon a building for support and that projects more than twelve inches from such building.
- F. ROOF SIGN – a sign erected and maintained on or above the roof of a building.
- G. TEMPORARY SIGN - Any sign, banner, cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a limited period as specified in the Zoning Ordinance.
- H. WALL SIGN - a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign.

SIGN AREA - That area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main support of the sign, but all other ornamental attachments, inner connecting links, etc., which are not part of the main supports of the sign, are to be included in determining sign area.

SILVICULTURE - A branch of forestry dealing with the development and care of forests.

SITE - A parcel of land located in the Township, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

SKEET, RIFLE, HANDGUN OR ARCHERY RANGE - Any facility, whether for the public or an organization or a commercial enterprise, where skeet shooting, rifle and handgun shooting, or archery is practiced.

SLOPE - The face of an embankment or cut section; any ground whose surface makes

an angle with the plain of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet over 100 feet of horizontal distance.

**SOLID WASTE** - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities.

**SOLID WASTE MANAGEMENT ACT** - The act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. 6018.101 et seq., as may be amended and supplemented.

**SPECIAL EXCEPTION** - A special exception shall be the permission or approval granted by a Zoning Hearing Board in situations where provision therefore are made by the terms of a Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

**SPORTS CAMP** - A public or private multi-use recreational facility that provides for a wide variety of sports instruction, training, and competition events. Recreational activities occur both indoors and outdoors on a year-round basis. These recreational facilities provide accommodations that may include recreational vehicle parking areas, cabins, lodges, dormitories, and campsite areas. Food services and concessions may also be provided for guests and patrons. Typical indoor and outdoor competition facilities may include but not be limited to athletic fields, stadiums, skate parks, bike and motorcycle tracks, and swimming pools.

**STOOP** - A covered or uncovered area at the front, side or rear door.

**STORAGE SHED** - A structure not intended for residential occupancy, which is necessary to the principal use of the property as a place to store personal property.

**STORY** - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

**STORY, HALF** - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

**STREET** - Street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are classified in accordance with the Miles Township Comprehensive Plan.

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

**STRUCTURE, ACCESSORY** - A structure subordinate to and detached from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

**STRUCTURE, NONCONFORMING** - A structure or part of a structure that does not comply with the applicable provisions in this Ordinance or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**STRUCTURE, TEMPORARY** - Tent, construction shanty, or similarly portable or demountable structure intended for continuous use for not longer than one year.

**STRUCTURE ALTERATION** - See definition of Alterations, Structural.

**SUBDIVIDER** - The owner or authorized agent of the owner of the lot, tract or parcel of land to be subdivided for sale or development under the terms of this Ordinance. See definition of Applicant or Developer.

**SUBDIVISION** -The division or re-division of a lot, tract or parcel of land by any means into two (2) 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 petition of the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling shall be exempt.

**SWIMMING, BATHING OR OTHER POOL, PRIVATE** - Any pool or open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth of two feet (2'). Farm ponds, and/or lakes are not included if swimming and/or wading was not the primary purpose for their construction.

**TEMPORARY USE** - A prospective use, intended for limited duration, to be located in a zoning district not permitting such use, and not continuing a nonconforming use or building.

**TOWNSHIP** - The Township of Miles, Centre County, Pennsylvania, Board of Supervisors (Township Supervisors), its agents or authorized representatives.

**TOWNSHIP ENGINEER** – A professional engineer licensed in the Commonwealth of Pennsylvania and duly appointed by Miles Township as their representative.

**TOWNSHIP SOLICITOR** — the attorney appointed by the Board of Supervisors or his

duly authorized representative.

**TOWNSHIP ZONING OFFICER** — the agent or official designated by the Township to administer and enforce the Township Zoning Ordinance.

**TRACT** - In certain districts and uses, the tract is the minimum amount of land required prior to subdivision into allowed lots.

**TRANSPORTATION TERMINALS** - 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 cannot 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 and buildings or areas for the repair of trucks associated with the terminal. The terminal may also serve as a passenger station that is central to an area and serves as a junction at any point with other line. A bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight.

**TRUCK TERMINAL** -A facility designed primarily to handle freight with limited warehousing of freight for no more than thirty (30) days, with secondary allowances for service, repair and storage of vehicles involved in the normal operation.

**UNDEVELOPED LAND** – Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

**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.

A. **USE, ACCESSORY** - A use customarily incidental and subordinate to the principal use, building or structure, and located on the same lot with this principal use, building or structure.

B. **USE, ANCILLARY** – A commercial, office, or institutional use that is permitted within a single-family residential dwelling unit in accordance with the regulations of this Ordinance.

C. **USE, PRINCIPAL** - The main or primary use of property, buildings, or structures.

**VARIANCE** - The permission, granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for an adjustment/relief to some regulation or provision of the Zoning Ordinance which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and intent of the Ordinance. (Also, see the Pennsylvania Municipalities Planning Code.)

VEGETATIVE COVERAGE -An area covered with a vegetative material – grass, shrubs, vines, and trees.

VEHICLE BODY SHOP - A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of motor vehicles, provided that all repair and paint work is performed within an enclosed building and all motor vehicle parts, refuse and similar articles are stored within a building or enclosed area. Mechanical repairs, the sale of lubricants, etc., may or may not be included as accessory uses.

VEHICLE, DISMANTLED OR NON-OPERABLE - A vehicle, which does not display the current Pennsylvania State Inspection Certificate and is manifestly incapable of being locomotive in its existing condition. This does not include agricultural machinery and equipment.

VEHICLE, MOBILE/MANUFACTURED HOME AND/OR TRAILER SALES LOT – An open lot, used for the outdoor display or sales of new or used vehicles or motor vehicles, including motorcycles, all terrain vehicles (ATV), snowmobiles, or mobile homes and where minor repair work (other than body and fender) may be done.

VEHICLE REPAIR GARAGE – Building on a lot designed and/or used primarily for mechanical repairs, storage, rental, or servicing of automobiles, trucks, and similar motor vehicles.

VEHICLE WASH - A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services as set forth herein for Gasoline Service Stations.

VETERINARIAN - A qualified professional trained in the care and treatment of animals and in particular domestic animals. For the purpose of the Zoning Ordinance of Miles Township, the term "veterinarian" includes the office, waiting room, examination room, treatment area and overnight quarters for the usual house pets (dogs, cats, birds, hamsters, and the like). See also Animal Hospital.

VETERINARY - See definition of Animal Hospital.

WALKWAY - An area designed for pedestrians constructed to the standards set forth in the Miles Township Subdivision and Land Development Ordinance.

WATERCOURSE - A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow (per Chapter 105, PADEP regulations).

WETLANDS - Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do

support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**WHOLESALE, STORAGE AND WAREHOUSING** - A building or group of buildings primarily used for the storage, transfer and distribution of products and materials.

**YARD** -A space open to the sky and unoccupied by any building, structure, or merchandise for display, sale, or storage, located on the same lot with a building or structure.

A. **YARD, BUFFER** - A space open to the sky and unoccupied by any building, structure, or merchandise for display, sale, or storage, located on the same lot with a building or structure, but in addition to and outside of the required front yard, rear yard, and side yards.

B. **YARD, FRONT** - An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the required building setback line. The depth of the front yard shall be measured from the street line into the required building setback line. On a corner lot there shall be a front yard along the street line.

C. **YARD, REAR** - An open unoccupied space on the same lot with a main building, extending the full width of the lot, situated between the rear line of the lot, and required building setback line. The depth of the rear yard shall be measured between the rear line of the lot and the required building setback line. A building shall not extend into the required rear yard. On a corner lot, the rear yard should be the yard area opposite the street of address.

D. **YARD, SIDE** - an open unoccupied space in the same lot with the building between the side line of the lot and required building setback line. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards. On a corner lot, there should only be one side yard.

**YIELD PLAN** - One of two methods of determining the maximum number of permitted dwelling units in Rural Residential Districts where the yield plan is a conceptual layout plan in accordance with the standards of the Subdivision and Land Development Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although the yield plan is drawn to scale, it need not be based on a field survey. The yield plan is based on a chosen density factor of a given conservation subdivision option and is applied to the gross tract acreage. The other method is the adjusted tract area approach.

**ZONING** - A police power measure, enacted primarily by general-purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established as well as regulations governing lot size, building bulk, placement, and other development standards. (Also, see the Pennsylvania Municipalities Planning Code)

**ZONING DISTRICT** - A section of a municipality designated in the zoning ordinance text and delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

**ZONING MAP** - The map delineating the boundaries of districts which along with the zoning text, comprises the zoning ordinance.

**ZONING PERMIT** - A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of the municipal zoning ordinance or authorized variance therefore.

## ARTICLE III

### Designation of Districts – Zone Districts, Zoning Map, Boundaries Between Districts, Interpretation of Boundaries

#### Designation of Districts

For the purpose of this Ordinance, the Township of Miles is hereby divided into districts, which shall be designated as follows:

- FC - Forested Conservation District
- A - Agriculture District
- RR - Rural Residential District
- V - Village, and Business Districts
- FO - Floodplain Overlay District

#### Zoning Map

The locations and boundaries of said districts shall be as shown upon the map attached to and made part of this Ordinance which map shall be designated "Miles Township Zoning Map". The said map, notations, references and data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

#### District Boundaries

The boundaries between districts are as shown by lines properly identified as District Boundary Lines and shown on the Zoning Map. Where uncertainty exists as to boundaries of any districts as shown on said map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, railroad lines or streams, such centerlines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersection of lot lines, such lines shall be said district boundaries.



C. Where district boundaries are so indicated that they are approximately parallel to centerlines of streets and highways, such district boundaries shall be construed as parallel thereto and at such distances therefore as indicated on the Zoning Map.

D. Un-subdivided land or where a district boundary divides a lot, the location of such boundary, unless dimensions indicate the same, shall be determined by the use of the scale appearing on the map.

### **Interpretation of Boundaries**

In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the zoning map as to location of district boundaries.

### **Use Adjustment on District Boundaries**

In un-subdivided land where a district boundary line divides a lot held in single and separate ownership, the following rules shall apply:

A. The use in a less restrictive district may extend over the portion of the lot in the more restrictive district a distance of not more than fifty feet (50') beyond the district boundary line providing such extension does not extend to the frontage of the less restrictive district along a street.

B. The frontage of the less restricted district may extend over the portion of the lot in the more restricted district a distance of not more than fifty feet (50') beyond the district line providing a special exception is granted by the Zoning Hearing Board.

### **Application of Regulations**

Except as herein provided:

A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformance with the regulations herein specified for the district in which it is located.

B. No building shall hereafter be erected, altered or moved:

(1.) That would exceed the height.

(2.) That would occupy a greater percentage of lot area.

(3.) That would have narrower, smaller rear yards, side yards or front yards.

(4.) That would provide less than the minimum habitable floor area.

## **ARTICLE IV**

### **Forest Conservation – (FC)**

#### **Intent**

The Forested Conservation (FC) District is established for the following purposes:

- A. To retain the Township's forested resources.
- B. To promote, protect and facilitate the preservation of natural and scenic values in the environment and to conserve forests in accordance with Section 604(1) of the Pennsylvania Municipalities Planning Code (PA MPC), Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- C. To give high priority to protecting continuous areas of forested lands, which provide connectivity and habitat for plants and animals and help to maintain the ecological process and to prevent fragmentation of these resources.
- D. To recognize the Township's forested resources as a part of a larger ecological system in the Penns Valley Region, Centre County and the State Forest District and to continue protection measures of resources at the fringes of this system.

