LOWER MIFFLIN TOWNSHIP CUMBERLAND COUNTY, PENNSYLVANIA

Zoning Ordinance

November 19, 2020
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ARTICLE 1

AUTHORITY, TITLE, PURPOSE OF ENACTMENT, INTERPRETATION, APPLICABILITY, MUNICIPALITY LIABILITY, DISCLAIMER, SEVERABILITY, & REPEALER

Section 101. Authority.

This Ordinance is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended).

Federal, State and County requirements may supersede the requirements in this ordinance. Compliance with this ordinance does not grant or assume approvals from any other agency. All Federal, State and County regulations shall be followed.

Section 102. Title.

This Ordinance shall be known as and may be cited as "The Zoning Ordinance of Lower Mifflin Township."

Section 103. Purpose of Enactment.

This Zoning Ordinance is enacted for the following purposes:

A. To act as an overall plan for the orderly growth and development of Lower Mifflin Township and as such seek to implement the Township's Comprehensive Plan.

B. To promote, protect and facilitate the following: the public health, safety, morals, general welfare, the provision of adequate light and air, and other public requirements.

C. To prevent the following: blight, loss of health, life or property from fire, flood or other dangers.

D. To adopt a Zoning Map dividing Lower Mifflin Township into zoning districts with varying regulations.

E. To permit, prohibit, regulate and determine the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of buildings and structures, as well as yards and other open areas to be left unoccupied.

F. To establish the density and intensity of uses.

G. To protect agricultural land.

H. To provide for the protection of natural and historic features and resources.

I. To encourage the viability of agricultural operations.

J. To protect existing residential neighborhoods.

K. To provide diverse housing opportunities, including housing that is affordable.

Section 104. Community Development Objectives.

The Community Development Objectives are based on the goals and objectives of the Lower Mifflin Township Comprehensive Plan which was adopted on July 26, 2018, and the Land Use Chapter adopted by Lower Mifflin Township. These objectives are:

A. Preserve, maintain, and enhance the quality of life and rural character of the region. This includes the region's agricultural economy, cultural heritage and natural resources.

B. Identify, conserve, and properly manage the environmental, aesthetic, natural and cultural resources of the area.

C. Guide development in an appropriate manner whereby existing community resources are not unduly overtaxed, and discourage conflicts between neighboring properties and municipalities whereby community resources are used wisely and are used to encourage cooperation with neighboring municipalities.

D. Strive for the best interests of the region when considering land uses, housing types, environmental interests, demographic sectors, and economic and political forces.

E. Support or enhance municipal services such as transportation, utilities, education, emergency services, recreation, pedestrian safety, and information resources during the development process.

F. Emphasize the importance of the proper utilization of the region's valuable, but in some cases limited, resources.

G. Promote growth and sustainability of farms, businesses and residential neighborhoods.

Section 105. Interpretation.

A. In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of Lower Mifflin Township. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all the regulations of the zoning district in which it is located and with all other pertinent regulations of this and other related ordinances. This Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements.

Section 106. Applicability.

Any of the following activities or any other activity regulated by this Chapter shall only be carried out in conformity with this Ordinance:

A. Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement of extension (vertical or horizontal) of a structure, building or sign, unless relief is granted by the Zoning Hearing Board.

B. Change of the type of use or expansion of the use of a structure, building or area of land.

C. Creation of a lot or alteration of lot lines.

D. Creation of a new use.

Section 107. Municipality Liability.

A. The granting of a Zoning Permit for the erection and/or use of a structure, building or lot shall not constitute a representation, guarantee or warranty of any kind or nature by Lower Mifflin Township, or an official or employee thereof, of the safety of any structure, building, use or other proposed plan from 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 except as permitted by law.

Section 108. Disclaimer.

A. It is recognized that: 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 (1st Special Session, 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 "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"; and the Act of May 20, 1993 (P.L. 12, No 6) known as the "Nutrient Management Act" preempt zoning ordinances. Therefore, 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 those Acts shall be mandated by this Zoning Ordinance.

Section 109. Severability.

A. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

Section 1010. Repealer.

A. All ordinances or parts of ordinances in conflict with this Ordinance or inconsistent with provisions of this Ordinance are hereby repealed to the extent necessary to give this Zoning Ordinance full force and effect.

ARTICLE 2

DEFINITIONS

Section 201. Definition of Terms.

A. 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 officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. The terms "shall and will," "will" and "must" are always mandatory. The words "should" or "may" are permissive. 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". The word "erected" shall be inclusive of the words "constructed," "altered" or "moved."

1. ABANDONMENT: The relinquishment of property, or a cease in the use of the property, by the owner with the intention neither of transferring rights to the property of another owner nor of resuming the use of the property for more than 1 year.
2. ABUT or ABUTTING: Areas of contiguous lots that share a common lot line, not including lots entirely separated by a street, open to traffic or a perennial waterway.
3. ACCESS DRIVE or DRIVEWAY: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
4. ACCESSORY BUILDING: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.
5. ACCESSORY SOLAR ENERGY SYSTEM (ASES): An area of land or other area used for a solar energy system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. Ground mounted or freestanding Solar Energy Systems with an output size of not greater than 10kw shall be considered Accessory Solar Energy Systems. Roof Mounted Solar Energy Systems on the roofs of buildings on-site used primarily for on-site use shall have no limit as to energy output. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.
6. ACCESSORY USE: A use customarily incidental to the principal use or the main building and located on the same lot with such principal use or main building.
7. ACCESSORY WIND ENERGY FACILITY: A system designed as a secondary use on a lot, wherein the power generated is used primarily for on-site consumption.
8. ACRE: A measure of land area containing 43,560 square feet.
9. ADDITION: Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing.

10. ADULT- RELATED USE: An establishment that offers for sale or rent books, magazines, periodicals, films or audio/video materials that are characterized by an emphasis upon sexual conduct or sexually explicit nudity. This term also includes establishments presenting motion picture film, audio/video materials, or live performances which are characterized by sexual conduct or sexually explicit nudity.

11. AGRICULTURAL OPERATION: An enterprise that is actively and continuously 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 excluding the construction of buildings, structures and impervious surfaces.

12. AGRICULTURE, INTENSIVE (INTENSIVE AGRICULTURAL USE): Uses include but are not limited to: (a) slaughter areas; (b) areas for processing of manure; (c) concentrated animal feeding operation (see definition); (d) concentrated animal operation (see definition).

13. AGRIVOLTAICS: The co-development of the same area of land for both solar photovoltaic power and conventional agriculture.

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

15. AISLE: The traveled way by which cars enter and depart parking spaces.

16. ALTERATION: As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

17. AMENDMENT: A change in use in any district or change in zoning district, which includes revisions to the zoning text and/or the official zoning map.

18. ANIMAL EQUIVALENT UNIT: 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. Animal weights shall be calculated using the Standard Animal Weights listed in Pennsylvania Act 38 Nutrient Management Program Technical Manual, by the Pennsylvania State Conservation Commission.

19. ANIMAL HOSPITAL: A building used for the treatment, including incidental housing or boarding, of domestic animals by a veterinarian.

20. ANIMAL HOUSING FACILITY: A roofed structure or facility, or any portion thereof, used for occupation by livestock or poultry.

21. ANTENNA: any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities as defined below.

22. APARTMENT, CONVERSION: A multi-family dwelling constructed by converting an existing dwelling into apartments for two (2) or more families without substantially altering the exterior of the building.

23. APARTMENT: A structure containing three or more dwelling units, excluding townhouses.

24. APPLICANT: A landowner or developer (as herein defined) who has filed an application for development including his heirs, successors and assigns.

25. APPLICATION FOR DEVELOPMENT: Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit or for the approval of a subdivision plat or plan or for approval of a land development plan.

26. AREA, BUILDING: The total of area, in square feet, of all floors, excluding basement, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

27. AREA, GROSS: The total lot area, including public right-of-way.

28. ASSISTED LIVING FACILITY: Coordinated and centrally managed housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

29. AUCTION HOUSE: A structure used to publicly hold sales at which property or goods are sold to the highest bidder.

30. BAKERY: An establishment principally engaged in making or selling baked products such as bread, cakes, cookies, or similar products.

31. BASE FLOOD ELEVATION: The elevation above sea level, based on the vertical datum in the current Flood Insurance Rate Maps for Lower Mifflin Township of the 100-year flood.

32. BASEMENT: A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet.

33. BED AND BREAKFAST: A residence where not more than 10 guest rooms are rented to not more than 20 overnight guests on a daily basis.

34. BERM: A mound of soil, either natural or man-made, used to obstruct views.

35. BUFFER YARD: A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and intended to provide an area of separation between different districts or uses.

36. BUILDING COVERAGE: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the lot area.

37. BUILDING HEIGHT: The vertical distance from the average finished grade, in front of the building where the address is taken, to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

38. BUILDING SETBACK LINE: The line parallel to a public street right-of-way or a property line which determines the minimum setback distance for a building.

39. BUILDING, PRINCIPAL: A building in which is conducted the primary use of the lot on which it is located.

40. BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any persons, animals, or property, and including covered porches or bay windows, and chimneys. The term is inclusive of any part thereof.

41. CAMP OR CAMPGROUND: A portion of land used for the purpose of providing a space or spaces for trailers or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space.

42. CAR WASH: Any building or premises used for washing motor vehicles.

43. CARPORT: A covered space, open on three or more sides, used for the storage of automobiles, boats, campers or other items, which is or is not placed on a permanent foundation.

44. CARTWAY: That portion of a street including shoulders intended for vehicular use.

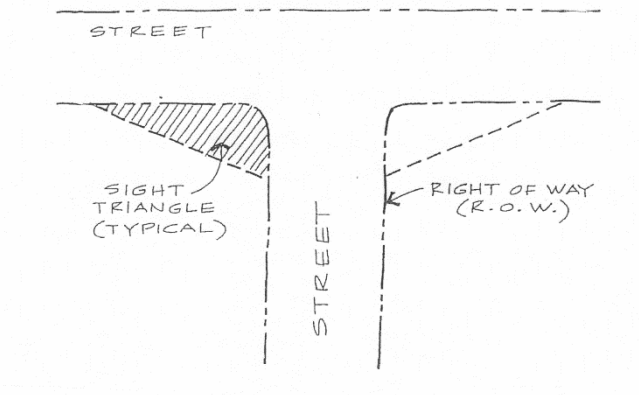
45. CELLAR: A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and a half feet.

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

47. CERTIFICATE OF USE AND OCCUPANCY: 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 parts, together with any special stipulations or conditions of the building permit.

48. CHANGE OF USE: Any use that substantially differs from the previous use of a building or land.

49. CLEAR-SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.



50. CLINIC: Establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care

practitioners, medical and dental laboratories, outpatient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

51. COLLOCATION: Mounting or installing an antenna facility on a pre-existing structure and/or modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

52. COMMERCIAL RECREATION OR ENTERTAINMENT FACILITIES: An activity operated as a gainful business open to the public for entertainment or recreation, including but not limited to motion-picture theaters, health clubs and miniature golf courses.

53. 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.

54. 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 omnidirectional 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.

55. COMMUNICATIONS EQUIPMENT BUILDING: An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

56. COMMUNICATIONS TOWER: A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

57. 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 be in compliance with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC) or the Township, whichever is more stringent.

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

59. CONCENTRATED ANIMAL FEEDING OPERATION (CAFO): An agricultural use regulated by the federal government involving the commercial keeping and handling of livestock quantities with characteristics in any of the following three criteria per the Pennsylvania Act 38 Nutrient Management Regulation:

    a. Criteria 1

        The proposed agricultural operation exceeds any of the following animal type thresholds:

- 1,000 cattle including, but not limited to, heifers, steers, bulls and cow-calf pairs;
- 1,000 veal calves;
- 10,000 sheep or lambs;
- 10,000 swine under 55 lbs;
- 125,000 broiler chickens not using a liquid manure handling system;
- 2,500 swine of 55 lbs. or more;
- 30,000 ducks not using a liquid manure handling system; and/or,
- 30,000 layers or broiler chickens using a liquid manure handling system;
- 5,000 ducks using a liquid manure handling system.
- 500 horses;
- 55,000 turkeys;
- 700 mature dairy cows;
- 82,000 layer chickens not using a liquid manure handling system;

b. Criteria 2

Any agricultural operation that exceeds 1 million pounds of live weight of livestock or poultry.

c. Criteria 3

Any agricultural operation that is a Concentrated Animal Operation (as defined below) that includes more than 300,000 pounds of live weight of livestock or poultry.

60. CONCENTRATED ANIMAL OPERATION (CAO): Agricultural operation with eight or more animal equivalent units where the animal density exceeds two AEUs per acre on an annualized basis per the Pennsylvania Act 38 Nutrient Management Regulation.

61. CONDITIONAL USE: A use permitted (and approved by the Board of Supervisors) in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in the ordinance.

62. CONDOMINIUM: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land which may include dwellings, offices and other types of space in commercial buildings or on property.

63. CONFERENCE CENTER: A facility used for conferences and seminars with accommodations for sleeping, food preparation and eating, recreation, entertainment, meeting rooms, fitness and health center, and retail stores and services for conference center guests.

64. CONVENIENCE STORE: A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant. A convenience store may involve the sale of gasoline.

65. CORRECTIONAL FACILITY: A publicly owned and operated facility or a privately owned facility operated under contract with a government agency for the incarceration or detention of persons under federal, state or local warrant, awaiting trial on federal, state or local felony or misdemeanor charges, convicted of federal, state or local charges, but not yet sentenced, or serving a federal, state or local sentence upon conviction.

66. CUL-DE-SAC: A street with access closed at one end and with a vehicular turn-around at the closed end.

67. DATA CENTER: A building, a dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications, digital data, or storage systems. Accessory uses typically include substations, onsite power generation, generators, and water towers.

68. DAY CARE, HOME: A home other than the child's own home, operated for profit or not-for-profit, in which care is provided at any one time for four (4), five (5), or six (6) children under the age of sixteen (16), unrelated to the operator. A Home Day Care must have a certificate of registration from the Pa. Department of Human Services.

69. DAY CARE CENTER: Any nursery, person, association, corporation, institution or agency, licensed by the Pa. Department of Human Services, which provides care and supervision at any one time for seven (7) or more children under sixteen (16) years of age, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge.

70. DEED RESTRICTION: A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the property. The Board of Supervisors is not responsible for enforcing a deed restriction.

71. DENSITY: The number of families, individuals, dwelling units, or housing structures per gross acre of land.

72. DETENTION BASIN: A structure designed to temporarily detain surface runoff for a period of time sufficient to reduce the velocity and rate of surface flows leaving a site. Detention basins drain after rainfall has ceased.

73. DEVELOPER: Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

74. DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

75. DISTRICT: A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

76. DWELLING, MANUFACTURED HOUSING: Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the

building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

77. DWELLING, MULTI-FAMILY: A building designed, occupied or used by three or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; includes apartment houses.

78. DWELLING, SINGLE FAMILY ATTACHED: A building used by one family and having two (2) party walls in common with other buildings (such as row house or town house), except that end units have only one party wall.

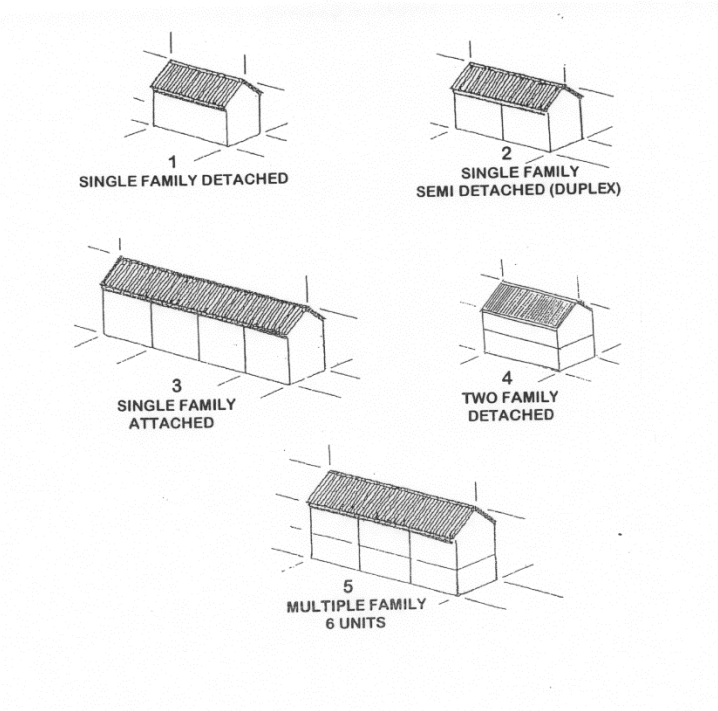
79. DWELLING, SINGLE FAMILY, DETACHED: A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

80. 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. (Duplex)

81. DWELLING, TWO FAMILY, DETACHED: A building used by two (2) families, with one dwelling unit arranged over the other and having two (2) side yards.

82. DWELLING, UNIT: One or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities arranged for occupancy by one family or a single person.

83. DWELLING: A building designed for residential purposes and used as living quarters for one or more persons.



84. EASEMENT: A right granted for the use of private land for certain public, quasi-public or private purposes; also the land to which such right pertains.

85. ECHO HOUSING (Elder Cottage Housing Opportunities): An accessory residential dwelling located on the same lot of another principal dwelling unit. The structure is

connected to the utility system of the principal dwelling unit and provides housing for family members of the residents of the principal dwelling unit.

86. EMERGENCY: A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

87. EXISTING USE: An activity or use of land occurring on a lot or parcel as of the effective date of this Ordinance.

88. FACILITY OWNER: The entity or entities having a legal or equitable interest in the facility, including the respective successors and assigns.

89. FCC: Federal Communications Commission.

90. FENCE: Any freestanding and uninhabitable structure 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.

91. FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

92. FINISHED GRADE: The elevation of the land surface of a site after completion of all site preparation work.

93. FLICKER: A repeating cycle of changing light intensity.

94. FLOOD FRINGE: Those portions of land within the floodplain subject to inundations by the one-hundred-year flood, outside the floodway in areas where detailed study and profiles are available.