#### **Permitted Uses**

- A. Uses are permitted by right or conditional use in accordance with the Forested Conservation Use Schedule listed below.
- B. Uses in the Forest Conservation District may be subject to additional criteria in the Use Regulations, Article IX; and General Regulations, Article X of this chapter.
- C. Accessory uses shall be permitted in accordance with the Forested Conservation Use Schedule, the Use Regulations, Article IX; and General Regulations, Article X of this chapter.

## Forest Conservation (FC) Use Schedule

### Primary Permitted Uses

Agricultural operations  
Bed and Breakfast Inn  
Cemeteries  
Churches and similar place of religious worship  
Clubs, lodges, fraternal organizations  
Fish and wildlife management areas  
Forestry  
Nature preserves and wildlife refuges  
Public and private schools  
Seasonal dwellings  
Silviculture  
Single family detached dwelling unit  
Veterinary services, including animal hospital

### Conditional Uses

Camps, campgrounds, and recreational vehicle parks  
Communication, transmitting and receiving facilities  
Essential services/facilities for the distribution of utility services  
Sawmill  
Wind energy facilities (commercial)

### Accessory Uses

Customary accessory uses and buildings incidental to any principal uses  
Farmstead accessory dwelling unit  
Farmstead business or accessory businesses  
Private garages/barns, playhouses, garden houses or greenhouses not used for commercial purposes  
Private swimming pools  
Professional and other home occupations  
Wind turbines, personal use

## **Area and Bulk Regulations**

### A. Setback requirements for principal and accessory buildings.

- (1.) Front Yard Setback – 25 feet
- (2.) Side Yard Setback – 10 feet
- (3.) Rear Yard Setback – 25 feet

### B. Minimum Lot Size –

- (1.) One (1) acre – Residential and business uses
- (2.) Two (2) acres – Agriculture uses

### C. Maximum Building Height Requirements.

- (1.) Residential and business uses – 40 feet.
- (2.) Agricultural uses – 55 feet
- (3.) Agricultural silos – 120 feet

### D. Maximum impervious lot coverage shall be forty percent (40%).

**Off-Street Parking Requirements.** Off-street parking for the FC District shall be in accordance with Article XII of this Chapter.

**Sign Regulations.** Sign regulations for the FC District shall be in accordance with Article XIII of this Chapter.

## **ARTICLE V**

### **Agriculture District – (A)**

#### **Intent**

The Agriculture (A) District is established for the following purposes:

- A. To retain the Township's rural character, protect farms, and natural resources.
- B. To preserve prime agriculture and farmland considering topography, soil type and classification, in accordance with Section 603c (7) of the Pennsylvania Municipalities Planning Code (PA MPC), Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- C. To preserve agriculture operations, underlain with prime agriculture soils and a long-term probability for the continuation of farming, either through landownership or lease-hold opportunities.
- D. To sustain agriculture activities by permitting accessory businesses on the farmstead and home occupations provided the activity meets conditions that will prevent added stress on roadways and will protect environmental features and natural resources.
- E. To give high priority to protecting continuous areas of prime agriculture soils (as described by the PA MPC) as land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services Centre County soil survey. This protection is provided through the restriction of activities that would promote the conversion of these lands to non-agriculture activities and forever diminish their agriculture value.
- F. To provide for freestanding businesses and industries that are compatible with the agricultural and forested areas provided the activity meets specific conditions that will prevent added stress on roadways and will protect environmental features and natural resources.

#### **Permitted Uses**

- A. All uses are permitted by right or conditional use in accordance with the Agricultural Use Schedule listed below.
- B. All uses in the Agricultural District shall be in compliance with applicable articles in this ordinance, as amended.
- C. Accessory uses and reuse of existing buildings shall be permitted in accordance with the Agricultural Use Schedule.

## Agriculture Use Schedule – (A)

### Permitted Primary Uses

Agricultural operations  
Bed and Breakfast Inn  
Cemeteries  
Churches and similar place of religious worship  
Clubs, lodges, fraternal organizations  
Commercial greenhouse, garden center or plant nursery  
Farm related sales & services  
Fish and wildlife management areas  
Forestry  
Nature preserves and wildlife refuges  
Public and private schools  
Riding academy and/ or boarding stables  
Seasonal dwelling units  
Single family detached dwelling unit  
Veterinary services, including animal hospital

### Conditional Uses

Airport - aircraft facilities  
Auction house  
Camps, campgrounds, and recreational vehicle parks  
Communication, transmitting and receiving facilities  
Continuing care retirement facility  
Essential services/facilities for the distribution of utility services  
Golf courses  
Intensive agriculture, such as confined animal feeding operations and stock yards  
Junkyards  
Manufacturing  
Quarries and mineral extraction  
Sawmill  
Skeet, rifle, and archery range  
Vehicle body shop and repair garage  
Vehicle, manufactured home, farm equipment sales lot  
Wholesale storage and warehousing

## **Agriculture Use Schedule – (A)**

### **Accessory Uses**

Agricultural produce stands Beauty and barber shops Customary accessory uses and buildings incidental to any principal uses Farmstead accessory dwelling unit Farmstead business or accessory businesses Kennels Manure storage facilities Non-commercial keeping of animals Private garages/barns, playhouses, garden houses or greenhouses not used for commercial purposes Private swimming pools Professional and other home occupations Wind turbines, personal use
---

### **Area and Bulk Regulations**

- A. Setback requirements for principal and accessory buildings.
  - (1.) Front Yard Setback – 25 feet
  - (2.) Side Yard Setback – 10 feet
  - (3.) Rear Yard Setback – 25 feet
- B. Minimum Lot Size –
  - (3.) One (1) acre – Residential and business uses
  - (4.) Two (2) acres – Agriculture uses
- C. Maximum Building Height Requirements.
  - (1.) Residential and business uses – 40 feet.
  - (2.) Agricultural uses – 55 feet
  - (3.) Agricultural silos – 120 feet
- D. Maximum impervious lot coverage shall be forty percent (40%).

**Off-Street Parking Requirements.** Off-street parking for the A District shall be in accordance with Article XII of this Chapter.

**Sign Regulations.** Sign regulations for the A District shall be in accordance with Article XIII of this Chapter.



## ARTICLE VI

### Rural Residential District – (RR)

#### Intent

The Rural Residential (RR) District is established for the following purposes:

- A. To preserve the rural character of Miles Township and to protect natural resources and environmental features by providing a range and style of compatible low-density residential uses, agriculture, commercial, recreational and accessory uses that will retain large quantities of open space and stabilize natural resource loss and maintain land values.
- B. To promote a development style that will minimize the cost to the Township for services and infrastructure.
- C. To recognize the community's values regarding these rural areas as set forth in the Penns Valley Region Comprehensive Plan, Future Land Use Chapter. The focus for Rural Residential is the protection of environmental features and conservation of open space by integrating greenways and/ or wide expanses of undeveloped agricultural lands with concentrated areas of development.

#### 51-6-2. Permitted Uses

- A. All uses are permitted by right or conditional use in accordance with the Rural Residential Use Schedule listed below.
- B. All uses in the Rural Residential District shall be in compliance with applicable articles in this ordinance, as amended.
- C. Accessory uses shall be permitted in accordance with the Rural Residential Use Schedule and with applicable articles in this ordinance, as amended.

#### Permitted Primary Uses

Churches and similar place of religious worship Clubs, lodges, fraternal organizations Public and Private recreation areas Public and private schools Single family detached dwelling unit
--

## **Conditional Uses**

Essential services/ facilities for the distribution of utility services
---

## **Accessory Uses**

Agricultural activity Beauty and barber shops Customary accessory uses and buildings incidental to any principal uses Private garages/barns, playhouses, garden houses or greenhouses not used for commercial purposes Private swimming pools Professional and other home occupations Wind turbines (personal use)
--

## **Area and Bulk Regulations**

- A. Setback requirements for principal and accessory buildings.
  - (1.) Front Yard Setback – 25 feet
  - (2.) Side Yard Setback – 10 feet
  - (3.) Rear Yard Setback – 25 feet
- B. Minimum Lot Size – One (1) acre
- C. Maximum Building Height Requirements.
  - (1.) The maximum building height for buildings shall be forty feet (40’).
- D. Maximum impervious lot coverage shall be forty percent (40%).

## **Off-Street Parking Requirements.**

Off-street parking for the Rural Residential District shall be in accordance with Article XII of this Chapter.

## **Sign Regulations.**

Sign regulations for the Rural Residential District shall be in accordance with Article XIII of this Chapter.

## ARTICLE VII

### Village District – (V)

#### Intent

The Village (V) District is established for the following purposes:

- A. To recognize the original settlement patterns of Miles Township's villages - Madisonburg, Rebersburg, Smullton, Spring Bank, Livonia, Wolfs Store. These villages represent the Township's Traditional Neighborhood Development.
- B. To be consistent with the objectives for a Traditional Neighborhood Development, set forth in the Pennsylvania Municipalities Planning Code (PA MPC), Act of 1968, P.L. 805, No. 247 as reenacted and amended. Specific objectives include retaining a community which is pedestrian oriented; providing services, community facilities, and workplaces within walking distance to residences; and maintaining the historic community character.
- C. To be consistent with specific objectives set forth in the Penns Valley Region Comprehensive Plan, as amended. These objectives include promoting a mixed-use village-style development; supporting residential and business uses.
- D. To recognize the community's values regarding the Village designation as set forth in the Penns Valley Region Comprehensive Plan, Future Land Use Initiatives. The focus for the Village designation is the rehabilitation, maintenance, and use of the original village structures; the accommodation of ancillary, small shops and businesses compatible with the historic and residential character of the community; and the recognition that the Village designation will continue to be the densest single-family residential neighborhood in the Township.

#### Permitted Uses

- A. All uses are permitted by right or conditional use in accordance with the Village Use Schedule listed below.
- B. All uses in the Village District shall be in compliance with applicable articles in this ordinance, as amended.
- C. Accessory uses and reuse of existing buildings shall be permitted in accordance with the Village Use Schedule.
- D. Adaptive use of existing alleyway barns and garages or use of new alleyway buildings shall be permitted in accordance with the Village Use Schedule.

## Village Use Schedule – (V)

### Permitted Primary Uses

Artist studios and galleries  
Bed and Breakfast Inn  
Boarding/ rooming house  
Cemeteries  
Churches and similar places of worship  
Clubs, lodges, and fraternal organizations  
Convenience store, without gasoline sales  
Hotels, motels, inns  
Government buildings and facilities  
Multi-family dwelling unit  
Museum  
Personal service establishment  
Professional offices  
Public and private recreation areas  
Public and private schools  
Residential conversion  
Restaurant  
Retail businesses  
Single family detached dwelling unit  
Single family semi-detached dwelling unit  
Theatre, excluding adult business  
Vehicle repair garage

### Conditional Uses

Essential services/ facilities for the distribution of utility services

## Village Use Schedule – (V)

### Accessory Uses

Agricultural activity Beauty and barber shops Customary accessory uses and buildings incidental to any principal uses Gift or floral shop Parking lot Print shop Private garages/barns, playhouses, garden houses or greenhouses not used for commercial purposes Private swimming pools Professional and other home occupations Wind turbines (personal use)
--

### Area and Bulk Regulations

- A. Setback requirements for principal buildings. The setbacks shall retain the existing character of the block in which it is situated. All setbacks shall be measured from the right-of-way lines for the lot or multiple lots within the deed of record.
- (1.) The front yard building setback shall be dependent on the characteristics of existing developed lots in the block and the primary point of access. All principal buildings shall front on a street, unless the only access to the lot as of the effective date of this Ordinance is by an alleyway, in which case the lot may front on the alleyway.
- Front yard setbacks shall conform to the setbacks of the existing principal structures on the developed lots, in that, the front yard setback on the lot shall not be less than the developed lot with the least front yard setback nor greater than the developed lot with the largest front yard setback as measured from the right-of-way line.
- (2.) Side yard setbacks for principal structures shall be a minimum of five feet (5') on one side of the lot and may be located along the identified opposite side yard property line.
- (3.) Rear yard setback for the principal structure shall be a minimum of thirty feet (30').
- (4.) Rear yard accessory buildings, detached garages, and barns shall be permitted along the identified property and right-of-way lines.