95. FLOOD HAZARD BOUNDARY MAP: An official floodplain map issued by the Federal Insurance Administration.

96. FLOOD, ONE-HUNDRED-YEAR (BASE FLOOD): A flood, which is likely to be equaled or exceeded once every 100 years (i.e. that has a 1% chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define this flood.

97. FLOOD: A general, but temporary, condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

98. FLOODPLAIN: Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary – Mapped as being a special flood hazard area. Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PaDEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PaDEP).

99. FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

100. FLOODWAY: The channel of the watercourse and those portions of the adjoining floodplains, which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway extends from the stream to 50 feet from the top of the bank of the stream.

101. FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

102. FLOOR AREA, HABITABLE: The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

103. FORESTRY OPERATIONS: 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.

104. FOWL: A domestic bird of any kind.

105. FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

106. GAS (FUELING) STATION: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

107. GLARE: The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

108. GOLF COURSE: Any regulation eighteen-hole, nine-hole or executive (par three) golf course, including any driving ranges, chip-n-putt, nine-hole, or miniature golf courses.

109. GREENHOUSE: A building with transparent walls and roof for the cultivation and exhibition of plants under controlled conditions. A greenhouse operation can be used for personal use, or in a manner in which plants are offered for sale to the public, either at wholesale or at retail.

110. GREENWAY: 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 ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal, 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.

111. 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.

112. GROUND CLEARANCE: The minimum distance between the ground and any part of the wind turbine blade, as measured from the lowest point of the arc of the blades.

113. GROUND FLOOR: The floor of a building nearest the mean grade at the front of the building.

114. GROUP HOME: A dwelling operated by a responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. Group homes must be licensed where required, and a copy of such license must be delivered to the municipality prior to approval of the use.

115. HAZARDOUS MATERIAL: Materials classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or Lower Mifflin Township as having the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or sulfur, 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.

116. 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; includes 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, semisolid, 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, disposed 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).

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

118. HEIGHT: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

119. HELIPORT: An area, either 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.

120. HOME OCCUPATION: Any activity carried out for gain by a resident and conducted as an incidental use in the resident's dwelling unit.

121. HOSPITAL: A building or part thereof used for medical, psychiatric, obstetrical, or surgical care on a twenty-four-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 inpatient care. The term "hospital" shall not include any facility which houses the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

122. HOTEL: A building designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals.

123. HOUSE OF WORSHIP: A use of land or a building or buildings as a place of worship, church, convent, monastery or similar religious institution, including rectory and parish houses for an organization solely or primarily used as a religious institution when located on the same premise.

124. HUB HEIGHT: The distance measured from the surface of the tower foundation to the highest point of the wind turbine hub, to which the blade is attached.

125. HUNTING CLUB, PRIVATE: An organization catering exclusively to members and their guests, or premises or buildings for hunting purposes.

126. IMPERVIOUS SURFACE: A surface that prevents or impedes the percolation of water into the ground. For the purpose of this ordinance, an impervious surface includes stone and gravel areas.

127. INCIDENTAL BUSINESS: A retail business or personal service activity that is secondary to the principal residential use on the lot and is conducted by the business owner, who resides on the site. Incidental businesses shall not include vehicle sales, fueling stations, eating establishments, and adult related uses.

128. INDUSTRIAL USE: Any enterprise in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. This term includes, but is not limited to, enterprises involving manufacturing; processing; packaging; printing, publishing and binding; production; testing of materials, goods and products; conversion and assembly; industrial laundries; repair of large appliances and equipment; machine shops, and welding shops.

129. JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

130. JUNKYARD: Any area and/or structure used primarily for the collecting of scrap metal or discarded material, or for the dismantling, storage and salvaging of machinery or vehicles primarily not in running condition and for the sale of parts thereof.

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

132. LANDOWNER: The legal or beneficial owner(s) of land including the holder of an option or contract to purchase, a person authorized to act on behalf of the landowner, or other person having a proprietary interest in land.

133. LIBRARY: A place containing books, newspapers, magazines, tapes, videos, and compact discs for reading, study, and research.

134. LIGHT INDUSTRIAL USE: A use involving the manufacturing, predominately from previously prepared semifinished or finished materials, products or parts, finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of such finished products, but excluding the processing of extracted, raw, and/or recycled materials.

135. LIGHTING:

    a. Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade.

    b. Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

    c. Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

136. LIVESTOCK: Any wild animal or any domestic animal of, or related to, the bovine, equine, swine or sheep family.

137. LIVESTOCK ENCLOSURE: A fenced-in area that presents an adequate blockade around a field, yard, or other such expanse of land for the purpose of containing livestock or prohibiting intrusions from outside.

138. LIVESTOCK STRUCTURE: Any structure related to the practice of Non-Commercial Keeping of Livestock, including, but not limited to, animal housing facilities, barns, stables, sheds, coops, cages, and similar structures, not including Livestock Enclosures.

139. 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 vehicle while loading or unloading merchandise or materials and which abuts or has access to a street.

140. LOT: A designated parcel, tract, plat 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 right-of-way, but including the area of any easement.

    b. LOT DEPTH: The horizontal distance measured between the street right-of-way and the closest rear property line. On a corner and reverse frontage lot, the depth shall be measured from the street right-of-way line of the street address to the directly opposite property line.

    c. LOT FRONTAGE: The length of the front lot line measured at the street right-of-way.

    d. LOT, INTERIOR: A lot other than a corner lot.

    e. LOT LINE, FRONT: A lot line separating the front of the lot from the street. On a corner lot, all lot lines which abut a street shall be front lot lines.

f. LOT LINE, REAR: A lot line which does not intersect a front lot line and is most distant from and most parallel to a front lot line.

g. LOT LINE, SIDE: Any lot line other than a front or rear lot line. A corner lot shall have two (2) front lot lines, one (1) rear lot line, and the remainder lot lines shall be side lot lines.

h. LOT OF RECORD: A lot that exists as shown or described on a plat or deed in the records of the Cumberland County Recorder of Deeds.

i. LOT WIDTH: The width of a lot measured at the required building setback line.

j. LOT, CORNER: A lot at the junction of and abutting on two or more intersecting streets or private roads.

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

l. LOT, PANHANDLE (FLAG): A lot not meeting minimum frontage requirements and where access to the public road is by a 50' wide strip of land that is a part of the lot but that is not used in determining the applicable minimum lot area requirement. The lot area of a flag lot shall be calculated by using only that portion of the lot that satisfies the minimum lot dimensions

m. LOT, REVERSE FRONTAGE (DOUBLE FRONTAGE, THROUGH): A lot having frontage on two parallel or non-intersecting streets. In the case of a lot fronting on streets of different classifications, access to the lot shall be from the lower classified roadway.

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

142. MANURE STORAGE FACILITY: A concrete, steel, or otherwise fabricated structure, or an excavated or earthen impoundment using earth dikes, pits or ponds for temporary storage of animal manure or other organic materials.

143. MARIJUANA DISPENSARY, MEDICAL: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana.

144. MARIJUANA FACILITY, MEDICAL : A dispensary or a grower processor of Medical Marijuana.

145. MARIJUANA GROWER/PROCESSOR, MEDICAL: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health under Act 16, The Pennsylvania Medical Marijuana Act, to grow and process medical marijuana.

146. MARIJUANA, MEDICAL: Marijuana for certified medical use as set forth in Act 16, The Pennsylvania Medical Marijuana Act.

147. METEOROLOGICAL TOWER: A tower used for the measurement of wind speed.

148. MIXED-USE DEVELOPMENT: The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

149. MOBILE HOME LOT: A parcel of land in a mobile home park improved with the necessary utility connection and other appurtenances necessary for the erection thereon of a single mobile home.

150. MOBILE HOME PARK: A parcel or contiguous parcels of land designed and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

151. 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, and constructed so that it may be used without a permanent foundation.

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

153. MOTEL: A building or group of buildings whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances, and designed for temporary occupancy by primarily transient automobile travelers and providing for accessory off-street parking facilities.

154. MUNICIPAL USE: Public and semipublic uses of welfare and educational nature, including, but not limited to, parks, fire stations, municipal buildings and municipal garages.

155. MUSEUM: A non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment.

156. NO IMPACT HOME BASED BUSINESS: A business or commercial activity administered or conducted as a use which is clearly secondary to the residential use of the dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use.

157. NONCOMMERCIAL KEEPING OF LIVESTOCK: An accessory use to a dwelling unit involving the breeding, raising, caring for, housing, and principally the hobby / personal use of livestock and products derived from livestock by the occupant, owner or leaser of the lot on which such use is located.

158. NONCONFORMING SIGN: Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

159. NONCONFORMING STRUCTURE OR BUILDING: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

160. NONCONFORMING USE: A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

161. NONPARTICIPATING LANDOWNERS: Any landowners except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

162. NURSERY, HORTICULTURE: Any lot or parcel of land used to cultivate, propagate, grow and/or sell trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

163. OCCUPIED BUILDING (WIND ENERGY FACILITY): A residence, school, hospital, church, public library, commercial building or other building used for public gathering that is in use when the permit application is submitted.

164. OFFICE: A use which involves administrative, clerical, contractor, financial, governmental or professional operations and operations of a similar character. This use shall not include retail or industrial uses, but may include business offices, medical offices, and photographic services.

165. OFF-STREET PARKING: A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle, is not located on a dedication right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

166. OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

167. OPERATOR The entity responsible for the day-to-day operation and maintenance of a facility.

168. OUTDOOR STORAGE: The keeping, within a fenced area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 72 hours. Outdoor Storage (except yard sales) is only permitted in a rear yard.

169. OUTDOOR WOOD- FIRED BOILER (OWB): Also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, outdoor hydronic heaters, or water stoves. A fuel-burning device designed to burn clean wood or other approved solid fuels:

    a. That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and

    b. Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

170. PARCEL: A lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

171. 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 may be provided for a fee.

172. PARKING SPACE: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) motor vehicle.

173. PARTICIPATING LANDOWNER (WIND ENERGY FACILITY) A landowner upon whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

174. PARTY WALL: A common shared wall between two separate structures, buildings, or dwelling units.

175. PERSONAL SERVICE ESTABLISHMENT: Service activities shall include and be similar to barbershops, 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- related uses as defined herein.

176. PERVIOUS SURFACE: Any material that permits full or partial absorption of stormwater. For the purpose of this ordinance, this does NOT include stone and gravel areas.

177. PLAN, SKETCH: An informal plan indicating salient existing features of a tract and its surroundings and the general layout of proposed subdivision or land development. The sketch plan does not constitute a formal submission of a preliminary or final plan and is voluntarily offered to all applicants for guidance.

178. PLAN:: The map or plan of a subdivision or land development whether preliminary or final. (For the purpose of this ordinance, the terms “plat” and “plan” have the same meaning.)

179. PRIME AGRICULTURAL LAND: Land used for agricultural purposes that contains soils of the first or second class as designated by the USDA Natural Resource and Conservation Services county soil survey.

180. PRINCIPAL SOLAR ENERGY SYSTEM (PSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

181. PRINCIPAL STRUCTURE: The main, primary, or predominant structure on a given lot, tract or parcel.

182. PRINCIPAL USE: The primary or predominant use of any lot or parcel of land.

183. PRINCIPAL WIND ENERGY FACILITY: A system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.

184. PRIVATE RECREATION 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 and/or pollution, such as racing, touring and promotion of motor vehicles.

185. PRIVATE STREET/ROAD: A non-public right-of-way which provides vehicular access to one or more lots.

186. PROCESSING: A function which involves only the cleaning, sorting, sizing, packaging, or any combination thereof, of products and materials.

187. PUBLIC HEARING: A formal meeting held pursuant to public notice by the Board of Supervisors or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

188. PUBLIC LAND: Owned, operated or controlled by a government agency (federal, state, or local) including a corporation created by law for the performance of certain specialized governmental functions or any public school district.

189. PUBLIC MEETING: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84) known as the Sunshine Act, and subsequent amendments (65. C.S. CH.7 relating to open meetings).

190. PUBLIC NOTICE: A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

191. 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.

192. PUBLIC RECREATION FACILITY: Recreation facility owned and/or operated by an agency of the municipality or other governmental body, including, but not limited to, parks, swimming pools, and golf courses, etc.

193. PUBLIC STREET/ROAD: A street ordained or maintained or dedicated and accepted by Borough, City, Township, County, State or Federal governments and open to public use.

194. PUBLIC UTILITY, BUILDING AND STRUCTURES: Any structures which belong to a public utility for uses such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency.

195. QUARRY: A lot or land or part thereof used for the purpose of extracting stone, sand, clay, gravel, or top soil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

196. RECREATIONAL VEHICLE: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes.

197. RECYCLING CENTER: A building or site that is not a junk yard, at which recoverable resources such as newspaper, cardboard, glass, plastic containers, and/or metal cans are collected, separated, stored, flattened, crushed or bundled prior to shipment to others for further treatment or reprocessing.

198. RECYCLING YARD OR FACILITY: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material.

199. RELATED EQUIPMENT: Any piece of equipment related to, incidental to, or necessary for, the operation of a Tower-Based WCF or Non-Tower WCF. By way of illustration, not limitation, Related Equipment includes generators and base stations.

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

201. RETAIL BUSINESS: A business which markets goods, merchandise, commodities, or the like, on a retail, not wholesale basis with the intent that customers frequent the location to purchase offered items. Retail business establishments shall not be construed to be adult- related uses as defined herein.

202. RETIREMENT FACILITY: Planned development designed to meet the needs of, and exclusively for, the residence of senior citizens.

203. RIGHT-OF-WAY: An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

204. ROADSIDE STAND: A prospective use, intended for limited duration, for the display and retail sale of agricultural products.

205. ROTOR: That portion of the wind turbine, i.e. blades and associated hub and shaft, which is intended to be moved or activated by the wind.

206. SANITARY LANDFILL OR INCINERATOR: Land, structures and other appurtenances 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 thereby used or affected during the lifetime of operations, including areas where solid waste management actually occurs, support facilities, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities, contiguous 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 all applicable federal and state regulations.

207. SAW MILL: Mill or factory where logs are sawed to make boards.

208. SCHOOL: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical Board of Supervisors, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

209. SCREEN PLANTING: A vegetative material of sufficient height and density, to conceal from the view of adjoining properties, the structures and uses on the premises on which the screen planting is located.

210. SCREENING: The provision of a barrier to visibility, air borne particles, glare and noise between adjacent properties uses and/or districts composed entirely of trees, berms, shrubs, privacy fences, walls and/or other similar type materials.

211. SEASONAL RESIDENCE: A dwelling, cabin, camp, cottage, lodge or summer house intended for occupancy less than one hundred eighty- two (182) days of the year.

212. SETBACK: The distance between the building and any lot line or the street right-of-way line.

213. SEWAGE FACILITIES: A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

a. Individual Sewage System: A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance to another site for final disposal.

b. Community Sewage System: A sewage facility, privately owned, for the collection of sewage from two (2) or more lots, or two (2) or more equivalent dwelling units (EDU'S), and the treatment or disposal, or both, of the sewage on one (1) or more of the lots at another site

c. Public Sewage System: A sewage facility, owned and operated by a municipal agency or a public company controlled by the Pennsylvania Public Utility Commission, for the collection of sewage from two (2) or more lots, or two (2) or more equivalent dwelling units (EDU'S), and the treatment or disposal, or both, of the sewage on one (1) or more of the lots or at another site.

214. SHADOW FLICKER Alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

215. SHOOTING RANGE, PRIVATE: Any discharge of firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) on an individual's private property by the owner or occupier of such property and his/her invited guests (for no fee) for the practice of marksmanship, target shooting, recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

216. SHOOTING RANGE, PUBLIC: A facility, open to the public or open to individuals for a fee or membership (specifically including shooting clubs), designed and constructed that is not completely enclosed within a building that allows for the safe discharge of firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) by persons for the practice of marksmanship, target shooting, recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

217. SIDEWALK: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

218. 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.

219. SIGN: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This excludes national or state flags, window displays, graffiti, athletic scoreboards, or the official announcements or signs of governments.

a. SIGN, AREA: The area of a sign including all lettering, wording, and accompanying design and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall

or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

b. SIGN, AWNING, CANOPY OR MARQUEE: A sign that is mounted, painted or attached to an awning, canopy or marquee that is otherwise permitted by ordinance.

c. SIGN, CONSTRUCTION: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

d. SIGN, DIRECTIONAL: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

e. SIGN, ELECTRONIC VARIABLE MESSAGE: A sign or portion thereof that displays electronic images, graphics and/or text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade or repixalization. Electronic Variable message signs include, but are not limited to, computer programmable, microprocessor controlled electronic or digital displays.

f. SIGN, FACE: The area or display surface used for the message.

g. SIGN, FREESTANDING: A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.

h. SIGN, GROUND: Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

i. SIGN, HEIGHT: The vertical distance measured from the average surrounding ground level surrounding a sign to the highest point of the sign and its supporting structure.

j. SIGN, OFF-PREMISE: An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a noncommercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a billboard, or outdoor advertising).

k. SIGN, PERMANENT: A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

l. SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

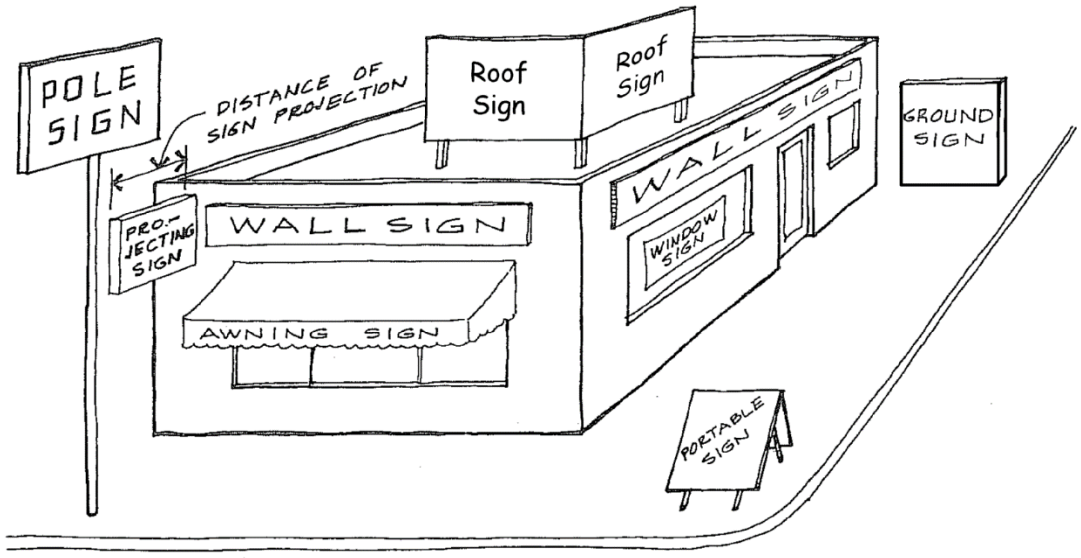
m. SIGN, REAL ESTATE: A sign relating to the property upon which it is located, offering such property for sale or lease.

n. SIGN, ROOF: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof the eave line of a building with a gambled or gable or hip roof, or the deck line of a building with a mansard roof.

o. SIGN, TEMPORARY: Any sign or advertising display constructed of cloth fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

p. SIGN, WALL: A sign primarily supported or painted on a wall of a building. A Wall Sign shall also include a sign displayed upon an awning, marquee or canopy.

q. SIGN, WINDOW: A sign which is attached to a window or transparent door or that can be read through a window or transparent door.