B. Maximum Building Height Requirements.

(1.) The maximum building height for buildings shall be forty feet (40').

C. Maximum impervious lot coverage shall be sixty percent (60%).

**Off-Street Parking Requirements.**

Off-street parking for the Village District shall be in accordance with Article XII of this Chapter.

**Sign Regulations.**

Sign regulations for the Village District shall be in accordance with Article XIII of this Chapter.

## **ARTICLE VIII**

### **FLOODPLAIN DISTRICT (OVERLAY DISTRICT)**

It is the intention of this district classification to provide special regulations to protect life and property, and to minimize or eliminate economic and personal loss, and public cost of rescue and cleanup, due to flooding. The specific provisions and regulations concerning the areas within the Floodplain District may be found in the Miles Township Floodplain Management Ordinance. Compliance with the regulations of the Floodplain Management Ordinance and the underlying Zoning District are mandatory.

#### **FLOODPLAIN DISTRICT BOUNDARY CHANGES**

The boundary of the Floodplain District shall be as shown on the most recent Flood Insurance Rate Map, as published by the Federal Emergency Management Agency, which is herein adopted and incorporated into this Ordinance by reference. Should FEMA publish an updated version of the FIRM, said map shall supersede the existing map, without formal amendment of this Ordinance.

## **Article IX**

### **Use Regulations**

#### **Specific Standards for Designated Uses**

- A. In addition to the general criteria for uses within a particular district, and general regulations established in Article X, this Article sets forth standards that shall be applied to each individual use identified herein. The standards of this Article must be satisfied before approval of any application for a conditional use or zoning permit, as applicable. The criteria for conditional uses in this Article shall be in addition to the general criteria for conditional uses set forth in Article XIV, as applicable. The applicant shall be responsible for providing evidence and demonstrating compliance with all applicable standards.
- B. All uses identified in this Article must comply with the general regulations for the District in which the use is to be located, unless different or inconsistent standards are established by this Article, in which case the standards in this Article shall take precedent.

#### **Residential Uses**

##### **Halfway House**

- A. Prior to application, a copy of the applicable State laws and regulations governing such facilities must be furnished by the applicant to the Township.
- B. A halfway house must be licensed where required by an appropriate government agency, in addition, shall comply with all applicable rules and regulations of the licensing body. A copy of any required license must be delivered to the Township prior to beginning the use.
- C. A halfway house shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the house.
- D. The halfway house shall be limited to eight (8) residents.
- E. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
- F. The residents of the halfway house shall reside on-premises to benefit from the services provided.



- G. Necessary permits for water supply and sanitary waste disposal must be obtained.
- H. The halfway house shall not be located within one thousand (1,000') feet of any the following uses:
  - (1.) Amusement park;
  - (2.) Camp (for minors' activity);
  - (3.) Child care facility,
  - (4.) Church or other similar place of worship;
  - (5.) Community center;
  - (6.) Library;
  - (7.) Museum;
  - (8.) Park;
  - (9.) Playground;
  - (10.) School;
  - (11.) Other lands where minors congregate;
  - (12.) Private homes.
- I. The halfway house shall not be located with one thousand (1,000) feet of another halfway house.
- J. Each application shall be accompanied by a statement describing the following:
  - (1.) The character of the halfway house;
  - (2.) The policies and goals of the halfway house, including its management of clients on and off the property, and the means proposed to accomplish those goals,
  - (3.) The characteristics of the residents and number of residents to be served;
  - (4.) The operating methods and procedures to be used, including security measures, enforcement and emergency notification plan; and
  - (5.) Any other facts relevant to the proposed operation of the halfway house.
- K. Any use permit granted for the halfway house shall be bound to the type and number of offenders listed on the application. Any change in the type or number of offenders being housed shall require a new hearing before the decision-making body.

## **Mobile/ Manufactured Home Park**

- A. Mobile/manufactured home parks shall meet the requirements of this zoning ordinance.
- B. A mobile home park shall only include mobile homes of single width or multiple widths, but shall not include travel trailers or motor homes.
- C. Yard and Area Regulations - The following yard setback and lot area regulations shall apply to all mobile home parks developed pursuant to this Section.
  - (1.) Setback from Tract Boundary - No mobile home, auxiliary park buildings and other park structures may be located closer than forty feet (40') to any boundary of a mobile park, regardless of whether that boundary abuts a lot, water body, road or other right-of-way.
  - (2.) Minimum Structure Setbacks –
    - (a) Front Yard - In no case shall the long side of a mobile home be located closer than thirty feet (30') from the edge of the street right-of-way; provided, however, that the short side (ends of unit) of a mobile home may be located no closer to the street right-of-way than twenty-five feet (25'). No more than six (6) mobile homes in a row shall have the same setback distance; where varied setbacks are implemented, the difference shall be at least four feet (4').
    - (b) Side and Rear Yards - No mobile home or accessory building may be located closer than ten feet (10') to any side or rear lot line of an individual mobile home lot.
    - (c.) Distance Between Structures - Mobile homes and roofed structures of areas attached thereto shall be separated from each other, and from other buildings, other than accessory structures, at their closest points by a minimum of twenty feet (20'); provided, however, that whenever two mobile homes have their longer sides parallel or essentially parallel to each other for more than twenty-five percent (25%) of the length of either the minimum distance between the two mobile homes shall be thirty feet (30').
- D. Off-Street Parking and Loading - Pursuant to Article XII of the Miles Township Zoning Ordinance, as amended.
- E. Signs - Pursuant to Article XIII of the Miles Township Zoning Ordinance, as amended.

## **Commercial Uses**

### **Adult-oriented businesses**

A. Permits required. No person shall operate an adult-oriented business without first obtaining a use and occupancy or zoning permit as provided in this Ordinance and all other applicable permits required by law. The permit will be reviewed annually for compliance. The Zoning Officer will also perform regular inspections.

B. Minimum Spacing and Proximity Requirements.

(1.) No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:

(a) No adult entertainment establishment shall be located within five hundred feet (500') of any other adult entertainment establishment.

(b) No such establishment shall be located within five hundred feet (500') feet of the property line of a residential dwelling.

(c) No such establishment shall be located within one thousand feet (1,000') of any parcel of land, which contains any one or more of the following specified land uses:

- (i) Amusement park;
- (ii) Camp (for minors' activity);
- (iii) Child care facility;
- (iv) Church or other similar place of worship;
- (v) Community center;
- (vi) Library
- (vii) Museum;
- (viii) Recreation areas;
- (ix) Playground;
- (x) School;
- (xi) Other lands where minors congregate or any property of which its use is intended for minors;
- (xii) Other public lands.
- (xiii) Residence

(d) The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified in Subparagraph (c) above shall be measured in a straight line, without regard to intervening

structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of said land use.

- C. Visibility from the street. No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade, which depicts, describes, or relates to specified sexual activities and/or specified anatomical areas as defined in the Article II, herein, to be viewed from the exterior of the building.
- D. Any building or structure used and occupied, as an adult regulated facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed.
- E. Signs. No person shall place or cause to be placed or maintained in such a location as can be viewed by persons on any public street, any sign or signs, photographic, pictorial, or other graphic representation, that depict in whole or in part the following:
  - (1.) Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
  - (2.) Scenes where a person displays the vulva or the anus or other genitals.
  - (3.) Scenes where artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above.
  - (4.) Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.
- F. Each and every entrance to the structure shall be posted with a notice of at least four (4) square feet that the use is an adult regulated facility restrict persons under the age of eighteen (18) from entrance.
- G. No unlawful sexual activity or conduct shall be performed or permitted.
- H. Any use or activity prohibited by the Pennsylvania Crimes Codes as amended and further defining the offense of obscenity, redefining obscene and further providing for injunctions shall be prohibited.

## **Taverns and Nightclubs**

- A. The site shall be located a minimum of one thousand (1,000') feet from any school, child or adult daycare facility, community activity center, cultural facility or church or house of worship.
- B. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties owing to hours of operation, light, noise and/or litter.
- C. Buffers and screens shall be in accordance with Article X herein.
- D. Off-street parking shall be provided in accordance with the provisions of Article XII of this Ordinance.
- E. Signs shall be in accordance with Article XIII of this Ordinance.
- F. Necessary permits for water supply and sanitary waste disposal must be obtained.

## **Utility Uses**

### **Communication, Transmitting and Receiving Facilities**

- A. Applicants are required to show compliance with the provisions of this Section and other applicable provisions of the Zoning Ordinance.
- B. Applications for the construction of communications antenna, support structures, and related facilities shall include a written report containing the following:
  - (1.) Information describing the tower height and design.
  - (2.) A cross-section of the structure.
  - (3.) Engineering specifications detailing construction of tower, base, and guy wire anchorage.
  - (4.) Information describing the proposed painting and lighting schemes and a description explaining how the facility will be designed to blend in with its surroundings. Context-sensitive design is encouraged in the area in which it is located, particularly in forested and agriculture areas.
  - (5.) Information describing the tower's capacity, including the number and type of antennas that it can accommodate.

(6.) Written certification of all tower structure information by a licensed professional engineer.

(7.) If the location is proposed for a heritage inventory site, as identified on the Centre County Heritage Inventory or within a forest conservation district an alternatives analysis must be performed to certify that there is not a suitable space on existing sites or structures where the intended facility can be accommodated and function with reasonable modification. This certification shall include:

(a) An inventory of existing antennae support structures within a two (2) mile radius of the proposed site discussing the availability or unavailability of sites and reasons therefore.

(b) Evidence of the applicant's good faith efforts to locate the antenna on an existing structure.

(c) Technological evidence that the facility must go where proposed in order to satisfy its function in the grid system and provide quality of service required by law;

(d) If no alternative site is available, a statement shall be provided regarding any adverse affects the facility would have on fauna, flora, and wildlife habitats.

(8.) Written authorization from the property owner of the proposed site.

C. Applicant shall demonstrate that he/she is licensed by FCC to operate a communication tower and/or communication antenna.

D. All other uses ancillary to the antenna, tower, and associated equipment are prohibited (except accessory equipment buildings) unless otherwise permitted in the zoning district in which the site is located. This includes, but is not limited to, business offices, maintenance depot and vehicle storage.

E. Other standards of approval for antenna support structures and antenna related facilities include the following:

(1.) Setbacks.

(a) Antenna support structures shall be set back from all property lines a distance equal to the yard setbacks applicable to other structures in the zoning district.

(b) The foundation and base of any Communications Tower shall be set back from a property line (not lease line) location in any village district or residence at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.

(c) Structures shall be self-collapsing or have a clear fall area setback equal to the height of the structure and any attached antennae.

(2.) Antenna Support Structure Height.