SIGN TYPES

220. SLOPE: Expressed in a percentage based upon vertical difference in feet per 100'0" of horizontal distance.

221. SOLAR ARRAY: A grouping of multiple solar modules with purpose of harvesting solar energy.

222. SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.

223. SOLAR EASEMENT: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

224. SOLAR ENERGY FACILITY, ACCESSORY: An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

225. SOLAR ENERGY FACILITY, PRINCIPAL: An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

226. SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.

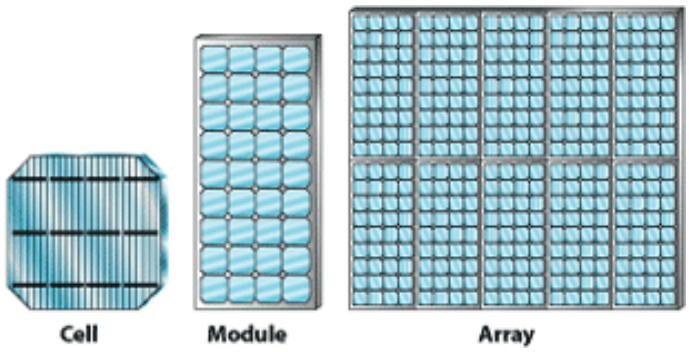
227. SOLAR ENERGY SYSTEM: An area of land used for a solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power.

228. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.

229. SOLAR PANEL: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

230. SOLAR PROJECT AREA: The total area of land including the Principal Solar Energy System, the space between solar arrays, stormwater management area, access drives, fencing and internal access roads. The Solar Project Area does not include any area set aside for agricultural uses and designed to be adequate for the maneuverability of typical farm equipment.

231. SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.



l. SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.

2. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.

3. SOLAR ARRAY: A grouping of multiple solar modules with purpose of harvesting solar energy.

232. SPECIAL EXCEPTION USES: A use permitted in a particular zoning district and approved by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code. A special exception use must be approved by the Zoning Hearing Board.

233. STABLE, BOARDING/RIDING: A structure designed for the feeding, housing, and/or exercising of horses, and where horses are kept for sale, hire, riding, and/or stabled for compensation.

234. STEEP SLOPE: Land with a 15 feet or greater change in elevation 100 feet or less in horizontal distance.

235. STREET: A strip of land, including the entire right-of-way, intended to be dedicated for uses as means of vehicular and pedestrian circulation by the public at large. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Lower Mifflin Township Roadway Classifications	
Arterial	• Pennsylvania Turnpike • Pa. Route 233
Collector	• Pa. Route 944 • Pa. Route 997
Local	• All remaining roads

236. STRUCTURAL ALTERATION: Any change in the footprint, supporting or structural members of any building or structure, or any change in the dimension or configuration of the rooms or exterior walls.

237. STRUCTURE: Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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

239. SUBSTANTIAL DAMAGE: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

240. SUBSTANTIAL IMPROVEMENT: Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds 50 percent of the fair

market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

241. TELECOMMUNICATIONS ANTENNA: A device attached to a building, structure, or telecommunications tower principally intended for receipt or transmission of signals for such uses as commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephone, fixed point microwave, lower power television or AM radio, including accessory equipment related to telecommunications. Not included are antennas for private, non-commercial and amateur purposes, including, but not limited to, ham radios and citizens band radios.

242. TELECOMMUNICATIONS TOWER: A free standing structure, including any guy-wires, principally intended to support facilities for receipt or transmission of signals for uses such as commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephone, fixed point microwave, low power television, or radio, including accessory equipment related to telecommunications. Not included are towers and supportive structures for private, noncommercial and amateur purposes including, but not limited to, ham radios and citizen band radios.

243. THEATER: A building or area for dramatic performances or motion pictures.

244. TOTAL HEIGHT : When referring to a wind turbine, the distance measured from the surface of the tower foundation to the highest point of a wind rotor blade when the blade is positioned at 90 degrees to the surface of the ground.

245. TOWER : The supporting structure of a wind turbine on which a rotor and accessory equipment are mounted. The basic types of towers include self-supporting (free standing) or guyed.

246. TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF): Any structure that is used for the purpose of supporting one or more Antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be Tower-Based WCF.

247. TRUCK STOP : A commercial use that primarily provides fuel and parking for tractor-trailer trucks, in addition to other vehicles, and which may also include vehicle repair, a retail store, restaurant, motel, showers and similar support facilities for travelers.

248. TRUCK TERMINAL: 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.

249. USE: The specific purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

250. UTILITY LINE: A line built and maintained in order to transport materials, utilities or services by underground or above ground means, including gas, electric, oil, cable, water, sewage, telephone, fiber optic cables, stormwater, computer lines and other lines.

251. VARIANCE: A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property. The hardship variance can be granted when the strict enforcement of the zoning ordinance as it applies to a specific lot would present practical difficulties in the use of the property. The hardship relates to the

physical characteristics of the property, and without the variance, the property becomes unusable.

252. VEGETATIVE COVER: An area covered with vegetative material: grass, shrubs, vines and trees.

253. VEHICLE AND EQUIPMENT REPAIR GARAGE: An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted involving work that is more intense in character than work permitted under the definition of "Fueling Station." A vehicle and equipment repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of a "fueling station" is also permitted as part of a "vehicle and equipment repair garage."

254. VEHICLE SALES: Any building or land devoted to the retail sales leasing and/or rental of passenger motor vehicles, including accessory service and repair facilities if conducted within a completely-enclosed building.

255. WAREHOUSE: A building or group of buildings primarily used for the indoor storage, transfer, repackaging and distribution of products and materials, but not including a Truck Terminal.

256. WATER COURSE: A stream of water, river, brook, creek, or channel or ditch for water, whether natural or manmade.

257. WATER FACILITY: Any waterworks, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

258. WATER SYSTEM, COMMUNITY: A system for supplying and distributing potable water from a common source(s) to two (2) or more dwellings and/or other buildings within a neighborhood area, such system being privately owned.

259. WETLAND: Those areas that are inundated or saturated by surface or groundwater 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. Wetlands generally include swamps, marshes, bogs, and similar areas. (definition used by U.S. Environmental Protection Agency and U.S. Army Corps of Engineers.)

260. WHOLESALE TRADE: Establishments primarily engaged in selling merchandise to other businesses including retailers, industrial, commercial, institutional, or other wholesalers and not to the general public.

261. WIND ENERGY FACILITY: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmissions lines and other appurtenant structures and facilities.

262. WIND TURBINE: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

263. WIRELESS COMMUNICATIONS FACILITY (WCF): The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

264. WIRELESS COMMUNICATIONS FACILITY, SMALL (SWCF): A WCF that meets the following conditions:

a. The structure on which antenna facilities are mounted—

i. Is 50 feet or less in height, or

ii. Is no more than 10 percent taller than other adjacent structures, or

iii. Is not extended to a height of more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and

b. Each antenna (excluding associated antenna equipment) is no more than three cubic feet in volume; and

c. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and

d. The facility does not require antenna structure registration with the Federal Communications Commission; and

e. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by the Federal Communications Commission.

265. WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT): Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Township owned land or property.

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

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

268. YARD INTERIOR: An open unoccupied space between the building of a dwelling group or between a building and its accessory buildings; not a front, side or rear yard.

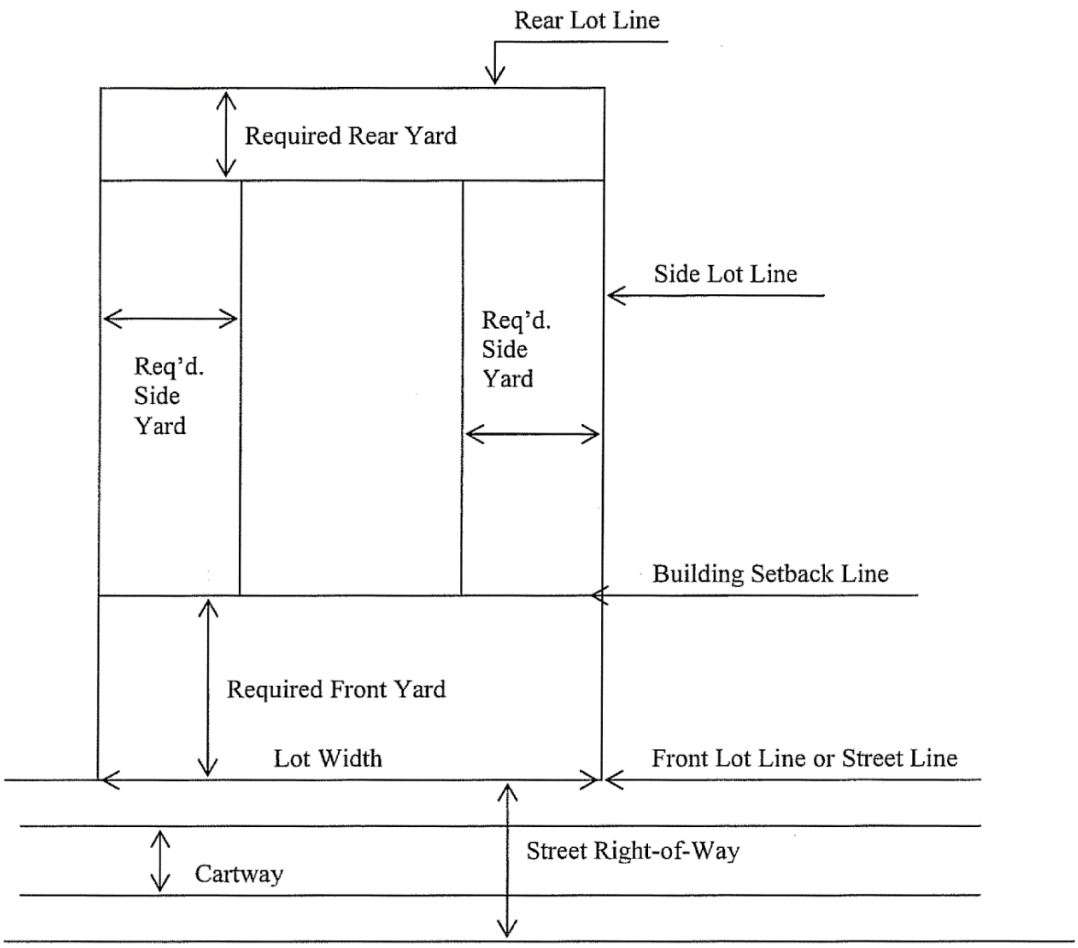
269. YARD, DEPTH: The shortest distance between a lot line and a required setback line.

270. YARD, FRONT: A space parallel to the front lot line and extending the full width of the lot between a required front setback line and the front lot line.

271. YARD, REAR: A space parallel to the rear lot line and extending across the full width of the lot between the required rear setback line and the rear lot line.

272. YARD, REQUIRED: An open space located on the same lot with a building unoccupied and unobstructed from the ground up, except for permitted accessory buildings or such projections as are expressly permitted. The minimum depth or width of a required yard shall consist of the horizontal distance between the lot line and the required building setback line.

273. YARD, SIDE: A space parallel to the side lot line and extending from the front yard to the rear yard between the required side setback line and the side lot line.



274. 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.

275. ZONING MAP: The map setting forth the boundaries of the Zoning Districts of Lower Mifflin Township which shall be part of this Ordinance.

276. ZONING OFFICER: The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. The Zoning Officer may also be the Building Inspector or Township Secretary and serve both offices of the township.

277. ZONING PERMIT/LAND USE 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 therefrom.

Lower Mifflin Township Use Table

Additional requirements in articles 8-9 may apply

Use	Conservation Zone (C)	Agricultural Zone (A)	Residential Zone (R)	Mixed Use Zone (MU)
ACCESSORY USES				
Accessory Solar Energy System	R	R	R	R
Accessory Wind Energy Facility	CU	CU	CU	CU
Day Care, Home (6 children or less)	R	R	R	R
ECHO housing	CU	CU	CU	CU
Home occupation	R	R	CU	R
Incidental Business		CU		R
Manure Storage Facility	CU	R	CU	CU
No impact home-based business	R	R	R	R
Noncommercial Keeping of Livestock	R	R	CU	CU
Outdoor Wood Fired Boilers	R	R	CU	CU
Roadside stand		R	R	CU
Wireless Communication Facilities (Small)	CU	CU	CU	CU
PRINCIPAL USES				
Adult-Related Uses				CU
Agriculture Operation, Riding School and Stables, excluding intensive agriculture operations	R	R	CU	CU
Airport/Heliport				CU
Animal hospitals, Veterinary Office		CU		
Auction House		CU		
Banks and other financial institutions				R
Bed and Breakfast	CU	CU	CU	CU
Business and professional offices				R
Campground	CU	CU		
Car Wash				CU
Cemetery		CU		
Confectionery and Bakery Shops				R
Conference Center	CU	CU	CU	CU
Convenience Store				CU
Conversion Apartment		CU	R	CU
Correctional facility			CU	
Data Center				CU
Daycare center (more than 6 children)			CU	R
Forestry operations	R	R	R	R
Funeral Home/Crematorium				CU
Gas Station (with or without convenience store)				CU
Golf course		CU	CU	
Group home		R	R	
Hotel/Motel				R
House of Worship and Related Uses	R	R	CU	CU
Industrial Use				CU
Intensive Agriculture Operations		CU		
Junkyard				CU

R = Use is Permitted by Right
CU = Use is Permitted by Conditional Use

Lower Mifflin Township Use Table

Additional requirements in articles 8-9 may apply

Use	Conservation Zone (C)	Agricultural Zone (A)	Residential Zone (R)	Mixed Use Zone (MU)
Kennel		CU		
Laundry Establishment (including dry cleaner)				R
Libraries			R	
Light Industrial Use				R
Medical and Dental Clinics				R
Medical Marijuana				R
Mobile/Manufactured home park			CU	CU
Multi-family dwelling			R	R
Municipal uses, public/private recreation facilities, and public utilities	R	R	R	R
Natural areas, wildlife refuge, parks, greenways	R	R	R	R
Outdoor Sales				CU
Parking Facilities				R
Personal Service Shops				R
Plant Nurseries and Greenhouses	R	R		R
Principal Solar Energy System		CU		CU
Principal Wind Energy Facility	CU	CU	CU	CU
Private Hunting Clubs (without public shooting ranges)	R	R		
Quarry/Mine	CU	CU		
Restaurants	CU	CU	CU	R
Retail Stores		CU		R
Retirement facility			CU	CU
Sanitary Landfill/Incinerator				CU
Saw Mills	CU	CU		
Schools		CU	R	
Shooting Ranges, Public	CU	CU		
Single family attached dwelling (townhouse)			CU	R
Single family detached dwelling	R	R	R	R
Taverns				CU
Temporary housing for farm employees		R		
Theater				R
Truck Terminal, Truck Stop, Warehouse, Wholesale Trade				CU
Two family detached dwelling			R	R
Vehicle and equipment repair garage		CU		CU
Vehicle Sales				CU
Wireless Communication Facilities		CU		

R = Use is Permitted by Right
CU = Use is Permitted by Conditional Use

ARTICLE 3

"C" CONSERVATION ZONING DISTRICT

Section 301. Purpose.

The Conservation (C) Zone protects the Blue Mountain area within Lower Mifflin Township, which is particularly sensitive due to steep slopes, the presence of streams and wetlands, and also provides an important visual resource for residents. The Colonel Denning State Park is also located within this area. This Zone generally extends to the Township's boundaries, and includes most of the slopes above twenty percent. To protect this area and its resources, low-intensity land uses are permitted, and more intensive uses are regulated by Conditional Use.

Section 302. Uses Permitted in the Conservation District.

Uses permitted in the Conservation Zoning District are provided in the Lower Mifflin Township Use Table provided herein.
Section 303.

Section 303. Area and Design Requirements.

A. Any lot, tract or parcel used for residential or other non-residential purposes shall comply with the following:

Use	Minimum Lot Area	Minimum Lot Width	Maximum Permitted Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Permitted Building Height*	Maximum Floor Area
				Front	Side	Rear		
Residential	5 acres minimum 10 acres maximum	200 ft	5%	50 ft.	50 ft.	75 ft.	35 ft.	N/A
Nonresidential	10 acres	200 ft (non-ag use) 300 ft (ag use)	5%	50 ft	50 ft.	75 ft.	35 ft.	N/A
Accessory Structures	N/A	N/A	N/A	50 ft.	10 ft.	10 ft.	35 ft.	800 square feet

* Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, tanks, silos related to farm operations, antennas or other similar projections.

Section 304. Woodland Preservation Requirements.

A. When required by the Pennsylvania Department of Environmental Protection, an Erosion and Sedimentation Pollution Control Plan, in acceptable form, must be approved by the Cumberland

County Conservation District prior to the commencement of logging or the harvesting of forest products on land located in the Conservation District.