(a) The maximum height of any single antenna support structure located at a single site for one antenna shall be limited to 15 feet on existing structures or at the lowest height to function at the proposed location, based upon specific engineering data pertaining to the function of the antenna support structure to be supplied to the applicant.

(b) An antenna support structure may exceed the maximum allowable height to allow for the co-location of another antenna; provided that the applicant shows the evidence that, the antenna support structure will be a shared location site.

(c) The height of communication towers should be limited to 200 feet so as not to exceed the nearest ridgeline height.

(3.) Landscaping and Screening.

(a) If the antenna support structure site is located in an area of existing woodlands, the existing woodlands shall not be disturbed or diminished beyond the minimum extent necessary. The existing woodlands shall be supplemented as needed to fully screen antenna support base.

(b) If the site is not wooded, the entire perimeter of the fence surrounding the antenna support structure compound shall be planted with evergreen trees (or other planting as approved by the Board of Supervisors) at least six (6) feet in height at the time of planting. The planting area around the antenna support structure shall have a minimum radius of ten (10) feet. The evergreens shall be planted every five (5) feet on center.

(c) The site shall be landscaped to a density and height sufficient enough to screen the facility base tower and buildings from abutting properties.

(4.) Equipment or Accessory Buildings - Accessory buildings must conform to the yard setbacks as required for the zoning district in which the tower is located.

(5.) Parking - At least two (2) off-street parking spaces shall be provided within the fenced area.

(6.) Security, Maintenance, and Fencing

(a) The site shall be secured by a fence with a minimum height of six (6) feet and maximum height of eight (8) feet to limit accessibility by the general public.

(b) All guy wires shall be clearly marked so as to be visible at all times and shall be located within the fence enclosure.

(c) All equipment and buildings shall be constructed and maintained in accordance with the State Building Code.

(7.) Lighting and Signs

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

(b) All communication towers shall have lights as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency which has jurisdiction.

(8.) Color - Antenna support structures shall be painted in the color that best allows it to blend into the surroundings unless otherwise by the Federal Aviation Administration regulations. The use of grays, blues, brown, and greens may be appropriate.

(9.) Antenna Support Structure Design and Structural Integrity - The owner of the antenna or antenna support structure shall provide a registered professional engineer's report documenting that the structure meets the structural standards of the applicable building code.

(10.) Other

(a) Prior to issuance of a zoning permit for the erection of an antenna or antenna support structure, applicants must receive approval of a land development plan from the Miles Township Board of Supervisors.



The land development plan must provide the information required by all applicable Township Ordinances.

(b) A formal land development plan is not required if the antenna is to be mounted on an existing suitable and sound structure or antenna support structure.

(c) Evidence shall be submitted from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, taking into consideration winds and other loads associated with location.

(d) The applicant, owner, or operator of the antenna shall be licensed by the Federal Communications Commission.

(e) The tower shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable zoning regulations.

(f) Certification of Insurance evidencing general liability in the minimum amount of \$1,000,000 per incident and property damage coverage in the minimum amount of \$1,000,000 per incident is required to cover the tower, antenna, and structures.

#### (11.) Abandonment

(a) If an antenna support structure is unused as evidence by notice to the Federal Communications Commission of intent to cease operations for a continuous period of twelve (12) months after said notice, it shall be deemed abandoned or if the antenna is out of operation for the same time period.

(b) Any antenna support structure or antenna that is deemed to be abandoned must be removed within one hundred and eighty (180) days.

(c) Removal of the antenna support structure shall be the responsibility of the owner of the antenna support structure. At the time of land development plan approval, the owner and/or his successors and assigns of the antenna support structure must enter into an agreement with the Township regarding the removal of an abandoned antenna support structure as herein defined.

(d) In the case of multiple operators sharing the use of a single tower, this provision shall become effective when all users cease operation.

(e) Prior to erection of such facility, the owner shall be bonded for the cost of removal based on an estimated value of removal and shall submit proof of the bond annually.

## **Industrial Uses**

### **Junkyard**

- A. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8') foot high opaque fence which shall be set back at least fifty (50') feet from all property lines and one hundred (100') feet from residentially-zoned or existing residential properties.
- B. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
- C. All completely-enclosed buildings used to store junk shall be set back at least fifty (50') feet from all property lines.
- D. No material may be stored or stacked so that it is visible from adjoining properties and roads.
- E. All additional Federal and State laws shall be satisfied. The applicant shall provide documentation of compliance to the Zoning Officer from the applicable State or Federal agency.
- F. All junk shall be stored or arranged so as to permit access to firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8') feet.
- G. No oil, grease, tires, gasoline, or other similar material shall be burned at any time. No hazardous materials as defined by State and Federal regulations shall be stored or burned at any time.
- H. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, not to cause any offensive or noxious sounds or odors, and not to cause the breeding or harboring of rats, flies, mosquitoes, or other vectors of disease.
- I. No junkyard shall be located on land with a slope in excess of eight (8%) percent, prime agricultural soils, sinkhole prone soils, wetlands, woodlands, or floodplains.

## Quarries and Mineral Extraction

- A. As a part of each application, the applicant shall furnish an accurate survey site plan showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be sealed by a registered professional engineer or a registered professional land surveyor and shall include the following:
- (1.) The boundaries of the proposed affected area, together with drainage area contributing and resulting from the proposed use.
  - (2.) The location and names of the types and resources to be extracted or quarried and names of all natural and manmade features such as streams, roads, railroads, and utility lines on or immediately adjacent to the area.
  - (3.) The purpose for which each building is used and estimated depth of the proposed operation and land area to be excavated with dimensions.
  - (4.) Proposed alterations to watercourses to assure stream quality and quantity and proposed discharge or access to groundwater.
  - (5.) Any proposed fencing and landscaping.
- B. The applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the Board of Supervisors.
- C. The applicant shall present duplicate sets of the plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review to the Board of Supervisors. If such conditional use is granted, the operator shall continue to present such documentation to the Township when it is submitted to the Department of Environmental Protection.
- D. Operation of the facility shall at all times comply with all applicable local, state, and federal statutes and regulations. This shall include, but not be limited to, the Non-Coal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984, P.L. 10993, No. 219, as amended, 52 P.S. 3301 et seq., or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating mining, and the regulations of the Department of Environmental Protection implementing such statutes.
- E. A vegetative screen may be provided. Where adjacent to a residential district or public right-of-way, berms may be constructed with planted trees

and shrubs shall be planted to screen the operation completely from normal view.

- F. The applicant shall demonstrate that the surface and subsurface water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit PA DEP approvals to the Board of Supervisors.
- G. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, locks, gates, and other means to deny access at unauthorized times.
- H. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
- I. Sufficiently-long vehicle stacking lanes into the facility shall be provided so that waiting vehicles to be weighed or loaded will not back-up onto public roads.
- J. All access drives onto the site shall be paved in accordance with the County Subdivision and Land Development Ordinance.
- K. The operator shall maintain and make available to the public at its on-site office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- L. The operator shall provide the Township with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two (2) weeks from the date such notice of violation was received by the operator.
- M. All mining operations shall comply with the following requirements:
  - (1.) Shall not injure or detract from the lawful existing or permitted use of neighboring properties.
  - (2.) Shall not create any damage to the health, safety, or welfare of the Township or its residents or property owners.
  - (3.) Shall not pollute the air in excess of standards set by federal or state statutes or regulations.

(4.) Shall not create noises in excess of permitted levels established by federal or state statutes.

(5.) Shall not exceed the blasting parameters established by the Pennsylvania Department of Environmental Protection.

(6.) Shall not permit the emission of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property damage, including damage to special habitats or natural heritage areas as defined by the Pennsylvania Natural Diversity Inventory at any point beyond the property line of the emission source.

(7.) Shall not impede the flow of natural watercourses.

(8.) The storage of explosives and blasting agents, the bulk storage of flammable or combustible liquids and the bulk storage of liquefied petroleum gas must comply with state and federal regulations applicable to the types of storage stated in this subsection.

(9.) Shall not create storage for junk or accessory junkyard.

- N. At the time of application for a conditional use, a reclamation plan shall also be submitted to the Township as per PA DEP regulations
- O. As a condition of approval, the operator must provide evidence of a PA DEP approved reclamation plan showing that after the termination of operations, they must rehabilitate the area and conform to all applicable federal and state statutes and regulations.
- P. No structures or parking areas shall be located closer than one hundred (100) feet to any property line.
- Q. Waste products or waste containers may be placed within side and rear yards, provided that they are screened from adjoining roads and properties. All such containers shall be set back not less than one hundred (100) feet from any adjoining property. All such containers shall be completely enclosed by a solid fence.
- R. Where screening, plantings or fencing has been installed, such screening, plantings and fencing shall be permanently maintained. All plant materials, which die, shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.

## **Power Generation Facilities**

- A. Every use shall be operated so that it does not emit a dangerous level of heat, glare, radiation, noise, vibration, fumes, odors or other objectionable emission beyond any boundary of the site on which the use is located.
- B. Outdoor storage and waste disposal.
  - (1.) No material or wastes shall be deposited upon a site in such form or manner that it may be transferred off site by natural causes or forces.
  - (2.) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents shall be stored outside in closed containers.
- C. The proposed facility shall comply with all applicable Federal and State air, water quality, environmental and regulatory permits and requirements including but not limited to the permits and approvals listed below. Approval would be contingent upon obtaining required permits and approvals. The applicant shall provide documentation of compliance to the Zoning Officer from the applicable State or Federal agency.
- D. Landscape Requirements
  - (1.) The landscape provisions in this ordinance are intended to encourage development of an attractive working environment for development, to buffer objectionable views, to provide year round landscape, and to provide for the mitigation of environmental impacts. The landscape requirements shall be as provided in this ordinance
  - (2.) Suitable planting and landscaping shall be provided in areas required as setback under the provisions of this ordinance.
  - (3.) Landscaping is not required for side and rear property lines behind the front building setback line for property abutting other industrial zoned property.
  - (4.) Parking shall not be permitted in the landscape setback abutting any street.

E. Emergency Plan of Access

(1.) A written Plan of Access must be provided by the owner in the event of emergency conditions such as fire, assuming the worst condition. The owner's plan of action for emergency access to buildings shall be submitted to the Township's Emergency Management Officer and the fire companies at the time of submission for a building permit.

**Solid Waste Processing and/or Disposal Facilities**

- A. The applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the Board of Supervisors.
- B. The applicant shall present duplicate sets of plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review to the Board of Supervisors. If such conditional use is granted, the operator shall continue to present such documentation to the Township when it is submitted to the Pennsylvania Department of Environmental Protection.
- C. Operation of the facility shall at all times comply with all applicable State and Federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, Recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating waste recycling and recovery and the regulations of the Pennsylvania Department of Environmental Protection implementing such statutes. The applicant shall provide documentation of compliance to the Zoning Officer from the applicable State or Federal agency.
- D. Operation of the facility shall at all times comply with all applicable regulations of the Centre County Solid Waste Authority or any successor agency. Any permits or approvals required by such agency shall be obtained by the applicant and evidence of the grant of such permits or approvals shall be submitted to the Township.
- E. A fence measuring eight (8) feet high shall enclose the facility. The fence used shall have openings less than three (3) inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the facility, with plantings at least thirty-six (36) inches high and placed in a double-staggered row with not less than five (5) feet on center between plants. The vegetation shall be of a variety to obtain a height of at least eight (8) feet at maturity. All screenings, and buffers required by this ordinance shall be provided.