ARTICLE 4

"A" AGRICULTURAL ZONING DISTRICT

Section 401. Purpose.

The primary purposes of the Agricultural (A) Zone are to protect and stabilize agriculture as an ongoing, viable, major component of the economy of the Township and of Cumberland County as expressed in Pennsylvania Act 133 of 1982 (The "Right to Farm Law"), which states that it shall be the policy of the Commonwealth to protect, through the administration of its current regulations, the State's agricultural land from irreversible conversion to uses that result in its loss as an environmental or essential food production resource. Therefore, this District permits, with exceptions, only those land uses and activities which are agricultural in nature, in order to encourage the preservation of the most productive farmland within the Township and to prevent adverse effects resulting from the encroachment and mixing of residential and industrial/commercial activities.

Section 402. Uses Permitted in the Agricultural District.

Uses permitted in the Agricultural Zoning District are provided in the Lower Mifflin Township Use Table provided herein.

Section 403. Area and Design Requirements.

A. Any lot, tract or parcel used for residential or other non-residential purposes shall comply with the following:

Use	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Maximum Permitted Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Permitted Building Height*
					Front	Side	Rear	
Residential	Area required for on-lot sewage approval	200 ft.	N/A	20%	50 ft.	50 ft.	75 ft.	35 ft.
Nonresidential	2 acres	200 ft.	N/A	20%	50 ft	50 ft.	75 ft.	35 ft.
Accessory Structures	N/A	N/A	N/A	Included in above	50 ft.	10 ft.	10 ft.	35 ft.

* Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, tanks, silos related to farm operations, antenna or other similar projections.

Section 404. Non-Farm Dwelling Notice.

The primary purpose of this district is to accommodate commercial agriculture. Non-farm dwellings or uses in this district may be subject to some common characteristics of agriculture which are sometimes regarded as objectionable, including but not limited to odor, dust, night, holiday, early morning and weekend operations, noise, heavy vehicle use of roads, the storage and disposal of manure, the application of fertilizers, herbicides, etc. Residents, owners and users of property in this district should accept these factors as normal and unavoidable characteristics of an agricultural area and are assumed to accept these characteristics by willingly choosing to reside in this Agricultural Zone.

Section 405. Farm Regulations.

A. Farming operations shall be conducted in accordance with the Nutrient Management Act of 1993, Act 38 of 2006, and as amended. All manure storage facilities shall be reviewed and approved by the Cumberland County Conservation District.

B. All farming operations which are in compliance with manure management regulations as imposed by State, Federal, or Township authority shall not be subject to further restriction on account of odor except where odors emitted are not the result of normal agricultural operations.

C. Any agriculture, horticulture or forestry-related uses which involve earthmoving activities over 5,000 square feet, or the commercial harvesting or timbering of vegetation, shall require the acquisition of an approved Erosion and Sediment Pollution Control Plan from the Cumberland County Conservation District pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection.

ARTICLE 5

"R" RESIDENTIAL ZONING DISTRICT

Section 501. Purpose.

The purpose of the "R" Residential Zoning District is to provide a range of basic housing types from low density to high density. The R District includes areas with on-lot septic systems for lower density development and areas that may have public sewer service in the future. This District is intended to be conveniently located near transportation and future utility infrastructure and adjacent to similar developments.

Section 502. Permitted Uses

Uses permitted in the Residential Zoning District are provided in the Lower Mifflin Township Use Table provided herein.

Section 503.

Section 503. Area and Design Requirements.

A. **No Public/Community Sewer and Water** - Any lot, tract or parcel used for the following purposes shall comply with the following:

Use	Minimum Lot Area *	Minimum Lot Width	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height **
				Front (from right-of-way)	Side	Rear	
Single-family detached dwelling	Area required for on-lot sewage approval	150 ft.	20%	50 ft.	40 ft.	50 ft.	35 ft.
Single-family semi-detached		150 ft. per unit	20%	50 ft.	40 ft.	50 ft.	35 ft.
Two-family detached		150 ft.	20%	50 ft.	40 ft. each	50 ft.	35 ft.
Single-family attached	Not permitted without public/community sewer and water						
Multi-family	Not permitted without public/community sewer and water						
Other permitted uses	Area required for on-lot sewage approval	150 ft.	20%	50 ft.	40 ft.	50 ft.	35 ft.
Accessory use or structure	N/A	N/A	N/A	50 ft.	10 ft.	10 ft.	35 ft.

* All uses relying upon on-lot sewers must comply with Section 505.

** Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, tanks, silos related to farm operations, antennas or other similar projections.

B. **Public/Community Sewer and Water** - Any lot, tract or parcel used for the following purposes shall comply with the following:

Use	Minimum Lot Area	Minimum Lot Width	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height *
				Front (from right-of-way)	Side	Rear	
Single-family detached dwelling	10,000 sq. ft.	75 ft.	35 %	50 ft.	15 ft.	30 ft.	35 ft.
Single-family semi-detached	5,000 sq. ft. per unit	50 ft. per unit	35%	40 ft.	20 ft. one side	30 ft.	35 ft.
Single-Family Attached (Townhouse)	2,000 sq. ft. per unit	25 ft. per dwelling unit	60%	40 ft.	15 ft. end unit	30 ft.	35 ft.
Multi-family	2 acres	200 ft.	60%	50 ft.	30 ft.	50 ft.	35 ft.
Other permitted uses	2 acres	200 ft.	30%	50 ft.	30 ft. each.	50 ft.	35 ft.
Accessory use or structure	N/A	N/A	N/A	40 ft.	20 ft.	30 ft.	35 ft.

* Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, tanks, silos related to farm operations, antennas or other similar projections.

ARTICLE 6

"MU" MIXED USE ZONING DISTRICT

Section 601. Purpose.

The purpose of the "MU" Mixed Use Zoning District is to provide commercial goods and services to local residents by allowing combinations of residential and non-residential uses. Strict design standards have been imposed to keep commercial and industrial uses in this Zone compatible with nearby residential uses.

Section 602. Permitted Uses

Uses permitted in the Mixed Use Zoning District are provided in the Lower Mifflin Township Use Table provided herein.

Section 603. Area and Design Requirements.

A. Any lot, tract or parcel used for the following purposes shall comply with the following:

Use	Minimum Lot Area *	Minimum Lot Width	Maximum Impervious Lot Coverage	Minimum Yard Setbacks			Maximum Building Height **
				Front (from right-of-way)	Side	Rear	
Residential uses	Subject to the dimensional requirements found in the Residential (R) District.						
Non-residential uses	1 Acre -or- the area required for on-lot sewage approval	150 ft.	60%	50 ft. building 10 ft. parking lot	30 ft.	30 ft.	40 ft.
Accessory use or structure	N/A	N/A	N/A	50 ft.	10 ft.	10 ft.	40 ft.

* All uses relying upon on-lot sewers must comply with Section 505.

** Maximum height limitation does not include chimneys, spires, steeples, unoccupied towers, tanks, silos related to farm operations, antennas or other similar projections.

ARTICLE 7

FLOODPLAIN DISTRICT

Section 700. Purpose and Intent

A. Applicable Areas. The Floodplain (FP) District includes the areas of Lower Mifflin Township which are subject to periodic inundation by floodwaters. This inundation may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the public health, safety, and general welfare.

B. Purpose. In the interest of public health, safety, and welfare, the regulations of the Floodplain District are designed and intended to protect floodplain areas subject to and necessary for floodwaters, to permit and encourage the retention of open land uses so located and utilized and to guide incompatible developments into more appropriate zoning districts.

C. Intent. In advancing these principles and the general purposes of this Zoning Ordinance and the Comprehensive Plan, and as a supplement to Article 1 of this Zoning Ordinance, the specific intent of this zone includes the following:

1. To regulate uses, activities, and developments which, acting alone or in combination with other existing or future uses, activities, and developments, will cause unacceptable increases in flood heights, velocities and frequencies.
2. To restrict or prohibit certain uses, activities, and developments from locating within areas subject to flooding.
3. To require all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.
4. To protect individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

Section 701. Lands In District Defined

The Floodplain District is hereby defined to include all of the following lands within Lower Mifflin Township:

A. All those areas identified as being subject to the 100-year flood in the Flood Insurance Study prepared for Lower Mifflin Township by the Federal Emergency Management Agency, dated October 8, 1982, as may be updated or amended.

B. All land delineated by the Soil Survey as possessing alluvial or floodplain soils.

Section 702. Boundary Disputes

A. Should any person dispute the initial boundary determination of the Floodplain District made by the Zoning Officer, an appeal will be submitted to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner.

B. All changes to the boundaries of the Floodplain District are subject to the review and approval of the Federal Insurance Administrator for compliance with the Rules and Regulations of the National Flood Insurance Program.

Section 703. Relationship to Other Articles

The provisions of this Article create an overlay zoning district which is applicable within floodplains in all other zoning districts established by this Zoning Ordinance. To the extent the provisions of this Article are applicable and more restrictive, they shall supersede conflicting provisions within all other Articles of this Zoning Ordinance and all other Ordinances of Lower Mifflin Township. However, all other provisions of all other Articles of this Zoning Ordinance and all other Ordinances of Lower Mifflin Township shall remain in full force.

Section 704. Permitted Uses

The following uses and no others are permitted in the Floodplain District, and they are permitted only if conducted in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Resources, and all other provisions of this Article and other applicable provisions of the Zoning Ordinance:

A. Agriculture, horticulture, and forestry, excluding any fill or structures; provided, however, that the exclusion of fill shall not be construed to prohibit grading, filling or depositing that would not cause any rise in the water surface elevation of the 100-year flood.

B. Erosion and sedimentation control measures, facilities, and structures; provided, however, that the exclusion of fill shall not be construed to prohibit grading, filling or depositing that would not cause any rise in the water surface elevation of the 100-year flood.

C. Public and private recreational uses such as parks, swimming areas (excluding swimming pools), play areas, day camps, campgrounds (excluding campsites), picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, areas or clubs for hunting, fishing, and/or boating (including marker or anchor buoys), paved bicycle paths, and hiking and horseback riding trails, all excluding any fill or structures; provided, however, that the exclusion of fill shall not be construed to prohibit grading, filling or depositing that would not cause any rise in the water surface elevation of the 100-year flood.

D. Harvesting of any wild crop, such as marsh hay, ferns, moss, berries, tree fruits and seeds, or wild rice.

E. Activities related to the preservation of natural amenities, including wildlife sanctuaries, nature preserves, woodland preserves, botanical gardens or arboretums, excluding any fill or structures; provided, however, that the exclusion of fill shall not be construed to prohibit grading, filling or depositing that would not cause any rise in the water surface elevation of the 100-year flood.

F. Open space and front, side, or rear yard required by other Articles of this Ordinance. Floodplain land may be used to meet minimum open space, yard, and lot area requirements, provided that the purpose and intent of this Article, together with the requirements of any other pertinent municipal regulations, are complied with.

G. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish Commission and reviewed by the Cumberland County Conservation District.

H. One or two strand wire fences.

I. Picnic tables, park benches, fireplaces and grills and playground equipment, if anchored to prevent flotation.

J. Blinds for the shooting or observation of wildlife, provided that such blinds shall only be placed, erected, and maintained during the open season established by the Pennsylvania Game Commission

for the taking of migratory waterfowl and the three weeks immediately preceding and three weeks immediately following that open season. Blinds shall be removed during all other times of the year.

K. Farm ponds which are constructed in accordance with a conservation plan reviewed by the Cumberland County Conservation District and which do not create any increase in flooding, and subject to the provisions of Section 9.09.02 c) of this Article.

L. Flood proofing and flood hazard reduction structured to protect only lawfully existing nonconforming structures and lawfully existing nonconforming uses within structures.

M. Public utility facilities (except buildings) under the exclusive jurisdiction of the Pennsylvania Public Utility Commission and specifically exempted from control by municipal zoning ordinances, subject to the provisions of Section 9.09.07 of this Article.

N. Marker buoys.

Section 705. Conditional Uses

The following uses in the Floodplain District are permitted only when Conditional Uses are granted in writing by the Zoning Hearing Board as provided for herein and in Article 9, when permitted by the underlying zoning district as permitted uses or special exception uses, and when conducted in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Resources, and all other provisions of this Zoning Ordinance. In granting any Special Exception, 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.

A. Bridges, culverts, and approaches, subject to the provisions of Section 916.

B. Extraction of sand, gravel, and other mineral resources, subject to the provisions of Section 916.

C. Fish hatcheries, subject to the provisions of Section 916.

D. Parking lots, loading areas, and driveways, subject to the provisions of Section 916.

E. Implement or tool sheds, subject to the provisions of Section 916.

F. Water monitoring devices, subject to the provisions of Section 916.

G. Water-oriented uses, subject to the provisions of Section 916.

H. Amusement Parks, subject to the provisions of Sections 916.

I. Other uses similar to the above, subject to the provisions of Section 916.

Section 706. Variances

Variances from the provisions of this Article are discouraged. Where, however, a variance is requested, the following requirements of the National Flood Insurance Program must be complied with in addition to all other variance provisions of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. In all variance proceedings, the burden of proof shall be on the Applicant.

A. No variance shall be granted for any development, structure, use, or activity within the Floodplain District which would cause any increase in flood levels during the 100- year flood as defined by this Article.

B. Variances shall only be granted upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship to the Applicant.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable laws, ordinances, or regulations.
4. That the grant of a variance will not jeopardize the flood insurance program of Lower Mifflin Township.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Whenever a variance is granted, the Board shall notify the Applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance.
2. Such variance may increase the risk to life and property.

E. A complete record of all variance requests and actions, including justification for granted variances, shall be maintained by the Board.

Section 707. Prohibited Uses

The following uses are specifically prohibited in the Floodplain District:

A. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.

B. All structures, with the exception of those specifically allowed in Articles 7 and 9 of this ordinance.

C. Sanitary landfills, dumps, junkyards and outdoor storage of vehicles and/or materials.

D. Placing, depositing and dumping any spoil, fill or solid waste except such grading, filling or depositing necessary to accomplish and carry out the permitted uses and uses by conditional use specified in Articles 7 and 9; provided, however, that no grading, filling or depositing is permitted in the floodway that would cause any rise in the water surface elevation of the 100-year flood.

E. Removal of topsoil, excluding sod production and nursery activities as allowed in Articles 7 and 9 and except when such removal of topsoil is necessary to accomplish and carry out the permitted uses and conditional uses specified in Articles 7 and 9, provided, however, that no grading, filling or depositing is permitted in the floodway that would cause any rise in the water surface elevation of the 100-year flood..

F. Damming or relocation of any watercourse, except as provided for in Articles 7 and 9.

G. Swimming pools.

H. Stockpiling, storage or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous material, hazardous materials, or other materials which, if flooded, would pollute the watercourse or be injurious to human, animal or plant life.

I. Cemeteries for humans or animals.

J. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all

animals to escape floodwaters of maximum elevation without human intervention, while remaining safely confined.

K. The floodproofing of new residential structures.

L. Feedlots.

M. Any development, structure, or use which may, whether alone or in combination with others:

1. Endanger human life.
2. Obstruct, impede, retard, change, or increase the velocity, direction, or flow of floodwaters.
3. Increase the surface elevation of floods, or the frequency of floods.
4. Catch or collect debris carried by floodwaters.
5. Be placed where the natural flow of the stream or floodwaters would carry it downstream to damage property within or adjacent to the Floodplain District.
6. Degrade the water-carrying capacity of any watercourse, channel, or floodplain.
7. Increase the rate of local runoff, erosion, or sedimentation.
8. Degrade the quality of surface water or the quality or quantity of groundwater.
9. Be susceptible to flotation and subsequent movement which would cause damage to other property.
10. Create unhealthy ponding or other unsanitary conditions.
11. Not be in harmony with the intent and purpose of this Article.

Section 708. Nonconforming Uses and Structures In the Floodplain District

A. Continuation. All uses or structures in the Floodplain District lawfully existing on the effective date of this Ordinance which are not in conformity with the provisions of this Article shall be deemed nonconforming uses or structures. Such non-conforming uses or structures may be continued, maintained, repaired, and floodproofed, except as otherwise provided for in this Article. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Lower Mifflin Township health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

B. Abandonment. No abandoned use or structure shall be reestablished, repaired, or reoccupied except in conformance with the provisions of this Ordinance and applicable Federal and State regulations. The Board of Supervisors may require the removal of any abandoned non-conforming use or structure upon prior notice to the owner of the property on which an abandoned nonconforming use or structure exists, if the use or structure constitutes a hazard. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, the Lower Mifflin Township Supervisors shall have the authority to itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.

C. Expansion and Modification. A non-conforming use or structure shall not be expanded or modified in any manner which would increase or aggravate flooding or flood hazards except in conformance with the provisions of this Ordinance and applicable Federal and State regulations. Nothing shall be done which would otherwise violate any of the provisions of this Article. No nonconforming use or structure shall be expanded, enlarged or altered in any way which increases its nonconformity with respect to height, area, yard, and other requirements established in other Articles of Lower Mifflin

Township Zoning Ordinance, nor in any way which causes it to occupy more space within the Floodplain District than was occupied by it on the effective date of this Article.

D. Replacement and Rebuilding. A non-conforming use or structure may be replaced, repaired, or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than 50 percent of its fair market value at the time of its damage or destruction. In such a case, however, the non-conformity of the new use or structure with respect to requirements as expressed in provisions of this Article shall not exceed that of the original use or structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this Article.

A non-conforming use or structure which has been damaged or destroyed by any means, including floods, to the extent of 50 percent or more of its fair market value at the time of its damage or destruction shall not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this Ordinance and applicable Federal and State regulations. Where it is shown that such requirements could not be met on land owned by the Appellant or where such requirements would impose undue hardship to Appellant in the efficient operation of the premises, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary, and the least modification possible of the provisions of this Article, while respecting and maintaining the purposes and intents of this Article.

E. Determination of Percent of Damage. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he shall deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning Officer shall be made to the Zoning Hearing Board.

Section 709. Design and Performance Standards

A. Applicability. Unless otherwise specified in this Article, the standards and criteria included in this Section are to be used, together with the provisions of all other Articles and all other ordinances in force in Lower Mifflin Township by the Zoning Officer and Zoning Hearing Board in their administration of this Article.

B. Regulations and Reviews by Other Agencies.

1. Where applicable and where possible, all necessary permits or other written approvals must be obtained from all other agencies before any approvals of plans, special exceptions, variances, or permits may be granted by Lower Mifflin Township or its agencies, officials, or employees.
2. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by Lower Mifflin Township, any approval of plans, special exceptions, variances, or permits by Lower Mifflin Township, or its agencies, officials or employees shall be conditioned upon receiving such other agencies' permits or written approvals.
3. No regulations of the Commonwealth governing watercourses are amended or repealed by this Article. Prior to any proposed alteration or relocation of any watercourse, a permit shall be obtained from the Pennsylvania Department of Environmental Resources, Dams and Encroachments Division; notification of any such proposal shall be given to all affected adjacent municipalities; and copies of such permit application and municipal notifications shall be forwarded to the Federal Insurance Administration and to the Pennsylvania Department of Community Affairs.

C. Placement and Construction of Authorized Uses and Structures.

1. All uses and structures shall be designed, constructed, and placed so as to offer the minimum obstruction possible to the flow of water, and shall be designed to have a minimum effect upon the flow, velocity, or height of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as is practicable, structures shall be placed approximately on the same flood flow lines as those of nearby structures.

2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and shall be constructed by methods and practices that minimize flood damage.

3. All new or replacement drains, water supply facilities, or sanitary sewage facilities shall be designed to preclude infiltration or back-up sewage or floodwaters into the facilities or structures and discharges from the facilities into floodwaters.

4. All new construction and substantial improvements of permanent non-residential structures shall either: have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation as defined by Articles 2 and 7, or together with attendant utility and sanitary facilities, be floodproofed so that below one foot above the 100- year flood elevation as defined Article 7, the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

5. All authorized improvements or additions to existing residential structures shall, to the greatest extent possible, be elevated. Any portion of the structure not elevated to one foot above the 100-year flood elevation as defined by Article 2 and 7 shall be flood proofed.

6. All authorized new residential structures shall have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation as defined by Article 2 and 7.

D. Floodproofing. Where floodproofing is authorized by this Article it shall be done according to the standards and provisions for floodproofing classes W-1, W-2, W-3, or W-4, as contained in Floodproofing Regulations published by the Office of the Chief Engineers, U. S. Army, publication EP 1165 2 314 (June 1972 and as subsequently amended) where such standards and provisions do not conflict with other provisions of this Article. Where reference is made in Floodproofing Regulations to the "RFD" (Regulatory Flood Datum) it shall be interpreted to mean the 100-year flood elevation as defined by this Article. The floodproofing of new residential structures is specifically prohibited.

E. Anchoring. All structures, including buildings, air ducts, large pipes, and storage tanks, within the Floodplain District shall be firmly anchored to prevent flotation, movement, or collapse, thus reducing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.

F. Surface Drainage. Adequate drainage shall be provided for all new development to reduce exposure to flood hazards.

G. Public Utility Facilities and Structures. Public utility facilities and structures (except buildings) subject to the jurisdiction of the Pennsylvania Public Utility Commission are requested to comply with the following standards in the interest of achieving the purpose and intent of this Article:

1. Public utility and associated structures such as pipelines, gas lines, storm sewers, sanitary sewers, waterlines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities, should, except for necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement

water supply facilities and/or sanitary sewage facilities should be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines should have a system of shut-off valves for service to the Floodplain District to allow positive control during flood emergencies.

2. Public utility electrical transmission lines and supporting structures should be installed so as to minimize or eliminate grade within the floodplain. Above ground electrical transmission lines should be designed to meet the following standards:

    i. Above-ground lines and supporting structures should enter the Floodplain District only to cross a watercourse, should cross a watercourse and the Floodplain District using the most direct and shortest route possible consistent with the goals, objectives, purposes and intents of this Article, should make the minimum number of crossings necessary, and should be designed and installed so as to minimize or eliminate flood damage.

    ii. Above-ground lines should be elevated so that their lowest portions are a minimum of 10 feet above the maximum flood elevation.

    iii. Supporting structures for above-ground lines within the Floodplain District should be the minimum number necessary to carry the lines across the Floodplain District. Supporting structures should be designed and installed so as to be able to withstand the maximum volume, velocity, and force in floodwaters which can be expected at the point where they are located.

    iv. Facilities and service in the Floodplain District should be designed so that flood damage within the District does not disrupt service outside the District.

H. Agricultural Standards. The following standards shall apply to all agricultural uses in the Floodplain District.

1. A filter strip is required between any watercourse and any tilled land. Such strip shall be a minimum of 10 feet in width measured from the bank of the watercourse channel. The filter strip shall be planted and maintained in grass.

2. Within the Floodplain District, a cover crop, such as annual rye grass, is required whenever the land is not being tilled for major crops.

3. Livestock shall not be confined in pastures or other enclosures located entirely within the Floodplain District.

Section 710. Building Permits

A. Irrespective of the provisions of Article 11, building permits shall be required for all proposed developments, construction, reconstruction, placement, replacement, expansion, renovation, extension, repair, or other improvement of uses or structures in the Floodplain District, regardless of value, including the placement of mobile homes and activities such as mining, dredging, filling, grading, logging, paving, excavation, or drilling operations. Building permits shall not be required for normal maintenance.

B. Every building permit application for work or use within the Floodplain District shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all of the provisions of this Ordinance.

C. The following information is specifically required to accompany all building permit applications involving structures within the Floodplain District:

1. The elevation (in relation to mean sea level) of the lowest floor (including the basement).

2. Whether or not the structure includes a basement.
3. If the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
4. Where floodproofing is proposed to be utilized for a particular structure, the building permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the floodproofing methods used meet the provisions of Article 7 and are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces, and other factors associated with the 100-year flood as defined by Article 7, and indicating the specific elevation (in relation to mean sea level) to which such structure is floodproofed.
5. A copy of all plans and applications for proposed construction or other improvements within the Floodplain District to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals for review and comment.

Section 711. Municipal Liability

The lawful granting of a permit or making of any other administrative decision under this Article shall not constitute a representation, guarantee, or warranty of any kind by Lower Mifflin Township, or by an official, agent, or employee thereof, of the practicability or safety of any structure, use or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or cause of action against, such public body, official, agent or employee for any flood damage that may result pursuant thereto or as a result of reliance on this Article. There is also no assurance that lands not included in the Floodplain District are now, or ever will be, free from flooding or flood damage

ARTICLE 8

SUPPLEMENTAL REGULATIONS

Section 800. Applicability

The provisions of this Article shall apply to all land uses, development, and structures in the Township, regardless of district, and shall be considered to be additional conditions or restrictions to any other provisions of this Ordinance. To the extent anything contained in this Article conflicts with any other provision of this Zoning Ordinance, the most stringent and restrictive provision shall apply. However, these provisions shall not apply in cases where they would result in clearly absurd or inappropriate conditions.

Section 801. Yard and Lot Regulations

A. On Corner Lots: Front yards are required on all street frontages. At the time of building permit issuance or preliminary subdivision plan review, one yard other than the front yards shall be deemed to be a rear yard, and the other (or others) side yards.

B. (RESERVED)

C. Projections Into Required Yards:

1. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3) feet into front and side yards.

2. Covered porches, decks, and patios, whether enclosed or not, shall be considered as part of the structure, are subject to setback requirements and shall not be permitted to project into a required front yard setback.

D. More than One Principal Building on a Lot: In any district, more than one principal structure containing a permitted use may be constructed on a single lot, provided that the yard areas and other provisions of this Ordinance shall be met for each structure, as if they were on individual lots.

E. Multiple Dwellings on a Lot: In all zoning districts more than one principal single family detached dwelling unit on a lot is prohibited.”.

F. Buffer Yards and Screening Requirements: Buffer yards and screening shall comply with the standards of the Lower Mifflin Township Subdivision and Land Development Ordinance.

G. At the discretion of the board of supervisors, side and rear setback lines may be reduced. The following information is required:

1. A written request for the reduced yard setback shall be provided to the board of supervisors. The request shall include the proposed land use and justification of the reduced setback.
2. The property owner shall provide a drawing that includes the property line, proposed structure, proposed use, well, and septic disposal area.
3. Each impacted property abutting the property line and reduced setback shall provide a written and signed approval of the new setback distance.
4. The property owner shall provide a proposed yard setback distance and provide a detailed description of the proposed use and structure. The final setback line shall not be less than 5 feet.
5. Any change of use that includes buildings in the reduced setback area is subject to approval from the board of supervisors

Section 802. Performance Standards.

A. No land or building in any zoning district shall be developed, used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable conditions in such manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises.

B. All uses shall be subject to and comply with the following regulations, or as amended, where applicable.

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, or as amended.

4. Glare and Heat: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.

5. Outdoor Lighting: These standards only apply to non-residential uses and parking lots abutting residential uses.

a. All outdoor lighting shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook, as amended.

b. The lighting from any luminary shall be shaded, shielded, or directed to prevent direct light from being distributed onto adjacent properties and/or surrounding areas.

c. Lighting shall be designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse.

d. The installation or erection of any lighting, which may be confused with warning signals, emergency signals, or traffic signals, shall not be permitted.

e. No glare or direct illumination may be in excess of one half (1/2) foot candles when measured at a residential property line and/or at a residential zoning district boundary.

Section 803. Prohibited Uses in All Districts.

A. Dump, landfill or disposal site, except a refuse disposal site established as an official township refuse disposal site or a refuse site duly licensed as a refuse site by the Pennsylvania Department of Environmental Protection.

Section 804. Swimming Pools.

A. Outdoor swimming pools must conform to applicable requirements of the Pennsylvania Uniform Construction Code-UCC Section 403.26, as amended.

Section 805. Off-Street Parking.

A. **General Provisions**. It is the intent of these standards that adequate off-street parking and loading facilities shall be provided for each use of land. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.

1. No parking space to be provided under the terms of this section shall be located within the right-of-way of any street.

2. Cumulative parking space requirements for mixed-use occupancies may be reduced where it can be demonstrated that the peak requirement of the several occupancies occur at different times.

B. **Design Standards**.

1. The minimum size of a parking space for any use shall be nine (9) feet wide by eighteen (18) feet long. The above notwithstanding, all parking spaces shall be ample in size for vehicles for which the use is intended.
2. Entrance/exit drives and interior travel lanes for parking areas shall be a minimum of eighteen (18) feet for one (1) way travel, and twenty four (24) feet for two (2) way travels.
3. Parking lots for more than 10 vehicles shall be striped or otherwise marked.
4. No parking area for multi-residential use, commercial, industrial, public, or semipublic use shall be permitted which would allow or encourage the backing of vehicles directly into a street. Points of ingress and egress between a street and off-street parking and service areas shall be designed so that vehicles can be moved from such parking and service areas to the street only by way of such designated points of ingress and egress.
5. All dead-end parking lots shall be designed to provide sufficient backup area for the end spaces.
6. All required parking spaces shall be located on the same lot, except when a Conditional Use for parking at off-site locations is granted.

C. **Landscaping and Screening**. All off-street parking areas which provide more than eight (8) parking spaces shall be screened from any abutting property zoned residential or used for residential purposes. Screening shall be provided in accordance with the Lower Mifflin Township Subdivision and Land Development Ordinance.

D. Residential Minimum Parking Requirements

1. Single Family Dwelling – 2 spaces per dwelling unit
2. Multifamily Dwelling – 1.5 spaces per dwelling unit plus 1 guest space per every 5 dwelling units

E. Nonresidential Minimum Parking Requirements

1. Nonresidential parking requirements shall be determined through a parking analysis provided by the Applicant. The parking analysis shall demonstrate that adequate space exists on site to accommodate the peak number of vehicles generated by customer, employee, and delivery traffic.
2. The parking analysis shall rely upon commonly accepted industry standards such as the most recent version of the ITE Trip and Parking Generation Manual and relevant data from similar uses in other locations.
3. The parking analysis shall be presented to the Board of Supervisors who, in consultation with the Zoning Officer and Township Engineer, shall determine the minimum number of required parking spaces.

F. **Lighting**. Parking lots of fifteen (15) spaces or more shall be lighted during evening operating hours. Lighting shall be shielded so as not to produce objectionable glare in compliance with Section 703 of this Ordinance.

G. **Loading and Unloading Space**.

1. Adequate off-street loading and unloading space shall be provided on the same premises for every use which involves the delivery or shipment of goods or other materials in bulk. This space shall be arranged so as not to interfere with the normal movement of traffic on the site and on the roadway.

2. No off-street loading/ unloading spaces shall be within any building setback and/ or buffer area.

Section 806. Signs.

A. **Sign Permits**. All Permanent Signs require a zoning permit.

1. Application for a zoning permit shall be made on a form provided by the Township and include the following information:
   a. Name and address of sign owner.
   b. A drawing showing the location of the sign with references to adjoining property lines and streets.
   c. A drawing showing the dimensions of the sign and contents of the sign.
   d. A description of the construction materials of the sign and its manner of installation.
   e. Certification by a Professional Engineer of the structural integrity for all signs over 10' in height.
2. All applications shall be reviewed and permits issued by the Lower Mifflin Township Zoning Officer.
3. Any changes in the location, dimensions, or contents of a sign shall require a new sign permit.
4. Sign permits can be revoked at any time for violation of the provisions of this Ordinance.

B. **Measurement of Signs.** The area of a sign shall be determined by multiplying the vertical and horizontal lengths of its visible faces, or of the area within the perimeter of all letters and symbols if the sign does not have a continuous border. The structure supporting the sign shall not be included in the measurement of the sign's area, unless the structure forms a part of the background of the sign, or contributes to its message. Any neon tube, string of lights, or similar devices, shall be considered as having no dimension of less than three inches.

C. **Signs Permitted in All Districts**. Signs listed in this subsection are permitted in all zoning districts as defined in this ordinance.

1. Name and Address of Resident. Name and address of resident, but not to include any commercial advertising, of not more than four (4) square feet in sign area.
2. No Trespassing Signs. No trespassing signs or other such signs regulating the use of a property, such as "No Hunting," "No Fishing," etc., of not more than two (2) square feet in sign area for residential uses, and five (5) square feet in all nonresidential zoning districts.
3. Real Estate Marketing Signs. Real estate marketing signs are signs which advertise the sale, rental or lease of the land upon which they are located. Such signs shall not exceed six (6) square feet in area in residential districts and shall not exceed twelve (12) square feet in area in all other zoning districts.
4. Public Services Signs. Signs regulating on-premises traffic (Examples: "In – Out," "Enter – Exit," designation of handicapped parking spaces, and signs denoting restrooms, telephone) not to exceed five (5) square feet in area and bearing no commercial advertising.
5. Signs Erected by a Governmental Body. Signs erected by a governmental body or under the direction of such body and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools or playgrounds, etc.
6. Political Signs. Advertises a person or party seeking political office or a political cause on a referendum shall not exceed four (6) square feet in area.

7. Special Events Signs of Charitable or Public Service Groups. Such signs must be removed as soon as the event or activity described thereby has occurred and shall not be permitted to exist more than thirty (30) days prior to such event or activity.
8. Permanent Residential Development Signs. Permanent residential development signs at major entrances designated to identify a residential subdivision and containing no commercial advertising shall have a maximum area of thirty two (32) square feet.
9. Signs Identifying Places of Worship. Signs identifying places of worship, when located on the premises thereof, shall have a maximum area of thirty two (32) square feet.
10. Home Occupation Signs. Signs identifying home occupations shall not be larger than six (6) square feet in area. Not more than one (1) such sign shall be permitted for each occupation.
11. Off-Premises Directional Signs. Signs identifying businesses or activities located elsewhere and giving information/directions, containing no advertising. Such signs must be located outside of the public street right-of-way and are limited to a total of three (3) such signs per establishment.

D. **Signs Prohibited in All Zoning Districts.** The following signs shall not be permitted in any zoning districts:

1. Signs which incorporate flashing, blinking, scrolling, or sound. Clocks, hanging signs which move with air currents, time and temperature signs and barber poles are exempted, provided they otherwise comply with all other provisions of this part.
2. Light sources which cast light on signs are prohibited unless shielded by opaque material so that lamps are not visible from off the property on which the signs are located.
3. Any sign or sign structure which constitutes a hazard to public safety or health.
4. Signs of such character, form shape, color, or wording that they imitate or resemble any official traffic sign, signal, or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a street.
5. Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required building exit.
6. Any obsolete sign which no longer advertises a bona fide business conducted or product sold.
7. Signs on public property or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body.
8. Signs that display words or images that are obscene or pornographic.
9. Signs attached to the roof of a structure or extending above the height of the building, as determined by the nearest roof ridge, roof line, or parapet.

E. **Signs in Agriculture District, Conservation District, and Residential District**.

1. Illuminated signs are prohibited in the Agriculture District, Residential District and Conservation District except for street address, signs indicating places of worship, and municipal signs necessary for public safety.
2. No sign may be erected or maintained in a Residential District, or Conservation District which exceeds thirty two (32) square feet of area on a single face, or sixty four (64) square feet of area on a double-faced sign.
3. Billboards and Electronic Variable Message Signs are prohibited in the Agriculture District, Residential District, and Conservation District.

F. **Signs in Mixed Use District**. Signs identifying a business or product located or manufactured on the

same premises shall be permitted wherever such business or industry is lawfully established in accordance with this ordinance. Legally established nonconforming uses shall also be permitted to have business signs in accordance with this Ordinance.