- F. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use.
- G. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, gates, locks, or other means to deny access at unauthorized times.
- H. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
- I. Sufficiently-long vehicle stacking lanes into the facility shall be provided so that vehicles waiting to be weighed or unloaded will not back up onto public roads.
- J. All driveways onto the site shall be paved to a cartway width of 24 (twenty-four feet for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a one hundred (100) foot-long crushed stone section of access drives shall be placed just beyond the preceding one hundred (100) foot paved section to help collect any mud that may be attached to a vehicle's wheels.
- K. The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site.
- L. If the traffic study demonstrates that improvements to Township roads shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network, the applicant shall make such improvements and/or provide or guarantee financial security in an amount sufficient to cover the cost of such improvement.
- M. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- N. The operator shall provide the Township with copies of any notices of violation received from the Pennsylvania Department of Environmental Protection or U.S. Environmental Protection Agency within two (2) weeks from the date such notice of violation was received by the operator.
- O. Litter control measures shall be implemented to prevent scattering of materials.



- P. All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area bounded by solid walls or fences and maintained in such a manner as to cause no public or private nuisance, not to cause any offensive or noxious sounds or odors and not to cause the breeding or harboring of rats, flies, mosquitoes, or other vectors of disease.
- Q. A three hundred (300) foot setback shall be maintained from all property lines during the operation of the recycling or resource recovery facility within which recycling or resource recovery activities shall be permitted.
- R. No structures shall be located closer than three hundred (300) feet to any property line.
- S. Where screening, plantings or fencing has been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials, which die, shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.
- T. The unloading, transfer and deposition of materials shall be continuously supervised by a qualified facility operator. Vibrations and emissions into the air shall not be permitted outside the property. All regulations relating to the control of noise shall be observed.

## Article X

### General Regulations

#### Purpose

The regulations set forth by this Article shall be minimum regulations and shall apply uniformly to each class of land use or kind of structure, except as provided herein.

#### Accessory Structures and Uses

A. Unless otherwise indicated in District Regulations or Article IX, Use Regulations, the following requirements shall apply to accessory structures and uses, in any district in which they occur.

**(1.) Attached Structures.** An accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.

**(2.) Non-attached Structures.** A non-attached structure, standing apart from the principal structure, shall meet the following requirements:

(a) No accessory structure, except accessory structures on farmsteads or farm parcels as defined herein, agriculture roadside stands, telephone booths, and school bus shelters, shall be built within any front yard unless approved by the Board of Supervisors as a conditional use.

(b) A structure, other than a utility shed, may be built in a side yard or rear yard, provided that such accessory structure shall be located not less than ten (10) feet from any lot line.

(c) A utility shed may be built in a side yard or rear yard on any lot which the principal structure is a dwelling, provided that such utility shed shall be located not less than five (5) feet from any lot line.

(d) Accessory structures shall not be placed within a public right-of-way.

**(3.) Fences and Walls.** The following regulations shall apply to the height and location of fences and walls.

(a) No fence or wall (except a retaining wall, a wall of a building under the terms of this Ordinance, or a wall or fence in accordance with Article IX, Use Regulations, of this Ordinance) shall be erected to a height of more than four (4) feet in the front yard area and more than six (6) feet in any other yard area except for industrial uses.

(b) No fence or wall (except a retaining wall, a wall of a building under the terms of this Ordinance, or a wall or fence in accordance with Article IX, Use Regulations, of this Ordinance) shall be erected to a height of more than eight (8) feet in any yard of industrial uses.

(c) No fencing shall be erected which inhibits the sight distance at a street intersection or driveway or the clear sight triangle as established in the Centre County Subdivision and Land Development Ordinance.

**(4.) Swimming Pools.** Every outdoor swimming pool must conform to all applicable Township and State codes and shall be subject to the following regulations

(a) No swimming pool shall be constructed in the front yard.

(b) Swimming pool setback shall be a minimum of ten feet (10') from property line, septic tank, and absorption area to waters edge and seven feet (7) from impervious surface or support structure to property line.

(c) Water may not be discharged from a swimming pool directly onto adjacent properties or rights-of-way.

(d) Pools shall not be located over or within ten feet (10) of an on-lot septic system drain field or tank.

(e) Any swimming pool shall be completely surrounded by a fence.

(i) Such enclosure shall be at least four (4) feet in height, constructed of masonry, wood, or metal, or some other durable material with apertures no larger than three (3) inches, equipped with a self closing gate and complete with a key—operated lock

(ii) Every person maintaining a private swimming pool shall keep the gate closed and locked at all times when said pool is not in use by the person maintaining the same, his family or his guests.

**(5.) Forestry Operations.** To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land and forestry activities, including, but not limited to timber harvesting, and to be in compliance with the Pennsylvania Municipalities Planning Code, as amended, forestry shall be a permitted use by right in all zoning districts. The following standards apply to all commercial timber harvesting within the Township as defined herein. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

The following requirements shall apply to all timber harvesting operations in the Township:

(a) Documentation of compliance with the requirements of all applicable state regulations including, but not limited to, the following: erosion and sedimentation control regulation contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. 691.1 et seq; and Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. 693.1 et seq.).

(b) Responsibility for Road Maintenance and Repair: Road Bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the land owner and the operator shall be responsible for repairing any damage to Township roads, where weight limits have been set, caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.

(c) Violations Notices; Suspensions. Upon finding that a timber harvesting operation is in violation of any provision of these standards and regulations, the Township shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken and compliance achieved. The Township may order the immediate suspension of any operation upon finding that corrective action has not been taken by the date specified in a notice of violation. Suspension orders shall be in writing, shall be issued to the operator and the owner, and shall remain in effect until, as determined by the Township, the operation is brought into compliance with the regulations herein or other applicable statutes or regulations.

**(6.) Public Utility Structures.** Public utility structures shall be permitted in any district without regard to the use and area regulations, provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations.

(a) Front, side and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.

(b) Height shall be as required by district regulations.

(c) Un-housed equipment shall be enclosed with a chain link fence six feet (6') in height.

(d) Housed equipment, when the equipment is totally enclosed within a building, no fence or screen planting shall be required, however, the yard areas shall be in conformity with the district in which the facility is located.

(e) Screen planting – the required fence for the un-housed equipment shall be surrounded by an evergreen planting.

(f) The external design of the building or structure shall be in conformity with the buildings in the districts.

(g) Plans of the facility shall be submitted to the Township for review and approval.

### **Lot Standards**

A. Lot Area. The area, width and depth of lots shall provide adequate area for off-street loading, unloading, and/or parking space. Parcels with on-lot wastewater facilities shall be provided with area in addition to the above-mentioned areas to accommodate an on-lot wastewater system and a replacement area.

B. Yard and Setbacks.

(1.) Setbacks to Prevent Obstructions to Vision.

(a) Walks, fences, signs, and vegetation shall not be permitted which cause danger to traffic on any street by obscuring the view.

(b) A clear sight triangle in accordance with the County Subdivision and Land Development Ordinance shall be maintained and free from visual obstructions.

(2.) All front setbacks shall be measured from the right-of-way defined by this Ordinance.

(3.) Corner Lots. A front setback shall be required from each street on a corner lot. The rear yard shall be the yard opposite the yard designated by the property owner as the front and shall meet the rear yard requirements. The remaining yard shall meet the side yard requirements.

(4.) Reverse Frontage Lots or Through-Lots. A front setback shall be required from each street, excluding alleyways, on reverse frontage or through-lots.

(5.) Building Extensions within the Setback.

(a) Cornices, chimneys, steps, stoops, canopies, and similar extensions including fire escapes and eaves may be within the minimum front, side, and rear yard setback.

(b) Covered porches and patios, whether enclosed or unenclosed, shall be considered a part of the main building and shall not project into any building setback area.

## **Building and Structure Requirements**

A. Height Regulations. The following height regulations shall apply throughout the Township.

(1.) The height regulations do not apply to the following structures or projections, provided that such structures or projections are set back a horizontal distance from the property line at least equal to their height measured from ground level.

(a) Telecommunications towers, water towers, antennas, utility poles, smokestacks, farm silos, windmills, flagpoles, sports facilities, arenas, and stadiums.

(2.) In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

C. Unenclosed Storage.

(1.) Recreational vehicles, boats, campers, trailers and trucks. In the Village Districts, no boats, campers, recreational vehicles, trailers, and/or trucks with more than two (2) axles, except personal pickup trucks, shall be stored or parked within any front yard.

(2.) Outdoor stockpiling. In all districts with the exception of industrial uses, no outdoor stockpiling of any material is permitted in the front yard or alleyways. All districts shall meet the following regulations, as applicable.

E. Demolition of Structures. Demolition of any structure must be completed within three (3) months of the issuance of a permit. "Completion" consists of tearing the structure down to grade, filling any resulting cavity to grade (non-cellar) and removing all resulting materials from the lot, with the exception of farm parcels, which shall be completed within six (6) months. Permits will be issued by the Building Code Officer.

## **Buffer Yards and Screening**

A. Location.

(1.) Buffer yards shall be required for all nonresidential uses, with the exception of agricultural activities, abutting residential uses and/or abutting or within V and RR (development areas), except as provided in Subsections 3 and 4 below and

in accordance with District Regulations. The buffer yard shall extend the entire length or width of the property line adjoining the V and RR development area.

(2.) Screening and landscaping, shall be provided for all nonresidential uses when abutting a residential use and/or abutting or within a residential district.

(3.) Where arterial or collector streets or railroads serve as district boundary, no such buffering or screening is required along the boundary line.

(4.) In the Village District, no buffer yards shall be required.

#### **B. Description.**

(1.) The buffer yard widths shall be in accordance with the following:

(a) Commercial and institutional uses: Fifteen feet (15').

(b) Industrial uses: Twenty feet (20').

(2.) Buffer yards and screening shall be designed in accordance with this Ordinance in Article IX, Use Regulations.

(3.) All buffer yards shall be planted with grass, seed, sod, or ground cover, shall be maintained, and shall be kept clean of all debris, rubbish, and weed in conformance with existing regulations.

(4.) No structure, manufacturing or processing activity, parking (including driveways other than those necessary for access to the lot in question), or storage of materials shall be permitted in the buffer yard, unless otherwise stipulated in District Regulations and Article IX, Use Regulations.

(5.) Buffer yards may coincide within any required building setbacks.

#### **Illumination**

All exterior lighting, and illumination of any sign, shall be arranged and shielded with full cut-off luminaries to prevent illumination or glare upon adjoining properties and/or public right.

#### **Access Drives and Driveways**

The development of all access drives and driveways shall meet the requirements of all State, County, and Local Regulations.

## **Drainage**

No principal building or accessory building or structure shall be erected, structurally altered or relocated on land which is not adequately drained at all times. In addition all work must conform to all State, County, and Local Regulations.

## **Environmental Performance Standard**

A. Hereafter, all uses of land, buildings and structures or industrial processes shall be prohibited that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration, vehicle operations or emissions, or similar substances or conditions; provided, however, that any uses may be permitted as provided in each district, if adequate provisions and safeguards to protect the health, safety, morals, and the general welfare of the community are established by a written agreement, subject to the securing of a permit and subject to the carrying out of such provisions, restrictions, and safeguards.

B. All uses shall operate in compliance with applicable State and Federal regulations, as amended, including but not limited to the following regulations:

(1.) Noise pollution and vibration. "rules and regulations" of the Pennsylvania Department of Environmental Protection.

(2.) Air pollution, airborne emissions and odor. "rules and regulations" of the Pennsylvania Department of Environmental Protection.