1. Number of Signs Per Premises. No more than three (3) signs identifying a business, office, or industry may be erected or maintained on any premises at any one (1) time, except when a building is located on a corner lot and has public entrances on two (2) or more public ways, or where a building has both a front and rear public entrance, one (1) additional sign may be erected. A double-faced sign shall count as a single sign.
2. Height of Signs. No sign or any part thereof (including braces, supports or lights) shall exceed a height of twenty (20) feet if erected at the right-of-way line of any street, road or highway adjoining the premises on which the sign is located, plus one (1) foot additional height for each three (3) lineal feet that said sign is located from such street, road or highway as measured on a perpendicular line from such right-of-way line to the nearest part of the sign. No sign shall exceed thirty five (35) feet in height regardless of its distance from the right-of-way line. Height shall be measured from the actual grade of the premises directly below the face of the sign (exclusive of any mounds or other additions to the grade level) to the highest part of the sign.
3. Sign Area. The total sign area per premises shall not exceed three (3) square feet per lineal foot of building frontage occupied by the occupant of said premises, except that no premises shall be limited to less than thirty two (32) square feet of total sign area. The total sign area of all signs on one premise shall not exceed two hundred fifty (250) square feet.
4. Billboards. Billboards are permitted only in the Mixed-Use District subject to the following regulations:
    a. No billboard shall be located within 1000 feet of another billboard.
    b. Billboards shall be set back not less than 50 feet from all side and rear property lines.
    c. All billboards shall be set back not less than 100 feet from any street right-of-way.
    d. Not more than one panel (two sides) shall be permitted.
    e. No billboard shall obstruct the view of motorists of traffic on any road.
    f. No billboard shall exceed 150 square feet in size or 20 feet in height.
    g. Lighting shall conform with Section 703 of this Ordinance.
5. Electronic Variable Message Signs. Electronic Variable Message Signs are permitted only in the Mixed-Use District subject to the following regulations:
    a. Electronic Variable Message Signs shall be set back not less than 50 feet from all side and rear property lines.
    b. No sign shall be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates, or resembles any official traffic sign, signal or device.
    c. Sign area and height for Electronic Variable Message Signs shall comply with Section 707.F.1-2 of this Ordinance.
    d. One (1) Electronic Variable Message Sign is permitted per lot.
    e. The face of the Electronic Variable Message Sign shall have only one advertising message per duration of the display.

f. Electronic variable message signs shall be available for public emergency use. Examples of this usage include, but are not limited to, Amber Alerts, emergency evacuations and road closures.

g. The minimum duration of display is required to be 1 minute.

h. In the event of a malfunction, an electronic Variable Message Sign shall turn to a dark screen. The dark screen shall remain until the malfunction is corrected.

i. Electronic Variable Message Signs shall comply with Section 703 of this Ordinance.

G. **Specific Sign Standards.** In addition to the general provisions above, the following regulations shall apply:

1. No wall sign shall extend above the top of the wall upon which it is placed.
2. No wall sign shall extend beyond the left and right extremities of the wall to which it is attached.
3. All signs and all parts, braces and supports thereof shall be located entirely within the property lines of the premises and shall not project over public right-of-way, public easements, or other adjoining lands. Freestanding signs may be permitted between the property line and the minimum building setback lines, except where otherwise prohibited by this ordinance.
4. A freestanding business sign shall have no more than two (2) faces or advertising sides.
5. No single face or advertising side of a freestanding business sign shall have an area which exceeds fifty (50) square feet.
6. One sign in addition to other allowable signs will be permitted to identify the price and type of fuel sold by a gasoline station; such sign shall not exceed thirty (30) square feet in area.
7. Portable Sign. Any sign not permanently attached to the ground or other permanent structure, including, but not limited to, signs designed to be transported by means of wheels, menu and sandwich board signs, and signs attached to or painted on vehicles parked and visible from the public right-of-way (unless said vehicle is used in the normal day-to-day operations of the business), shall be considered a portable sign. Such signs shall be limited to a maximum of thirty two (32) square feet in area and shall be limited to one (1) such sign per premises.

H. **Safety and Maintenance**. All signs and all parts thereof shall be kept in a good state of repair and maintenance, must be constructed of durable materials, and shall remain in compliance with other applicable state and local codes and ordinances.

I. **Abandoned Signs**.

1. "Abandoned Sign" Defined. A sign which pertains to a time, event or purpose which no longer applies or is located on a property which has been unoccupied or vacant for at least ninety (90) days.
2. Removal of Abandoned Signs. Signs that are abandoned shall be removed or have the contents of the sign covered from view by the person(s) responsible for the erection and/or maintenance thereof within thirty (30) days after notice of the abandonment to such person(s) by the Township. If such person(s) fail or refuse to remove such abandoned sign(s) after the notice aforesaid, the Township may remove the sign(s) at the expense of the person(s) responsible for the erection and/or maintenance thereof.

J. **Nonconforming Signs**.

1. All signs which are in existence on the effective date of this ordinance which do not meet the applicable provisions of this ordinance shall be considered nonconforming. A nonconforming sign may not be expanded or extended in any manner that would make it more nonconforming.

2. An existing lawful nonconforming sign may be replaced with a new sign, provided that the new sign is not more nonconforming in any manner than the previous sign.

Section 807. Storage and Display (Outside).

A. Outdoor Storage (except yard sales as permitted in 707.E below) shall only be permitted within a fenced-in area within a rear yard.

B. Outside Storage and Display shall not occupy an existing or future street right-of-way, buffer yard, sidewalk or other area intended or designed for pedestrian use, or required parking area.

C. No Outside Storage or Display shall occur on areas with a slope in excess of 25% or within the 100-year floodway.

D. Where permitted, lumber and coal yards, building material storage yards and contractors' equipment storage yards shall be located within a completely screened-in or fenced in structure.

E. Outdoor Storage of items intended for yard sales and/or other temporary sales shall not be permitted to exceed more three (3) consecutive days. All items, including signage, shall be removed upon the completion of the yard sale. Yard sales and other temporary sales shall not require screening.

Section 808. Water Supply.

A. No land use shall consume or utilize ground water or its availability such that the quantity or quality of ground water in adjacent areas is diminished. If the Zoning Officer or the Board of Supervisors determines that a proposed use of land presents the possibility of consuming excessive amounts of ground water or otherwise threatens its quality or quantity, the Zoning Officer or the Zoning Hearing Board may require suitable testing and technical evaluation of the effect of such ground water withdrawals to be conducted by competent professionals at the expense of the Applicant, who shall bear the burden of proof that the use of ground water shall not unreasonably interfere with ground water quantity or quality in adjacent areas.

Section 809. Zoning Requirements for Use Of On-Lot Sewage Disposal Systems.

A. Regardless of any lot area requirements listed in this chapter, the minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater. Such determinations will be made by the Pennsylvania Department of Environmental Protection and/or the Sewage Enforcement Officer.

B. Every use relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems.

Section 810. Carports.

A. A zoning permit will be required for carports. If the carport becomes enclosed, additional permits will be required.

B. Carports must have adequate tie downs or be fastened into the ground sufficiently to withstand high winds in accordance with manufacturers' specifications.

C. Carports must be placed in conformance with all setback requirements from the property lot line for any front, rear or side yard.

Section 811. Trash Disposal

A. Any stockpiling of trash is prohibited.

B. Burning of trash is permitted if a Township approved container is used.

C. Burning is prohibited during county-wide burn bans.

ARTICLE 9

SPECIFIC CRITERIA FOR CONDITIONAL USES, AND USES PERMITTED BY RIGHT

Section 900. Application.

In addition to the Supplemental Regulations listed in Article 7, the following sets forth standards that shall be applied to each conditional use, or use permitted by right listed below. These standards must be satisfied prior to approval of any applications. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone unless the standards of this Article specify different standards. In such cases, the specific standards of this Article shall apply.

Section 901. Adult-Related Uses.

A. Any building or structure used and occupied as an adult-related use shall have an opaque covering over all windows or glass in doors in any area in which materials, merchandise, or film are exhibited or displayed, so that no sale materials, merchandise, or film shall be visible from outside of the building or structure.

B. One Adult-Related Use shall be permitted per property.

C. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.

D. Each entrance to the premises shall be posted with a notice specifying that persons under the age of 18 years are not permitted to enter.

E. No adult-related use may change to another adult-related use, except upon approval of an additional conditional use.

F. The subject property shall be setback at least 1,000 feet from any lot containing a school, day care facility, park, playground, library, hospital, nursing/retirement home, or house of worship. A 500 foot setback shall be provided from any residential district or use. Distances shall be measured from property to property line in straight lines without regard to intervening structures.

Section 902. Agriculture Operation.

A. The minimum lot size shall be 2 acres.

B. A minimum setback of 100 feet from all property lines, wetlands, and waterways shall be provided for any area or structure used for the storage of animal wastes.

C. All animal wastes shall be properly stored and disposed of in accordance with state regulations.

D. A water study in accordance with Section 709 of this ordinance may be required.

Section 903. Airports/Heliports.

A. Minimum lot area shall be 20 acres for airports and 3 acres for heliports.

B. The applicant shall submit evidence confirming that the facility will be constructed, operated and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation.

C. No part of the takeoff/landing strip and/or pad shall be located within 1000 feet from any property line.

D. The applicant shall provide the delineation of the airport or heliport hazard zone, which includes approach, transitional, horizontal, and conical zones as shown in the official records and navigational charts of the Federal Aviation Administration. This information shall be provided to Lower Mifflin Township and all adjoining municipalities with land located within the hazard zone.

E. An application for the heliport on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.

Section 904. Animal Hospitals, Veterinary Offices.

A. All areas used for exercise shall be securely fenced.

B. All outdoor facilities shall not be located in the front yard and no enclosure shall be within 100 feet of any lot line.

C. Animals shall be permitted to exercise outside daily between the hours of 8:00 a.m. to 7:00 p.m.

D. Any Animal Hospital or Veterinary Office that will provide kenneling as a service shall comply with all requirements for a kennel.

E. All wastes shall be properly stored and disposed of in accordance with federal and state regulations.

F. Facilities that bury deceased animals shall comply with the requirements in Section 810.

Section 905. Auction House.

A. The applicant should provide a plan for parking, access and traffic flow.

B. All access drives to an auction shall be paved for a distance of at least 100’ from the center of the adjoining street.

Section 906. Bed and Breakfast .

A. A bed and breakfast shall be allowed only in a residential dwelling or buildings accessory thereto. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.

B. The use of a residential dwelling for a bed and breakfast must be approved by the Township Sewage Enforcement Officer and the system upgraded, if necessary.

C. All bed and breakfasts shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.

Section 907. Campgrounds.

A. All campsites and outdoor play areas shall be located at least 50 feet from any side or rear property line and at least 100 feet from any public street line and screened from adjoining residentially zoned or utilized properties.

B. An internal road system shall be provided. The width of one-way drives shall be at least 10 feet and the width of two-way drives shall be at least 20 feet.

C. All campgrounds shall furnish centralized sanitary sewer and garbage collection facilities that shall be set back a minimum of 100 feet from any property line. Such facilities shall be screened from adjoining residentially zoned or occupied properties.

D. Any accessory retail or service commercial uses shall be set back a minimum of 100 feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access only from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned or occupied parcels in accordance with the Subdivision Ordinance.

E. The applicant shall submit a plan for controlling noise, light, litter, traffic, and trespassing. Events such as concerts, military reenactments or outdoor activities that involve music or amplified sounds shall be setback not less than 1000 feet from any residentially-zoned district.

Section 908. Car Wash.

A. Car Wash shall be set back 100 feet from the road right-of-way.

B. The applicant must provide a plan for the use, capture, treatment, storage and/or reuse and discharge of water.

C. The applicant must provide a plan for the collection, storage and disposal of grease, oil and other automotive waste products.

D. Each washing bay should have a stacking area that allows for on-site queuing.

E. Trash receptacles shall be provided at every bay.

Section 909. Cemetery.

A. The minimum lot size shall be three acres.

B. Burial plots are prohibited in any floodplain.

C. Burial plots shall be set back 100 feet from any well and 100 feet from any property line.

Section 910. Conference Centers.

A. The site shall front on an arterial street. Parking will be provided in accordance with Section 706. Overflow parking shall be provided to insure adequate parking during peak periods. If after the opening of the Conference Center, the Lower Mifflin Township Supervisors determine that traffic safety issues are related to the lack of on-site parking, they may require the applicant to provide additional on-site parking spaces.

B. The site shall be designed to avoid negative impacts on neighboring properties due to hours of operation, noise, light, litter, dust, or pollution.

C. Overnight accommodations shall be for the use of conference attendees and not available for use by transients not participating in conference activities.

D. Retail establishments shall serve conference attendees only and shall not be available for use by the general public.

E. Conference Centers must provide adequate circulation and parking for attendees.

Section 911. Convenience Store / Gas Station.

A. A site circulation plan shall be provided that depicts the separation of gasoline service station areas and convenience store areas. The plan shall show the location and dimensions of all structures; the location of fuel pumps and tank field; the location and dimensions of parking, landscaping areas and signage; and the description of internal circulation and access, in accordance with the standards herein.

B. Screening shall be provided along all property lines with residential uses or residential zones in accordance with the Lower Mifflin Township Subdivision and Land Development Ordinance.

C. Minimum setbacks for canopies and pumps buildings shall be in accordance with the principal building setback requirements in the underlying zoning district.

D. Minimum setback of fuel pumps from parking areas shall be 20 feet.

E. All outdoor merchandise shall be displayed under a roof.

Section 912. Conversion Apartment.

A. All dwelling units within the building shall contain at least 400 square feet of habitable floor area.

B. Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character.

C. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.

D. Two off-street parking spaces per unit shall be provided.

E. The applicant shall furnish evidence of an approved means of water supply and sewer disposal.

Section 913. Correctional Facility.

A. All facilities shall be owned and operated by governmental agencies.

B. Minimum lot size shall not be less than 10 acres.

C. No structure shall exceed 35 feet in height.

D. Perimeter screening shall be provided in accordance with the Lower Mifflin Township Subdivision and Land Development Ordinance.

E. No structure shall be less than 500 feet to any lot line.

F. No outdoor public address system shall be audible at any point along any lot line.

G. All access shall be from an arterial or collector road.

Section 913.1. Data Center.

A. Power and Utility Infrastructure. The Data Center shall be designed to meet applicable local utility and power supply requirements, and where appropriate, incorporate sustainability measures such as renewable energy sources, efficient cooling systems, and backup power provisions.

1. Evidence must be provided from the public utility serving the facility during the land development process that an application for service is approved.

i. An interconnection agreement from the electric service provider indicating that capacity is available and the data center will be served.

ii. The applicant shall provide an intent to serve letter from wastewater treatment facilities and water suppliers.

2. If an on lot well is proposed, the following information is required.

i. A professional geologist or hydrogeologist licensed in the Commonwealth of Pennsylvania and qualified to conduct groundwater investigations shall prepare a water resources impact study. The purpose of the study will be to determine if there is an adequate supply of water for the proposed use and to determine the impact of the additional water withdrawals on wells within 500 feet of the property line, underlying aquifers and/or nearby surface water features (i.e., streams, wetlands, etc.). The Township Engineer and/or the Township's appropriate professional consultant shall review the impact study work plan, including proposed test well locations and pumping test procedures. Approval of the work plan by the Township Engineer and/or the Township's appropriate professional consultant shall be required prior to implementation.

ii. The Data Center owner or tenant shall provide the township with an annual report showing monthly water usage.

iii. All data centers meeting the water usage thresholds listed below require approval of the Susquehanna River Basin Commission (SRBC). The applicant shall provide an SRBC approval letter and any accompanying permit documentation prior to township approval.

1. Water withdrawals of 100,000 gallons per day or more over a 30-day average individually or in combination with other withdrawals.

2. Consumptive water use (water used but not returned to

the Susquehanna River basin) of 20,000 gallons per day or more over a 30-day average.

B. Minimum Lot Size. A Data Center principal use shall meet the minimum lot size requirements in the underlying zoning district.

C. Signage. All data centers shall include a posted sign at the main entrance. Such signage shall include the ownership, contact name and telephone number in the event of an emergency.

1. The contact name and telephone number shall also be provided to Lower Mifflin Township and updated annually.

2. Signage shall not include commercial advertising and is subject to approval by Lower Mifflin Township.

D. Security and Lighting. Adequate security measures, including fencing, lighting, and surveillance, shall be implemented to ensure the safety of the facility and surrounding structures. Lighting should be designed to minimize off-site glare and light pollution, in accordance with zoning ordinance section 802. All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties. A photometric plan shall be provided that demonstrates that light levels at the property line do not exceed 0.1 footcandles.

E. Fencing. A security fence shall be installed and maintained at a minimum of 100 feet from all adjacent residential property lines, and a minimum of 15 feet from property lines adjacent to nonresidential properties.

F. Setback and yard requirements.

1. The following minimum setback standards are required for all data centers. Buffer yards and access drives are permitted in the setback area.

i. Front yard: 300 feet

ii. Side yard: 300 feet

iii. Rear yard: 300 feet

iv. Building to building interior setback: 50 feet

2. A buffer yard of at least 100 feet in width shall be required between a data center and a residential use or the C, A, R zoning districts in the Township or in an adjacent municipality regardless of whether the data center and the residential use are separated by a public or private street or share a property line. This buffer yard shall consist of a landscaped earthen berm with a minimum height of ten feet and a slope not greater than 3:1. The buffer yard shall include one row of trees on top of the berm and two rows of trees beside the berm. Plantings in the buffer yard shall include a dense screen of evergreen and deciduous trees having a minimum height of six feet and shall meet other requirements of The Lower Mifflin Township Subdivision and Land Development Ordinance

section 427. The buffer yard, including the berm and plantings, shall be located outside the security fence and between the security fence and the residential use.

G. Maximum impervious coverage. The requirements shall be determined based on the underlying zoning district.

H. Height Restrictions. Building height shall comply with the underlying zoning district.

I. Noise. Any proposal for a Data Center Use shall include ambient noise study for baseline noise, post-construction sound studies which examine all exterior utility functions of the building (rooftop and ground-mounted) that produce sound. These studies shall be performed at the cost of the applicant. A Data Center Use shall not create more than 60 decibels, or preexisting noise levels at any property line. The sound study shall verify compliance with this section and the Township Subdivision and Land Development Ordinance, as applicable. Where conflicts exist between this section and the Subdivision and Land Development Ordinance, the more stringent regulation shall apply.

1. All rooftop equipment that produce sound (*e.g.*, HVAC, cooling towers, generators, and the like) shall be fully screened from view and the screening shall be placed to shield the direction of emitted sound.