(3.) Water pollution. The Clean Streams Law, June 22, 1937, P.L. 1987, 35 P.S. §691.1, as amended.

(4.) Mine, reclamation, and open pit setback. "Noncoal Surface Mining Conservation and Reclamation Act, December 19, 1984, P.L. 1093, No. 219.

(5.) Glare and heat. "rules and regulations of the Pennsylvania Department of Environmental Protection.

(6.) Handicap access. The latest version of the American Disabilities Act.

## **Uses Not Provided For**

Whenever under this Ordinance a use is not specifically permitted, the Zoning Officer shall refer to the North American Industry Classification System Manual, as amended, for the appropriate classification in accordance with the approved uses in that zoning district, however in those cases that the use is not described or classified and/or the zoning permit has been denied and an applicant makes



an application to the Zoning Officer for such use, the Zoning Officer shall refer the case to the Zoning Hearing Board to hear and decide such request (provided that the applicant pays the appropriate fees).

The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the PA Municipalities Planning Code, Act 247, as amended. The use may be permitted if it is similar to and compatible with the permitted uses in the district in which the subject property is located, is not permitted in any other district under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use would not be detrimental to the public health, safety, morals, and welfare of the area.

**Agriculture Nuisance Disclaimer.**

All lands in Miles Township are located within an area where land is used for agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery or any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that applicable laws of the Commonwealth of Pennsylvania may bar them from obtaining a legal judgment against such normal agricultural operations.

## Article XI

### Nonconformities

#### General Regulations

All lawful uses of land or of a building, sign or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold or maintained even though such use may not conform to the use, height, area, yard and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following requirements.

#### Nonconforming Structures

- A. Continuation. Any nonconforming structure existing on the effective date of this Ordinance or created by an amendment to this Ordinance may continue although such structure does not conform to the dimensional requirements of this Ordinance.
- B. Restoration. A nonconforming structure, which has been damaged or destroyed by fire, explosion, windstorm, or other natural or criminal acts, shall meet the following restoration requirements.
  - (1.) A nonconforming structure with damage affecting not more than seventy-five percent (75%) of its market value may be reconstructed providing the structure is restored to meet the following requirements.
    - (a) The restored structure shall not exceed the height, area, and volume of the original damaged structure.
    - (b) The restoration of the structure shall commence within one (1) year from the date the structure was damaged and shall continue uninterrupted, otherwise the nonconforming structure status shall be void.
  - (2.) A nonconforming structure with damage in excess of seventy-five percent (75%) of its market value, shall not be repaired, reconstructed, or used, unless in conformity with the regulations of this Ordinance; unless, the property owner demonstrates a hardship before the Zoning Hearing Board and a variance is granted.
  - (3.) All nonconforming signs and billboards, and similar structures, when discontinued for a period of six (6) months or damaged to an extent of fifty (50%) percent or more of replacement costs, shall not be continued, repaired, or reconstructed.

- C. Demolition. In the event any nonconforming building is destroyed or partially destroyed and the owner has determined reconstruction / restoration infeasible, the owner will be responsible for the complete removal of the structure and debris as well as the filling of any excavated areas.
- D. Extension or Alteration. The following requirements shall apply to the extension or alteration of structures.
  - (1.) A nonconforming structure may be extended or altered, providing the extension or alteration conforms to all dimensional requirements and all other applicable regulations of this Ordinance.
  - (2.) Where a structure is nonconforming as to a required side yard or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard than the extension of the original building line.
  - (3.) The proposed alteration will not cause an increased detrimental effect on the surrounding neighborhood.

### **Nonconforming Lots**

- A. Continuation. Any nonconforming lot, due to its lot area or lot width, existing as of the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such lot does not conform to the lot requirements for the district in which it is located.
- B. Development. The following requirements apply to the development and use of the nonconforming lot in accordance with the Pennsylvania Department of Environmental Protection Planning Module.
  - (1.) All the requirements of this Ordinance shall be met with the exception of lot area and lot width. Furthermore, no lot shall be developed unless the following requirements are met.
    - (a) Each lot shall have an approved on-lot water and wastewater system or access to public water and public sewer. Additionally, for those lots utilizing on-lot water the minimum required isolation distance between the well and the on-lot wastewater system shall be provided.
    - (b) In residential districts, only one (1) single family dwelling may be erected and the following minimum side yards shall be provided.
      - (i) Interior lots with a width of fifty (50') feet or more, two (2) side yards shall be provided as required by the district regulations.
      - (ii) Corner lots with a width of fifty (50') feet or more, two (2) front yards

shall be provided. The front yard opposite the interior side yard may be reduced by the number of feet the lot width is less than the district required, but may not be reduced to less than the minimum side yard. The side yard shall be provided as required by the district regulations.

(iii) On lots less than fifty (50') but not less than twenty-seven (27') feet in width, two (2) side yards shall be provided, each equaling twenty percent (20%) of the lot width.

(c) On a lot for commercial and industrial uses, the required side yards shall be determined by the Zoning Hearing Board upon application for a variance based on the same criteria as above for residential structures.

(2.) Where possible, contiguous parcels under common ownership shall be re-platted to create conforming lots.

### **Nonconforming Uses**

A. Continuation. Any nonconforming use existing on the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. Change in ownership or possession of the use or property shall not prevent the continuance of the nonconforming use.

B. Extension. Extension of the nonconforming use shall be approved by the Zoning Officer subject to the following standards.

(1.) Extensions shall be limited to the lot occupying the use or a contiguous lot held in common ownership at the time the use became nonconforming.

(2.) The extension of the nonconforming use shall not replace a conforming use.

(3.) The extension shall conform to the requirements of the underlying district and applicable supplementary regulations including, but not limited to lot, building, setback, coverage, buffering, height, parking and sign requirements.

(4.) The extension of uses within structures shall not exceed an increase of twenty-five (25%) of the gross floor area occupied by the nonconforming use at the time of the enactment of this Ordinance.

C. Change of Use. The following regulations shall apply to the change of nonconforming uses.

- (1.) A nonconforming use changed to a conforming use shall not be permitted to be changed back to a nonconforming use.
- (2.) A nonconforming use shall be permitted to be changed to another nonconforming use upon application to the Zoning Officer and in accordance with this Ordinance and the following standards.
  - (a) The applicant shall show the nonconforming use cannot be changed reasonably to a permitted use.
  - (b) The applicant shall demonstrate the change will be less objectionable in external effects than the existing nonconforming use including, but not limited to:
    - (i) Traffic impact.
    - (ii) Environmental impact (e.g., noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration)
    - (iii) Solid waste disposal.
    - (iv) Appearance.
  - (c) The applicant shall demonstrate the change will meet other requirements of this Ordinance, including parking and loading, buffering, and signage.

D. Abandonment, Discontinuance and Delinquency.

- (1.) The ceasing of a nonconforming use in a building or structure for a continuous period of one (1) year or more shall be considered the abandonment of the nonconforming use. Subsequent use of such building or structure shall be in conformity with the provisions of this Ordinance.
- (2.) The ceasing of a nonconforming use of land for a period of six (6) months shall be considered the abandonment of the nonconforming use with the exception of normal farming practices, such as, the rotation of crops. Subsequent use of such land shall be in conformity with the provisions of this Ordinance.
- (3.) In the case of the death of the property owner and/or settling of an estate the discontinuance of the nonconforming use shall not be considered an abandonment of the use in accordance with Section D. (1) and (2) above until the estate is settled or a court order has been entered regarding the estate's disposition. A one-year grace period after such settlement or court order shall apply.

- (4.) A nonconforming use shall be deemed abandoned in the event the Township or County acquires an unredeemed, tax delinquent property and sells said property. Subsequent use of the land shall be in conformity with the provisions of this Ordinance.

**Documentation of the Nonconformance**

- A. It shall be the responsibility of the property owner to provide evidence of the nonconformance. At the request of the property owner and based on evidence provided to the Zoning Officer as authorized by the Board of Supervisors, the zoning officer shall issue a Certificate of Nonconformance and shall register the nonconformity in the Township Log of Nonconformities, which shall be for the purpose of insuring to the owner the right to continue a nonconforming building or use. If no documented evidence is produced, it shall be assumed that the nonconformance is not a preexisting condition.
- B. The Certificate of Nonconformance and the Nonconformity Log shall set forth in detail all of the nonconforming conditions of said property.
- C. The Township shall retain a copy of the Certificate of Nonconformance in the Miles Township Log of Nonconformities.

## **Article XII**

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

#### **Purpose**

The purpose of this Article is to develop standards for the provision of off-street parking and loading facilities for all uses including the size, quality, location and design of these facilities. Furthermore, the standards in the Ordinance complement the design criteria set forth in the County Subdivision and Land Development Ordinance.

#### **Minimum Size of Parking Spaces**

- A. Standard Spaces. The parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet deep.
- B. Spaces for the physically challenged. Parking spaces for the physically challenged shall be a minimum of thirteen (13) feet wide by eighteen (18) feet deep and shall be located in an area of less than five (5) percent slope.

#### **Schedule of Required Parking Spaces**

- A. Off-street parking spaces shall be provided for each building erected or enlarged in accordance with the following schedule and requirements set forth in Article IX, Use Regulations. Spaces shall be on the same lot as the use unless authorized in accordance with this Article.
- B. Uses not specifically listed shall comply with the requirements for the most similar use listed, unless the applicant provides information that proves to the satisfaction of the Board of Supervisors that an alternative standard is applicable.
- C. Where a proposed building and/or use include more than one type of use, the number of parking spaces shall be the sum of the parking requirements for each separate use.
- D. The Board of Supervisors may authorize a reduction of the number and size of off-street parking spaces in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land and show reserved areas for expansion of the parking for future uses.
- E. Minimum Off-Street Parking Space Requirements are as follows:

<b>Category of Uses</b>	<b>Uses</b>	<b>Minimum Required Parking</b>
Residential uses.		
	Halfway house	1 space per two beds, plus one space for each employee on the largest shift.
	Group quarters and student housing	.5 space per bed
	Personal care and nursing care centers	1 space for each 3 beds based on design capacity, plus 1 space for each employee on the largest shift.
	Boarding homes	1 space per bedroom or guest sleeping room, plus 2 spaces for permanent residents.
	Single and multiple family dwellings	2 spaces per dwelling unit.
Commercial / Office uses.		
	Banks and financial institutions	1 space for each 250 sq. ft. of gross floor area.
	Business, professional, or public service office buildings and retail sales	1 space per 250 sq. ft. of gross floor area.
	Convenience stores	1 space for 250 sq. ft. of gross floor area.
	Funeral homes	1 space for each 4 seats provided for patron use by design capacity plus 1 additional space for each full-time employee and each vehicle maintained on the premises.
	Hotels, motels and bed and breakfasts	1.2 spaces per guest room



Category of Uses	Uses	Minimum Required Parking
	Restaurants	1 space for every 2 seats of design capacity or 1 space for every 50 sq. ft. of gross floor area, whichever is larger; plus 1 space for every 2 employees on the largest shift.
	Vehicle, mobile / manufactured home, or trailer sales lot	1 space for each 500 sq. ft. of gross floor area, plus 1 space for each 3,000 sq. ft. of outside sales area, plus 1 additional space for each full-time employee.
	Vehicle wash	3 spaces for each washing bay.
3. Recreational uses.		
	Bowling alley	5 spaces for each alley.
	Billiard room	4 spaces per table.
	Dance halls, swimming pools, roller rinks, clubs, lodges, and similar places and other commercial recreation buildings	1 space for each 100 sq. ft. of gross floor area or of water area in a swimming pool.
	Golf course	60 spaces per nine holes, plus one space per employee on the largest shift, plus 50 percent of the spaces otherwise required for any accessory uses (e.g., restaurants).
	Golf driving range and miniature golf	1 space for each tee or hole.
	Outdoor recreational facilities, sports arenas, auditorium, and theatres	1 space for each 4 seats.