J. Façade requirements. A Data Center shall meet the following design guidelines:

1. Principal building facades: Principal building facades shall include all building facades that face adjacent public or private streets and residential land uses and zoning districts. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment. Principal building facades associated with new construction shall meet the following standards:

i. Principal building facades shall avoid the use of undifferentiated surfaces by including at least two of the following design elements: change in building height; building step-backs or recesses; fenestration; change in building material, pattern, texture, color; or use of accent materials.

ii. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment.

Section 914. Daycare Center (Child or Adult).

A. Passenger “drop off” and “pick up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.

B. All commercial day care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

Section 915. ECHO Housing.

A. Temporary housing units for elderly family members or persons with disabilities may be permitted as accessory residential dwellings on a lot containing not more than one single-family detached dwelling.

B. At least one of the occupants of the ECHO unit shall be a blood relative of the owner of the lot. However, a nurse may occupy the ECHO unit if the nurse is providing medically necessary care for another occupant of the premises.

C. The applicant shall demonstrate that at least one of the occupants of the premises has a physical or mental condition that warrants special or additional care.

D. There shall be not more than two occupants of the ECHO unit, not including nursing care.

E. The owner of the parcel shall live on the parcel or in the ECHO unit on a permanent basis.

F. The right to occupy the ECHO unit shall terminate upon the sale of the parcel, the death of the occupant, or the failure to comply with any of the provisions in this Section.

G. Not less than one off-street parking space shall be provided for the ECHO unit. The parking space shall not be located on any additional front yard area.

H. The ECHO unit shall have a minimum floor area of 200 square feet, and a maximum of 800 square feet.

I. The ECHO unit shall be placed not more than 50 feet from the principal dwelling on the lot.

J. The ECHO unit shall be placed in a rear yard, unless such a placement conflicts with drainage fields or causes other practical difficulties, in which case the unit may be placed in a side yard.

K. ECHO units shall be set back in accordance with setbacks for accessory structures in the zoning district in which the use is located.

L. The ECHO unit shall be removed completely within a reasonable amount of time upon the termination of its use.

M. The Sewage Enforcement Officer shall inspect and approve the proposed method of sewage disposal.

Section 916. Floodplain District.

A. General Standards and Criteria for all Conditional Uses in the Floodplain District. In deciding upon applications for conditional uses in the floodplain district, the Board of Supervisors shall also evaluate and determine whether the following standards and criteria have been complied with:

1. That danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, are minimized.
2. That no, or a minimum of, flood water or material will be carried downstream.
3. That the proposed land use requires a waterfront or floodplain location.
4. That reasonable alternatives, which do not involve encroachment into the floodplain, do not exist.
5. That the proposed use is compatible with existing and anticipated developments.

6. That the proposed use is compatible with the Lower Mifflin Township Comprehensive Plan.
7. That access to the site by emergency vehicles during times of flood is preserved.
8. That the anticipated area, height, depth, velocity, pressure, frequency, duration, rate of rise, and sediment load in floodwaters is compatible with the proposal.
9. That the proposal will not unduly alter the course of natural water flow.
10. That the natural, scenic and aesthetic values of the proposed site will be preserved.
11. That important archaeological sites, historic sites or structures, endangered flora or fauna, or other especially valuable land uses will be preserved.
12. That a minimum of potential danger, damage, or injury to all adjoining parcels, regardless of municipal location, will result.
13. That the proposed land use will not cause:
    i. Significant increases in flood heights
    ii. Significant threats to public safety
    iii. Extraordinary potential public expense
    iv. The creation of nuisances
    v. Conflict with any law or regulation

B. Required Plans. In hearing and deciding upon conditional uses to be granted or denied under the provisions of this Article, the burden of proof shall fall upon the Applicant. The Board of Supervisors shall require the Applicant to provide such reasonable plans, specifications, studies and other information as shall be necessary for the Board to arrive at a fair, impartial, and informed determination. Such required information may include, but is not necessarily limited to, the following:

1. Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and their relationship to the location of the floodway area.
2. Typical cross-sections of the channel, elevations of land areas on both sides of the channel, and of the areas to be occupied by structures including high water information.
3. A plan view showing elevations or contours, pertinent structures, fill or storage elevations, the size, location, and arrangement of proposed structures, the locations of streets, water supply facilities, sewage facilities, soil types and other similar information.
4. Profiles of the slope of the bottom of the channel or flow line of the watercourse.
5. Specifications of building materials and construction, flood proofing measures, filling, grading, storage of materials, channel improvement, and similar facilities.

C. Historic Structures. The Board of Supervisors may waive any of the requirements of this section for any structure listed on the National Register of Historic Places, or the Pennsylvania Register of Historic Sites and Landmarks.

D. Permitted Uses, Specific Regulations. The following uses may be permitted in the Floodplain District, subject to any pertinent Regulations:

1. Bridges, culverts, and approaches, subject to review and/or approval by the Cumberland County Planning Department, the Susquehanna River Basin Commission, the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation as required.

The proposed structure shall be designed to pass the design flood without significant increase in upstream or downstream water surface elevation.

2. Fish hatcheries.
3. Extraction of minerals, excluding topsoil, subject to all applicable regulations of the Pennsylvania Department of Environmental Protection and the U.S. Army Corps of Engineers.
4. Implement or tool sheds, provided that no vehicles or hazardous materials shall be stored on the site.
5. Water-oriented uses such as docks, piers, whares, marinas, boat liveries, launching ramps, and similar uses provided that all Pennsylvania Department of Environmental Protection regulations are met.
6. Parking lots, loading areas, driveways, and airfields, provided that no vehicles or materials are stored on the site.

Section 917. Forestry Operations.

A. Documentation of compliance with the requirements of all applicable state regulations including, but not limited to, the following: erosion and sedimentation control regulations 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 snd 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 Lower Mifflin Township roads 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.

Section 918. Funeral Home/Crematorium.

A. The Applicant shall provide evidence of parking capacity and an analysis of traffic flow from the funeral home.

B. Screening shall be provided in accordance with the Lower Mifflin Township Subdivision and Land Development Ordinance.

C. Applicant shall provide evidence of compliance with all federal and state requirements.

Section 919. Golf Courses.

A. The minimum lot area shall be 20 acres.

B. All greens shall be set back not less than 50 feet from all lot lines.

C. All accessory uses shall be set back not less than 100 feet from all lot lines.

D. The Township may require screening to be placed around structures.

E. All roadways shall be designed to minimize conflicts between automobiles and golf carts and pedestrians.

F. All parking shall be set back not less than 20 feet from any residential district.

G. The applicant shall submit the following plans:

1. Runoff controls for herbicides, pesticides, fungicides, and fertilizer, and plans for disposal of the containers for those items.
2. Water use plan, including emergency condition usage.
3. Nutrient plan to ensure nitrates, herbicides, pesticides, fungicides or other fertilizer is used in compliance with applicable law.

Section 920. Home Occupations.

A. The Home-Related Business shall only be conducted within a building used for residential purposes or an accessory building, and no products utilized in the Home-Related Business shall be stored outside.

B. No more than 25 percent of the total square footage of the residential dwelling or accessory building shall be devoted or used for the Home-Related Business. The term "square footage" of the residential dwelling and accessory building for the purposes of this provision shall mean the square footage of all floors and habitable basement areas but shall exclude attic space.

C. No more than two persons other than persons residing in the residential building shall be employed in the Home Related-Business.

D. No alterations to the exterior front facade of the residential dwelling or accessory building shall be permitted, the effect which would establish that the building is being used for purposes other than a dwelling or accessory building.

E. Two parking spaces in addition to those required by the district shall be required. No additional front yard areas shall be utilized for parking.

F. Before any building is used as a Home-Related Occupation or Business, the person intending to operate the Home-Related Business shall apply for and receive a permit from the Zoning Officer, which permit shall reflect that it is issued subject to the applicant complying with the conditions of this section. The permit shall be countersigned by the applicant for the purpose of establishing his acknowledgment of these regulations.

G. The Township may require periodic re-inspection to ensure continued compliance with all applicable conditions.

Section 921. House of Worship.

A. All Houses of Worship shall have vehicular access to an arterial or collector road.

B. All off-street parking areas shall be set back at least 25 feet from the street right-of- way line.

C. The Township may require screening of parking areas.

D. Residences, rectories, educational facilities, day care, etc., and other facilities associated with places of worship shall conform to the following requirements:

1. All accessory residential uses shall be located upon the same lot or directly adjacent to a lot containing a house of worship.

2. All educational or day care uses shall be adjacent to or located upon the same lot as a house of worship.
3. Outdoor play areas shall not be located within the required minimum front yard and must be set back 25 feet from all property lines
4. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

Section 922. Incidental Business.

A. No more than six nonresidents shall be employed by all incidental businesses. At least one owner of the incidental business must reside on the site.

B. Incidental businesses adjacent to a residential zone or use shall provide a 50 foot buffer yard and comply with the screening requirements in the Subdivision and Land Development Ordinance.

C. The total of all incidental businesses shall not occupy buildings totaling more than 4,000 square feet of gross floor area.

D. Any sign used for an incidental business shall comply with the sign regulations in Article 707 of this ordinance.

E. Parking shall be provided in compliance with Section 706 of this ordinance. All parking spaces associated with the incidental business shall not be located within the front yard area.

F. Parking of equipment and storage of equipment shall not be located in the front yard area.

Section 923. Industrial Use and Light Industrial Use.

A. The Applicant shall provide a description of the proposed use including each of the following:

1. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products.
2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.
3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, environmental hazards, etc.) and specific measures employed to mitigate or eliminate any negative impacts.

B. Buffering and screening shall be provided in accordance with the Lower Mifflin Township Subdivision and Land Development Ordinance.

C. All access drives shall front on an arterial or collector road.

Section 924. Intensive Agricultural Operations.

A. The parcel of contiguous land of an intensive agricultural operation shall be and remain at least 50 acres.

B. Irrespective of the provisions of this section, any intensive agricultural operation in existence prior to the enactment of this Ordinance may not expand such operation without obtaining a conditional use approval from Lower Mifflin Township.

C. Any building or building addition constructed after the date of the enactment of this chapter to house animals in an intensive agricultural operation must maintain the following setbacks:

1. From an occupied dwelling: 500 feet
2. From a property in the MU zone or a property in the R zone: 500 feet.
3. From a property line or watercourse: 200 feet.
4. From a well not owned by the owner of the intensive agricultural operation: 150 feet.
5. Buildings housing animals shall not be located within the floodplain.

D. The intensive agricultural operation must establish and maintain compliance at all times with the requirements of the Pennsylvania Nutrient Management Law.

E. The disposal of dead animals shall be in accordance with the Domestic Animal Law, 3 Pa. C.S. §2352. Dead animals shall be disposed of within 48 hours after death.

F. A water study in accordance with Section 709 of this ordnance may be required.

Section 925. Junkyard.

A. No portion of any junkyard shall be closer than 500 feet to a residential use.

B. All junkyards shall be enclosed by a fence. All junk material, including but not limited to junked motor vehicles, junked trailers, junked recreational vehicles or mobile homes, junked machinery and/or equipment, shall be stored inside the enclosed fencing. The fence shall be constructed of masonry, metal or chain link with privacy slats that obscures the view of the junkyard from the public right-of-way and from adjoining properties. The fence shall be at least six feet high and shall contain a lockable gate made of similar solid material, which shall be kept closed and locked when not attended. The gate and all fencing shall be maintained in good condition and shall not be allowed to deteriorate or become unsightly. There shall be no advertising of any form placed on the fencing.

C. The fence enclosing a junkyard shall be set back at least 50 feet from the right-of-way of any public street or road, and shall be set back a minimum of 50 feet from a residential zone or use and shall be set back a minimum of 10 feet from all other property lines.

D. All junk shall be stored and arranged so as to permit access by firefighting equipment, and to prevent the accumulation of stagnant water. Junked automobiles shall be arranged in single or double rows with at least fifteen feet between rows. All fluids, including, but not limited to gasoline, and oil shall be drained from junked vehicles, and shall be stored in one location on the premises until properly discarded.

E. The applicant shall drill a well at a location on his property chosen by the Township but at a location to not unreasonably interfere with the applicant's activities. The applicant shall use an independent third party to test the well water on a monthly basis for the presence of petroleum residues and other contamination and shall submit such reports to the Township on a monthly basis. If any test shows deterioration in water quality, the applicant shall be required to use an independent third party to take remedial action to remove contamination, and the applicant shall cease accepting any additional items of junk until such remedial actions have been completed. If such remedial action is not completed within 90 days, the use shall terminate, and all items of junk and related materials shall be removed from the junkyard within the following 90 days. Remedial action may include the removal of all contaminated soil or the installation of a liner around the affected area. All water testing and subsequent remedial actions shall be at the expense of the owner / applicant.

F. No garbage or organic waste shall be permitted to be stored in any junkyard.

G. Junkyards shall, at all times, be maintained in such a manner so as not to cause public or private nuisance, nor cause any menace to the health or safety of any persons off the premises, nor cause any noxious or offensive smoke or odors, nor cause the breeding, harboring or infesting of rats, rodents or vermin, nor cause a violation of any health or sanitation law, ordinance or regulation of any governmental body.

H. The facility owner or operator shall post and maintain funds for removal of all structures associated with the junkyard in an amount 100% of the identified removal costs, as adjusted over time.

I. Lower Mifflin Township reserves the right to inspect any junkyard to ensure compliance with the provisions of this chapter and any other provisions found within the municipal code or state or federal law. Lower Mifflin Township and/or its agents shall have the authority to enter the property at any time, upon reasonable notice to the operator, to ensure such compliance.

J. A water study in accordance with the Subdivision and Land Development Ordinance may be required.

K. A traffic study may be required in accordance with the Subdivision and Land Development Ordinance.

L. Screening is required in accordance with the Subdivision and Land Development Ordinance.

Section 926. Kennel.

A. All outdoor facilities shall be located within the rear yard, and no enclosure shall be within 100 feet of any lot line.

B. The Township may require screening.

C. A plan for controlling noise, odor, and waste disposal, shall be provided.

D. The applicant must demonstrate compliance with 7 Pa. Code, Chapt. 21 “General Provisions; Kennels, Licensure; Dog-Caused Damages” and the Pa. Dog Law.

Section 927. Manure Storage Facilities.

A. All manure storage facilities shall be designed and located in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 3 and 25 Pa. Code Chapter 91 – Pollution Control and Preservation at Agricultural Operations; and located in accordance with 25 Pa. Code Chapter 83, State Conservation Commission - Minimum Standards for Manure Storage Facilities; and any revisions, supplements and replacements thereof, published by the Pennsylvania Department of Environmental Protection.

B. Manure storage facilities with 1 acre of disturbance or greater shall be reviewed by the Cumberland County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.

Section 928. Medical Marijuana Facility.

A. Any medical marijuana facility must provide proof of compliance with all applicable federal and state requirements.

B. The applicant should specifically address each requirement in Pennsylvania Act 16 of 2016, "The Medical Marijuana Act" including any amendments, or the latest version thereof.

Section 929. Mobile / Manufactured Home Park

A. Minimum site area shall be 30 contiguous acres. This area shall not include rights-of-way, recreation areas, floodplains, wetlands, slopes greater than 15% or common parking areas.

B. Maximum density shall be 4 dwelling units per acre.

C. The minimum distance between mobile homes shall be 20 feet.

D. All lots shall abut and be accessible from an internal street.

E. Mobile home lots within the park shall have a minimum area of 8,000 square feet and a minimum width of 80 feet. Mobile homes should be located 10 feet from any side or rear mobile home lot line.

F. Each lot shall be improved to provide a mobile home stand and adequate frost-free foundation.

G. A buffer of 50 feet shall be provided around the perimeter of the mobile home park. A 15-foot landscape screen shall be provided in the buffer.

H. All mobile homes shall be located away from wetlands, flood-prone areas, and known hazards or nuisances.

Section 930. No-Impact Home-Based Businesses.

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

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

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

Section 931. Non-Commercial Keeping of Livestock.

A. Large Animals (livestock of the bovine, equine, swine, sheep or camelid families, etc.) shall be permitted at a density of 1 animal for each 22,000 square feet of lot area used for housing and pasturing of the livestock.

B. A minimum lot size of 2 acres shall be required for the non-commercial keeping of large animals as described above.

C. Small Animals (chickens, fowl, game birds, rabbits and any other animal which is by size and/or nature of a similar character to the aforementioned animals, etc.) shall be permitted at a density of 1 per 2,000 square feet of gross lot area.

D. In the event any livestock, excluding chickens and fowl, gives birth, thereby exceeding the number of livestock animals allowed by the minimum set forth in this subsection, the owner of said livestock and/or the occupier of the premises shall conform to the number of livestock animals for the dimensional requirements within one year of the birth of the animal.

E. The lot size and density requirements of this section shall not apply to horses used as a primary source of transportation.

F. Livestock structures shall be located a minimum of 50 feet from all property lines, or the accessory building setback required by the zone, whichever is greater.

G. Livestock structures shall not be permitted in the front yard.

H. All animals shall be kept within a livestock enclosure at all times when said animals are not leashed, haltered or bridled and under the direct control of the owner or an authorized agent of the owner of the animals.

I. Electric and barbed-wire fencing shall only be permitted for livestock enclosures in the A Zone. This requirement does not apply to underground electric fencing.

J. The height of the fencing shall be sufficient to keep the animal(s) within the pen and shall be adequately constructed to prevent the animal(s) from being able to escape from its confines.

K. Non-Commercial Keeping of Livestock must comply with the Pennsylvania Nutrient Management Regulations, Pa. Code Title 25, Chapter 83, as required by the Department of Environmental Protection.

L. A minimum setback of 50 feet shall be provided for any structure used for the storage of animal wastes and all property lines, wetlands, and waterways. A minimum setback of 100 feet from any well shall also be provided. In addition, structures used for the storage of animal wastes shall be set back 100 feet from any structure on an adjoining property.

M. The keeper of such animal(s) shall show that adequate provisions are being implemented to collect, store and dispose of the manure and other litter associated with the keeping of the animal(s). The containers to be used in the process shall be kept covered and shall be cleaned on a regular basis to avoid the potential for detectable odors.

N. All Non-Commercial Keeping of Livestock must comply with minimum standards of animal care as required by Pennsylvania law, Pa. Code Title 18, regarding animal cruelty provisions.

O. An animal housing facility shall be provided as a shelter for the animal(s). The facility shall include the following:

1. Incorporate no less than three walls and a sufficient roof area to provide a weatherproof shelter.
2. Be of sufficient size to enable the animal to comfortably stand, turn around and lie down.
3. Be ventilated to avoid respiratory disease and infections, control ambient temperature, and prevent accumulation of toxic gases.
4. Comply with the accessory building height requirements of the zoning district.
5. Keep in a sanitary condition and free from unpleasant odors and from conditions contributing to

the breeding of flies.

P. The conversion of Non-Commercial Keeping of Livestock to a commercial livestock operation shall not be permitted unless such use complies with all ordinance and permitting requirements in effect at the time of application.

Q. Any slaughtering activity shall be conducted within a completely enclosed building and must comply with all federal and state regulations.

R. The disposal of dead animals shall be in accordance with the Domestic Animal Law, 3 Pa. C.S. §2352. Dead animals shall be disposed of within 48 hours after death.

S. The use shall not constitute a nuisance with regard to noise, odor, vectors, dust, vibration, or other nuisance effects beyond the property lines of the parcel upon which the use is located.

T. Animal feed that is not stored in the principal building shall be stored in sealed, rodent-proof containers.

Section 932. Outdoor Wood-Fired Boilers.

A. Outdoor Wood-Fired Boilers must comply with all state required standards for emissions, setbacks, stack height, and fuel types.

Section 933. Quarry/Mine.

A. All of the requirements set forth below in this Section shall not apply to Small Noncoal Surface Mining Activities (less than 10,000 tons per year and maximum permit area of 5 acres) as regulated in 25 Pa. Code, Chapter 77. Small quarries, as described above, shall be subject to Sections 932.B, D, E, F, H, and K of this ordinance.

B. As 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 above and below the area.
2. The location and names of the types of 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 location of all buildings within 1,000 feet of the parcel; the names and addresses of the owners and present occupants; total acreage; names and addresses of adjacent landowners; and the location of rights-of-way and easements, abutting and/or adjacent zoning districts and land uses.
4. The purpose for which each building is used, and estimated depth of the proposed operation and land area to be excavated, with dimensions.
5. Proposed alterations to watercourses to assure stream quality and quantity.
6. Any proposed fencing and landscaping.
7. A contour map showing cross sections of any proposed quarry area, including a detailed hydrogeologic groundwater study based on complete site studies.

C. A water study in accordance with Section 709 of the Zoning Ordinance shall be required.

D. 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 Noncoal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984, P.L. 10993 No. 219, as amended, 52 P.S. paragraph 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. The operator shall provide Lower Mifflin Township with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two weeks from the date such notice of violation was received by the operator.

F. All screening and buffers shall be provided in accordance with the Lower Mifflin Township Subdivision and Land Development Ordinance.

G. Quarry operations shall maintain a 300 foot setback from all property lines.

H. No structures or parking areas shall be located closer than 100 feet to any property line.

I. All access drives onto the site shall be paved to a cartway width of 35 feet for a distance of at least 200 feet from the street right-of-way line. In addition, a 100-foot-long crushed-stone section of driveway shall be placed just beyond the preceding 200-foot paved section to help collect any mud that may be attached to a vehicle's wheels. The owner/operator shall be responsible for any dirt/mud deposited on the public right-of-way.

J. The facility shall front upon, and gain access from, an arterial or collector road.

K. There shall be no operations on Sunday and no operation between dusk and dawn.

Section 934. Restaurant.

A. A restaurant shall have a maximum of 2 points of ingress/egress to an Arterial or Collector Street.

B. Applicant shall provide evidence of sewage disposal approval from the Pennsylvania Department of Environmental Protection and the Township Sewage Enforcement Officer.

C. A lighting plan shall be included with the application.

Section 935. Retail Store.

A. A retail store shall be accessed from an Arterial or Collector Street.

B. A lighting plan shall be included with the application.

Section 936. Retirement Facility.

A. The following principal uses shall be permitted within a retirement facility:

1. Residential uses (all types)
2. Long-term care nursing center
3. Assisted living facility
4. Public uses: recreation areas, libraries, and community buildings
5. Houses of worship

B. The following accessory uses shall be permitted:

1. Adult and child day care
2. Medical facilities and dispensaries
3. Commercial uses not to exceed 2,500 square feet of gross floor area

C. Maximum density for residential units shall be eight units per acre.

D. Maximum impervious lot coverage shall be 60%.

E. Public/community water and sewer shall be required.

Section 937. Riding Schools and Stables.

A. All animals, except while exercising or pasturing shall be confined in a building. The building shall be set back 100 feet from any residential lot or zone.

B. All outdoor training, show, or riding areas shall be enclosed by a minimum four-foot-high fence and shall be set back a minimum of 100 feet from any adjacent residence whose owner is not the owner of this use.

C. All parking compounds and unimproved overflow parking areas shall be set back at least 50 feet from adjoining lot lines. There shall be one space for each nonresident employee and one space for every two equine animals kept on the property.

D. Stables shall establish and maintain compliance at all times with the requirements of the Pennsylvania Nutrient Management Law.

Section 938. Roadside Stand.

A. Roadside stands shall be permitted within any yard area.

B. A plan for parking, vehicle circulation, and clear sight distance must be provided.

Section 939. Sanitary Landfill, Incinerator.

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 Township. If a 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 Department of Environmental Protection implementing such statutes.

D. The minimum lot area shall be 100 acres for solid waste disposal facilities.

E. A fence measuring eight feet high shall be provided around the entire facility. The fence used shall have openings less than three inches in any dimension, if any. Along a residential zone or within 500 feet of an existing residential dwelling, an evergreen screen must be planted along the outside of the fence, within the building setback area along the property line. The evergreen screen shall be created by planting trees six feet tall at planting that will grow to a minimum of 15 feet tall at maturity, on ten foot centers maximum.

F. The applicant shall submit to the Township a hydrogeologic study performed by a qualified hydrogeologist or other similar professional concerning the potential adverse effect of the proposed use on the water supply for neighboring properties. Such study shall be prepared in accordance with the accepted hydrogeological standards and practices and shall contain the sources of all test data, including, but not limited to, wells evaluated as a part of the study.

G. The operator shall limit access to the site to those posted times when an attendant is on duty. Access drives shall be secured by fences, gates, locks or other means to deny access at unauthorized times.

H. Sufficiently long vehicle-stacking lanes (inspected and approved by the Municipal Engineer) into the facility shall be provided so that vehicles waiting to be weighed will not back onto public roads.

I. A traffic study shall be submitted by the applicant in accordance with the Subdivision and Land Development Ordinance unless the Township shall agree otherwise in writing. If the traffic study demonstrates that improvements to Township or State 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 and/or guarantee cost of such improvements.

J. 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 48 hours from the date such notice of violation was received by the operator.

K. Litter control measures shall be implemented to prevent scattering of materials and a plan for the cleanup of litter shall be submitted to the Township.

L. No structures shall be located closer than 300 feet to any property line and no parking areas shall be located closer than 100 feet from a property line.

M. 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 required fencing shall be maintained in good repair.

Section 940. Saw Mills.

A. Saw Mills shall be setback 300’ from the property line and designed to minimize noise impacts on adjacent properties in residential use.

B. All cutting, sawing, grinding or other processing shall be conducted in a completely enclosed building.

C. No material shall be deposited or stored within 100 feet of any property line.

D. Hours of operation shall be from dawn to dusk. No operation shall be permitted on Sundays or legal holidays.

E. All access drives to Saw Mills shall be paved for a distance of at least 100' from the center of the adjoining street.

F. The operator of the Saw Mill shall be responsible for removing any mud from public roads caused by people traveling to and from the site.

G. Saw Mills shall have sufficient on-site stacking lanes to insure vehicles will not back up onto surrounding roadways.

Section 941. Schools, Private and Public.

A. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

B. Minimum side and rear setback requirements: 50 feet when adjacent to a residential use or zone.

C. Minimum street frontage: 100 feet.

D. Maximum lot impervious coverage: 70%.

Section 942. Shooting Ranges, Public.

A. Minimum lot area: 10 acres.

B. Minimum lot width: 300 feet.

C. All range facilities, including buildings, parking, and firing range, shall be at least 200 feet from any property or street right-of-way line. The use must also be located at least 1,000 feet from any existing residential dwelling.

D. An earthen background berm must be provided within 20 feet of the farthest target post to prevent ricocheting bullets or stray arrows. The berm shall meet the following requirements:

1. The berm shall have a slope of not less than one vertical to two horizontal feet and must extend at least eight feet above the ground level of the highest target.
2. The crest of the berm at the eight-foot-minimum height limit shall be at least four feet in width as measured between the wall of the berm facing the range and the opposite wall.
3. Earthen side berms, as described above, shall be provided immediately adjacent to the range and shall extend far enough to contain any ricochets, but no less than 50 feet from the background berm toward the firing line.
4. Shooting Range Operations:
    a. Must comply with all applicable State and Local laws, rules and regulations regarding the discharge of a firearm.
    b. Hours of operation shall be limited to 8:00 a.m. to dusk (defined by the Pennsylvania State Game Commission) from Monday-Saturday, and 12:00pm to dusk (defined by the Pennsylvania State Game Commission) on Sunday.
5. A development plan shall identify the Safety Fan for each firing range. The Safety Fan is the area on the shooting range facility designed to contain all projectiles fired from the shooting range, including direct fire and ricochet.

Section 943. Single Family Attached Dwelling (Townhouse).

A. No more than eight units shall be attached in a row.

B. The minimum habitable floor area shall be 600 square feet.

C. Public water and public sewer shall be required.

D. Landscaping shall be provided in accordance with the Township Subdivision and Land Development Ordinance.

E. No more than two units shall have the same façade setback within a single building. Changes in individual unit setbacks shall involve a minimum of four feet

Section 944. Solar Energy Systems.

ALL SOLAR ENERGY SYSTEMS

A. The following regulations apply to all solar energy systems including Principal Solar Energy Systems and Accessory Solar Energy Systems.

1. Solar energy systems constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing solar energy system, whether or not existing prior to the effective date of this Section that materially alters the solar energy system shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

2. The Solar energy system layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM),), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and

   Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Municipality and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

3. Upon completion of installation, the solar energy system shall be maintained in good working order in accordance with standards of the municipal codes under which the solar energy system was constructed. Failure of the property owner to maintain the solar energy system in good working order is grounds for appropriate enforcement actions by the municipality in accordance with applicable ordinances.

4. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

5. Glare

   a. All solar energy systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish.

b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

6. No portion of the solar energy system shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
7. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a solar energy system.
8. Decommissioning
    a. The solar energy system owner is required to notify the Municipality immediately upon cessation or abandonment of the operation. The solar energy system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months**.**
    b. The solar energy system owner shall then have 12 months from abandonment in which to dismantle and remove the solar energy system including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the solar energy system within the established timeframes, the municipality may complete the decommissioning at the owner's expense.
    c. The solar energy system owner shall, at the request of the municipality, provide information concerning the amount of energy generated by the solar energy system in the last 12 months.
9. Prior to the issuance of a zoning or land use permit, solar energy system applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself;
    a. The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
    b. The right to prohibit the development on or growth of any trees or vegetation on such property.
    c. This acknowledgement shall be submitted to the municipality and placed on any required subdivision and/or land development plans.
10. Stormwater Requirements
    a. The surface area of the arrays of a solar energy system, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.

b. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations.

11. Impervious coverage limitations established in this section and a detailed stormwater analysis including post construction stormwater management (PCSM) and BMP requirements are required for all solar energy systems unless the requirements listed below are met.

    a. Impervious coverage requirements, and a detailed stormwater analysis including PCSM and BMP requirements do not apply to the solar energy systems if:

        i. In accordance with the latest edition of the Pennsylvania Best Management Practices Manual, earth disturbance and grading activities shall be minimized and natural vegetative cover shall be preserved and/or restored using native species.

        ii. The low impact construction techniques must be utilized in accordance with the latest edition of the Pennsylvania Best Management Practices Manual.

        iii. Vegetative cover must have a minimum uniform 90% perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation.

            (a) A meadow condition is required for project located on slopes between 5-10%

            (b) Vegetative cover shall not be cut to less than 4 inches in height.

            (c) Vegetated areas will not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover and in accordance with an approved Erosion and Sedimentation Control Plan.

            (d) For this section, gravel is considered an impervious cover and is prohibited.

        iv. The individual solar modules within an array are arranged in a fashion that:

            (a) Allows the passage of runoff between each module, minimizing the creation of concentrated runoff

            (b) Individual solar panels shall not exceed 3 feet in width to allow for adequate vegetative

cover to be established and maintained.

v. All panels must be placed on an area with 10% slope or less.

vi. The lowest vertical clearance of the solar array shall be 10 feet or less from the surface of the ground but must be of adequate height to promote vegetative growth below the array.

vii. A maximum of 5% of the solar project area may be occupied by the support structure/foundations used to support ground mounted solar panels.

12. Agrivoltaics are permitted when:

a. Only shade-tolerant crops are permitted.

b. Plowing is prohibited, no-till application is required.

c. Cutting or mowing is limited to a height of no less than 4 inches.

d. Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs to the crop(s).

944.1- PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

A. Regulations Applicable to All Principal Solar Energy Systems

1. PSES are permitted in specified zoning districts based upon the table below:

Use Table	
District	**Principal Solar Energy Systems**
Agricultural	Conditional Use
Conservation	Not Permitted
Residential	Not Permitted
Mixed Use	Conditional Use

2. Plan Requirements. A report and plan highlighting the existing conditions of the property shall be included in the submission to the municipality. The information should highlight existing vegetation, topography, and other existing natural features.

a. Ground mounted PSES require submission of a land development plan if the solar project area is greater than 5,000 square feet.

b. Roof mounted PSES do not require submission of a land development plan.

3. Decommissioning

a. At the time of issuance of the permit for the construction of the PSES, the owner

shall provide financial security in the form and amount acceptable to the municipality to secure its obligations under this Section.

i. The PSES Developer shall, at the time of application, provide the municipality with an estimate of the cost of performing the decommissioning activities required herein, together with an administrative and inflation factor of 25% to account for the cost of obtaining permits to complete said activities. The estimate may include an estimated salvage and resale value, discounted by a factor of 20%. The decommissioning cost estimate formula shall be: Gross Cost of decommissioning activities + Administrative Factor of 25% - Salvage and resale credit of 80% = the decommissioning cost estimate.

ii. On every 5th anniversary of the date of providing the decommissioning financial security the PSES Owner shall provide an updated decommission cost estimate, utilized the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount changes, the PSES Owner shall remit the increased financial security to the municipality within 30 days of the approval of the updated decommissioning security estimate by the municipality.

iii. Decommissioning security estimates shall be subject to review and approval by the municipality and the PSES Developer/ Owner shall be responsible for administrative, legal, and engineering costs incurred by the municipality for such review.

iv. At no time shall the financial security be an amount less than $500,000.00.

v. The decommissioning security may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable.

vi. Prior to approval of any plan or permit for a PSES, the PSES Developer shall enter into a Decommissioning Agreement with the municipality outlining the responsibility of the parties under this Agreement as to the Decommissioning of the PSES.

vii. The provisions of this Section shall survive any change of Developer or Owner of the PSES and any such future PSES Developer or Owner shall be fully responsible to carry out the requirements of this Section.

4. Dimensional Requirements

System Type:	**Requirement:**	**Zoning Districts**	
		Agricultural	**Mixed Use**
	Minimum Lot Size	20	20

Principal Solar Energy Systems	(acres)		
	Minimum Setbacks (feet)*	100 (all yards)	100 (all yards)
	Maximum Height (feet)	20 (at maximum tilt)	20 (at maximum tilt)
	Maximum Impervious Coverage	30%	30%
*PSES that abut PSES on another parcel shall not be subject to setback requirements.			

5. Environmental Protection

   a. All PSES must be set back a distance of 25 feet from any area designated as a wetland, a FEMA Floodplain, or an area containing 15% slope or greater.

   b. PSES shall not be located on any Class I or Class II agricultural soils.

   c. Soils shall be as identified by the USDA NRCS Web Soil Mapper

1. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Section 427 of the Subdivision and Land Development Ordinance

2. PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system

3. Security

   a. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate. The fence shall meet setback requirements noted in this section.

   b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.

4. Access

   a. Between the solar arrays, a 20’ wide emergency access shall be provided to allow access for maintenance vehicles and emergency management. Emergency access width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.

      If the PSES is exempt from stormwater requirements as specified in this section, vegetation must be maintained or replaced after maintenance and/or emergency

use.

b. Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance.

10. PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

11. The owner of a PSES shall provide the Municipality written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system. The written confirmation shall include a statement of capacity and approval of the proposed connection.

B. Roof and Wall Mounted Principal Solar Energy Systems:

1. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Municipality that the roof or wall is capable of holding the load imposed on the structure.

2. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

944.2 ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

A. Regulations Applicable to All Accessory Solar Energy Systems:

1. ASES shall be permitted as a use by right in all zoning districts.

2. Exemptions

a. ASES with an area of 10 square feet or less are exempt from this ordinance.

3. Permit Requirements

a. Zoning /building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.

b. The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.

c. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

B. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.

2. ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within each of the underlying Zoning Districts.
3. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
4. Solar panels shall not extend beyond any portion of the roof edge.
5. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the municipality that the roof or wall is capable of holding the load imposed on the structure.

C. Ground Mounted Accessory Solar Energy Systems:

1. Setbacks
   a. The minimum yard setbacks from side and rear property lines shall be equivalent to the principal structure setback in the zoning district.
   b. The municipality may authorize the installation of a ground mounted ASES in front of the principal building, outside the required front yard, if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively.
2. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than 10 percent of the lot area.
3. Height
   a. Ground mounted ASES shall not exceed 15 feet in height above the ground elevation surrounding the systems.
4. Screening
   a