<b>Category of Uses</b>	<b>Uses</b>	<b>Minimum Required Parking</b>
Industrial uses.		
	Manufacturing plants, research or testing laboratories, wholesale establishments or warehouses	1 space for each 5,000 sq.ft. of gross floor area, plus 1 space for each 2 employees on the largest shift.
	Mini or self storage	1 space per 10 storage units, plus one space per employee.
	Transportation terminal	1 space for every 100 sq.ft. of waiting room space, plus 1 each employee on the largest shift.
Institutional uses.		
	Churches and religious institutions	1 space for each 4 seats in a place of worship.
	Colleges, universities, or business, technical or fine arts schools	1 space for each 2 students, plus 1 space for each classroom, laboratory, or instruction area, plus required spaces for uses provided by the facility other than classrooms as regulated by this schedule.
	Day care centers	1 space for every employee on the largest shift plus 1 space for every six students and off street waiting spaces to accommodate at least six automobiles.
	Elementary and middle schools	1 space for 4 seats in an auditorium or 1 space for each 15 students of design capacity, whichever is greater, plus required spaces for uses provided by the facility other than classrooms.

Category of Uses	Uses	Minimum Required Parking
	Hospitals	1 space for each 3 beds plus 1 space for each employee on the largest shift.
6. Public and Cultural Uses.		
	Community buildings and social halls	1 space for each 250 sq. ft. of gross floor area.
	Public libraries, art galleries, and museums	1 space for each 250 sq. ft. of floor area open to the public, plus one (1) space for each employee

**Reduction of Parking Requirements**

- A. The minimum off-street parking requirements may be reduced upon application to be reviewed by the Planning Commission and approved by the Board of Supervisors.
- B. The following conditions must be satisfied to be granted a reduction.
  - (1.) The land development plan shows all required spaces, access ways and buffer areas.
  - (2.) The land development plan shows the spaces to be removed.
  - (3.) Satisfactory documentation is submitted attesting to the reduced need for off-street parking.
  - (4.) The developer enters into an agreement and executes a performance bond to construct the waived space, when, in the opinion of the Board of Supervisors, such additional parking is deemed necessary. The performance bond and agreement shall terminate after five (5) years.

**Joint Parking Facilities**

- A. The following regulations shall apply to all districts. Joint parking facilities shall be allowed subject to the following requirements.
  - (1.) The nearest point of the parking lot shall be no further distance to the nearest point of the property served as provided below:

- (a) Residential use: One hundred (100) feet
  - (b) Commercial use: Two hundred (200) feet
  - (c) Industrial use: Three hundred (300) feet
- (2.) The required parking shall be not less than the total required separately for each use with the following exceptions:
- (a) Where it shall be demonstrated that the uses are utilizing the lot at different periods of the day, a reduction may be granted to the total number of parking spaces. The required number of spaces shall be based on the use, which requires the most spaces.
  - (b) To encourage joint use of facilities in areas of contiguous commercial development fronting on Route 192, a parking reduction of ten (10%) percent may be granted in those areas which demonstrate safe and convenient walking distance between uses and meet the criteria in 1 above.
  - (c) The parking area must remain under the control of the owner or operator of the use to which the parking area is appurtenant and shall be recorded as a deed restriction filed in Centre County Courthouse to maintain the required number of spaces available throughout the life of the use.

B. In the Village District, community parking lots are encouraged, however, shall not be permitted on PA 192. Community parking lots may be available to nonresidential uses only in the Village District subject to the following.

- (1.) The parking requirement for the use shall be reduced by one-half (1/2) of the required spaces for customers, subject to a determination that the community lot will be able to accommodate the additional parking required by the use.
- (2.) Off-street parking shall continue to be provided on-site for employees and/or resident owners. Signage shall be displayed prominently on the site, indicating the availability and location of additional parking at the community parking lot.
- (3.) An agreement shall be signed by the owner or operator of the use with the owner or operator of the community parking lot, indicating the estimated number, frequency, and expected time of parking space use and any other maintenance obligations.

## Design Standards of the Parking Facilities.

### Layout of the Parking Facilities.

- A. Every parking lot shall be connected to a street by means of an unobstructed access drive.
- B. Parking lots shall be designed so that each motor vehicle may proceed to and from the parking space without requiring the moving of any other motor vehicle and without backing onto any public street.
- C. Parking areas shall not be within any of the following: a required buffer yard for future or existing street, unless otherwise stipulated Article IX, Use Regulations of this Ordinance.
- D. No parking or other paved area shall be located within ten (10) feet of an on-lot wastewater system absorption area.
- E. All parking areas shall include clearly defined and marked traffic patterns, raised curbs, and landscaped areas in accordance with the County Subdivision and Land Development Ordinance. Major vehicular routes shall be separated from major pedestrian routes.
- F. Parking spaces for the physically challenged shall be designed in conformance with the Americans with Disabilities Act of 1990, as amended. Multi-family, commercial, public, office, recreation and industrial uses shall provide handicapped parking spaces according to the following scale:

<b>Total Parking Spaces</b>	<b>Required Accessible Spaces</b>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 % of total
1,001 and over	20 plus 1 for each 100 over 1,000

G. Setback requirements:

- (1.) All parking lots shall be set back from any street line in conformance with the applicable building setback requirements.
- (2.) All off-street parking shall be setback ten (10) feet from the principle structure.
- (3.) All off-street parking shall be setback ten (10) feet from the side or rear lot line, with the exception of alleyways, in which case the parking area may be contiguous to the alley.
- (4.) When the parking lot abuts a residential use or zone a five (5) feet buffer area shall be provided contiguous to the property line of the residential use or zone in addition to the required setback.

**Drainage of the Parking Facilities**

- A. All driveways, access drives, and entrance ways shall be graded, surfaced, and drained to the satisfaction of the Township Engineer and within the parameters established in the County Stormwater Management Ordinance to the extent necessary to prevent nuisances of dust, erosion, or excessive water flow across streets or adjoining property.

**Lighting of the Parking Facilities**

- A. All public parking shall be adequately lit during evening operating hours.
- B. All standards shall be located on raised parking islands and not on the parking surface.
- C. Lighting shall be arranged and shielded with full cut-off luminaries and shall not fall off-site on adjacent properties.

**Off-Street Loading**

- A. Off-street loading berths open or enclosed, are permitted accessory to any use other than residential and subject to the following minimum provisions:
  - (1.) Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use.
  - (2.) The applicant shall provide evidence at the time of land development to demonstrate sufficient numbers of loading spaces are being provided.

## B. Design and Layout of Loading Facilities

- (1.) Each required space/berth shall not be less than twelve (12) feet in width, forty-five (45) feet in length, and fourteen (14) feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.
- (2.) The maximum width of access drives and sidewalk openings, measured at the street line, shall be thirty-five (35) feet; the minimum width shall be twenty (20) feet.
- (3.) Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot.
- (4.) The loading facilities shall be designed subject to the same drainage, setback, and lighting requirements set forth for the parking facilities in this Ordinance.
- (5.) All off-street loading areas shall be screened from any abutting residential use or district and any public street or pedestrian walkway in accordance with this Ordinance.

## Article XIII

### Signs

#### General Regulations for All Signs

##### A. Determination of Size.

- (1.) The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments.
- (2.) Where the sign consists of individual letters or symbols attached to a building, wall, or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape, which encompasses all of the letters and symbols.
- (3.) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, with the following exceptions where the two (2) faces are placed back to back and no point more than three (3) inches from one another.
  - (a) The area shall be taken as the area of one (1) face when the two (2) faces are of equal size,
  - (b) The area shall be taken as the area of the larger face when the two (2) faces are of unequal size,

##### B. Location and Placement.

- (1.) The location of signs shall not interfere with proper sight distances on streets or be placed within the clear sight triangle as set forth in the County Subdivision and Land Development Ordinance.
- (2.) No sign shall be located within a street right-of-way with the exception of those signs of a governmental body, including traffic signs and other regulatory notices.
- (3.) No sign shall project over a public sidewalk or path.
- (4.) Projecting signs shall not project more than three (3) feet from the wall or surface to which they are mounted nor be less than eight (8) feet high at the lower edge of the sign and shall not in any way interfere with normal pedestrian or vehicular traffic.
- (5.) Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted and shall not project more than twelve (12) inches from its surface.



C. Illumination of Signs.

- (1.) Flashing, rotating, festoon-lights and intermittent lights are not permitted.
- (2.) Signs may be interior lighted with non-glaring lights or may be illuminated by floodlights or spotlights shielded so there is no direct light transmitted to other properties or public rights-of-way.

D. Construction and Maintenance. Signs must be constructed of durable materials, maintained in good condition, and not be allowed to become dilapidated.

E. Termination of Enterprise. Upon termination or abandonment of a use, all signs pertaining to the enterprise must be removed.

**Permitted Permanent Signs**

A. The following off-premise, permanent signs shall be permitted in all districts.

- (1.) Signs for direction, regulation and control of traffic; street names; legal notices; railroad crossings; and official signs authorized by a duly constituted governmental body.
- (2.) Signs used for directing patrons, members, or an audience to service clubs, churches, or other non-profit organizations and not exceeding sixteen (16) square feet in area.

B. Advertising signs shall be permitted in accordance with the following regulations.

- (1.) No structure shall contain more than one (1) advertising sign per facing.
- (2.) Only one (1) advertising sign shall be permitted per lot.
- (3.) No advertising sign shall exceed four (4) feet in vertical measurement or eight (8) feet in horizontal measurement and an overall size of thirty two (32) square feet in area.
- (4.) No advertising sign shall exceed twenty-five (25) feet in height.
- (5.) No advertising sign shall be permitted to be erected upon the roof of any building.
- (6.) No sign shall be so illuminated in such a manner that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

- (7.) No advertising sign shall obstruct the vision of motorists or adjoining commercial or industrial uses, which depend on visibility for identification.

### **Permitted Temporary Signs**

A. The following off-premise, temporary signs shall be permitted in all districts.

(1.) Political signs.

(2.) Non-illuminated signs directing persons to temporary exhibits, shows, or events, located in the Township or contiguous Borough subject to the following requirements:

(a) Signs shall not exceed six (6) square feet.

(b) Signs shall not be posted earlier than two (2) weeks before the event and must be removed within one (1) week after the event.

(3.) Non-illuminated signs directing persons to real estate open houses shall not exceed six (6) square feet.

(4.) Non-illuminated signs directing persons to approved development to be constructed in the Township by a builder, contractor, developer, or other persons interested in such sales or development subject to the following requirements:

(a) Signs shall not exceed twelve (12) square feet.

(b) Sign shall be removed within twenty (20) days after the last structure has been initially occupied or upon the expiration of any building permit, whichever is sooner.

### **Permit Requirements**

A. All permanent signs larger than twelve (12) square feet in area shall require a permit.

## **Article XIV**

### **Administration and Enforcement**

#### **Appointment and Powers of Zoning Officer**

- A. For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Township of Miles, shall be appointed.
- B. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
- C. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.
- D. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment.
- E. The Zoning Officer shall have the right to enter lands to inspect and enforce the Miles Township Zoning Ordinance.

#### **Duties of the Zoning Officer**

- A. It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer.
- B. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the governing body may require.
  - (1.) Permits for construction and uses which are a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.
  - (2.) Permits for construction and uses which are a conditional use shall be issued only upon written order of the Board of Supervisors.

## **Permits**

- A. A building and zoning permit shall be required prior to the following activities: (a) the erection, addition or alteration of any building or portion thereof; (b) the use or change in use of a building or land; and (c) the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued.
- B. Application for Permits. All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
- C. Issuance of Permits. No occupancy permit shall be issued until the Zoning Officer and the certified Building Inspectors have certified that the proposed building, addition or alteration, complies with all the provisions of this Ordinance, as well as the provisions of all other applicable ordinances. A permit issued hereunder shall become void twelve (12) months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least thirty (30) days prior to the permit expiration date.
- D. Temporary Permits. A temporary permit may be authorized by the governing body for a structure or use, which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed six (6) months, and may be renewed once for an additional six (6) month period.

## **Fees**

- A. The governing body shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, conditional uses, special exceptions, amendments, bonds and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer.

- B. Such fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the applications shall be considered incomplete and no action shall be taken on any application or appeal.
- B. Such fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the applications shall be considered incomplete and no action shall be taken on any application or appeal.

### **Records**

- A. It shall be the duty of the Zoning Officer to keep a record of all applications for building and zoning permits, a record of all permits issued and a record of all certificates of occupancy which the Zoning Officer countersigns, together with a notation of all special conditions involved. The Zoning Officer shall file and safely keep copies of all plans submitted and the same shall be available for the use of the Board of Supervisors.
- B. The Zoning Officer shall prepare a monthly report for the Township Supervisors summarizing for the period since the previous report all zoning permits issued and certificates countersigned and all complaints of violations and the action taken by the Zoning Officer.

### **Certificate of Use**

- A. A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure; parcel or use of land complies with the provisions of this Ordinance.
- B. No vacant land shall be occupied or used and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until the Zoning Officer shall have issued a Certificate of Use.
- C. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for a whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the applications for a building or zoning permit, and shall be issued or denied within fifteen (15) days after a final inspection by the Zoning Officer.
- D. A Certificate of Use for changing or extending a nonconforming use, existing at the effective date of this Ordinance or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after a final inspection and approval by the Zoning Officer.

- E. A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

### **Appeals and Applications.**

An appeal or application for an amendment or variance from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain the following information:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposal.
- C. A brief description and location of the real estate to be affected by such proposal.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use.
- E. A statement of the section of this Ordinance under which the appeal or application is filed and reasons why it should be granted or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
- F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and locations of improvements now erected and proposed to be erected thereon.

### **Conflicting Regulations.**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, or whenever the requirements of this Ordinance are internally at variance, the most restrictive, or that imposing the higher standard shall govern.

## **Zoning Hearing Board**

- A. There is hereby created for the Township a zoning hearing board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- B. The membership of the board shall consist of three (3) residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The board shall promptly notify the Board of Supervisors of any vacancies, which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other office in the Township.
- C. The Board of Supervisors may appoint by resolution one resident of the Township to serve as an alternate member of the board. The term of office of the alternate shall be three years. If, by reason or absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate the alternate of the board to sit on the board to provide the quorum. The alternate shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. When seated pursuant to these provisions, an alternate shall be entitled to participate in all proceeding and discussion of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth herein and otherwise provided by law. The alternate shall hold no other office in the municipality, including membership on the planning commission and zoning officer. The alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated unless designated as a voting alternate member as described herein.
- D. Any board member may be removed with or without cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- E. The board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board as provided in this Ordinance.

- F. The board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities as requested by the Board of Supervisors.
- G. Within the limits of funds appropriated by the Board of Supervisors, the board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

## **Hearings**

The board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearings.
- B. The first hearing before the board or hearing officer shall be commenced within sixty (60) days from the date of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.
- C. The hearings shall be conducted by the board.
- D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.
- E. The chairman or acting chairman of the board presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.



- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The board, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- I. The board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. The board, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. Except for challenges filed under Section 916.1 of the Pennsylvania Municipalities Planning Code as reenacted and amended, where the board fails to commence, conduct or complete the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in sub Section A of this Section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this sub Section shall prejudice, the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- K. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- L. Parties to proceedings authorized in the Article may utilize a mediation option as an aid in completing such procedures as set forth in Section 908.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- M. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the zoning hearing board.

### **Jurisdiction**

- A. The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
  - (1.) Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors, pursuant to Section 609.1 and Section 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), Act of 1968, P.L. 805, No. 247 as reenacted and amended.
  - (2.) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
  - (3.) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
  - (4.) Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
  - (5.) Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance,

pursuant to Section 910.2 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

- (6.) Applications this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- (7.) Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania MPC, Act of 1968, and P.L. 805, No. 247 as reenacted and amended.
- (8.) Appeals from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

B. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- (1.) Applications for conditional use under the express provisions of this Ordinance.
- (2.) Applications for curative amendment to this Ordinance or pursuant to Sections 609.1 and 916.1(a) (2) of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- (3.) All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Section 609 of the Pennsylvania MPC, Act of 1968, and P.L. 805, No. 247 as reenacted and amended. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.

## **Variances**

A. The zoning hearing board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- (1.) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
- (2.) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3.) That such unnecessary hardship has not been created by the applicant.
- (4.) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (5.) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

B. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

### **Conditional Use.**

Where the Board of Supervisors, in this Ordinance, has stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall hear and decide requests for such conditional uses in accordance with such standards and criteria below:

- A. The location of the use, including with respect to the existing or future streets giving access to it, is in harmony with the orderly and appropriate development for the district in which the use is to be located.
- B. The nature and intensity of the operations involved are in harmony with the orderly and appropriate development of the district in which the use is to be located.
- C. The grant of the conditional use shall not materially increase traffic congestion on roads and highways, nor cause nor encourage commercial

or industrial traffic to use residential streets.

- D. The applicant must meet all specific requirements for the specified use in accordance with Article X, herein.
- E. In granting a conditional use, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

### **Referrals to the Miles Township Commissions, Committees and Engineer**

- A. The zoning hearing board in the case of variances and the Board of Supervisors in the case of conditional uses may refer applications to the Planning Commission, the Township Engineer, or any other committee, commission or advisor for their advice, but is not required to do so.
- B. Within thirty (30) days of receiving an application for a conditional use or within forty (40) days of receiving an application for a variance from the decision-making body, the referral body or advisor must give a written report on it to the decision-making body.

### **Parties Appellant Before the Board.**

Appeals raising the substantive validity of any land use ordinance except those to be brought before the Board of Supervisors pursuant to the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Township engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any performance density provisions of this Ordinance; from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for special exception may be filed with the board by any landowner or any tenant with the permission of such landowner.

## **Time Limitations**

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

## **Stay of Proceedings**

- A. Upon filing of any appeal proceeding before the zoning hearing board and during its pendency before the board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action hereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the board.
- B. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- C. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after

hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

### **Enactment of Zoning Ordinance Amendments**

- A. The Board of Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The procedures for the preparation of a proposed zoning ordinance as set forth in Section 607 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended, is hereby declared optional.
- B. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. In addition to the requirement that notice be posted, where proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by the tax records within the possession of the municipality. The notice shall include the location, date and time for the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this sub Section. This clause shall not apply when with the rezoning constitutes a comprehensive rezoning.
- C. In the case of an amendment other than that prepared by the Planning Commission the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- E. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations.
- F. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the county planning agency.

## Procedure for Landowner Curative Amendments

- A. A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended. The curative amendment and challenge shall be referred to the Township's planning commission and the County planning agency as provided in Section 609, and notice of the hearing thereon shall be given as provided in Section 610 and 916.1 of the Pennsylvania MPC, Act of 1968, P. L. 805, and No. 247 as reenacted and amended.
- B. The hearing shall be conducted in accordance with Section 908 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors, however that the deemed approval provision of Section 908 of the Pennsylvania MPC (Act of 1968, P.L. 805, No. 247 as reenacted and amended) shall not apply and the provision of Section 916.1 the Pennsylvania MPC shall control. If the Township does not accept a landowner's curative amendment brought in accordance with this sub Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Ordinance and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
- (1.) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
  - (2.) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map.



- (3.) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, and natural resources and other natural features.
- (4.) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, 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.

### **Procedure for Township Curative Amendments**

- A. If the Township determines that this Ordinance or any portion hereof, is substantially invalid, it shall take the following actions:
  - (1.) The Township shall declare by formal action, this Ordinance or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Board of Supervisors shall by resolution make specific findings setting forth the declared invalidity of this Ordinance which may include:
    - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity,
    - (b) Reference to a class of use or uses which requires revision, or
    - (c) Reference to this entire Ordinance which requires revisions.
  - (2.) Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions of Section 609 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended in order to cure the declared invalidity of this Ordinance.
- C. Upon the initiation of the procedures as set forth in sub Section 1 the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended, nor shall the zoning hearing board be required to give a report requested under Sections 909.1 or 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted

and amended, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by sub Section

1. A. Upon completion of the procedures set forth in sub Sections 1 and 2, no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this section.

D. The Township having utilized the procedures set forth in this section may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Ordinance; Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to propose a curative amendment to this Ordinance to fulfill said duty or obligation.

### **Causes of Action.**

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a land- owner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

### **Enforcement Notice**

- A. If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

- C. An enforcement notice shall state at least the following:
- (1.) The name of the owner of record and any other person against whom the Township intends to take action.
  - (2.) The location of the property in violation.
  - (3.) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
  - (4.) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - (5.) That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of days.
  - (6.) That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.
- D. In any appeal of, an enforcement notice to the zoning hearing board the municipality shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal an enforcement notice to the zoning hearing board shall be returned to the appealing party by the Township if the zoning hearing board, or any court in a subsequent appeal, rules in the appealing party's favor.

### **Enforcement Remedies**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district judges. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district judges determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district judges and thereafter each day that a violation continues shall

constitute a separate violation.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
- D. District judges shall have initial jurisdiction over proceeds brought under this Section.

### **Interpretation**

#### **A. Conflict with Other Laws**

The provisions of this ordinance shall be deemed to be minimum requirements to meet the purposes stated herein. Where the provisions of this ordinance impose greater restrictions than those of any federal or state statute, rule, regulation or other ordinance, the provisions of this ordinance shall prevail. Where the provisions of any federal or state statute, rule, regulation or other ordinance impose greater restrictions than those of this ordinance, the provisions of such federal or state statute, rule, regulation or ordinance shall prevail.

#### **B. Severability**

The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause phrase or provision hereof is held or judged by any court of competent jurisdiction to be unconstitutional, illegal or otherwise invalid, any such holding or judgment shall not be construed as affecting or impairing any other section, subsection, sentence, clause, phrase, or provision of this ordinance, it being the expressed intent of the Board of Supervisors that this ordinance would have been enacted had such unconstitutional, illegal or otherwise invalid section, subsection, clause, phrase, or provision not been included.

#### **C. Saving Clause**

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Validity**

Should any provision, section, subsection, clause or phrase of this Ordinance or its application, be declared or held, for any reason, to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**Repealer**

All other ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are repealed to the extent of such conflict or inconsistency is necessary to give this ordinance full force and effect.

**Adoption.**

This Ordinance is hereby enacted and adopted by the Board of Supervisors of Miles Township, Centre County, Pennsylvania, this \_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

TOWNSHIP OF MILES

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor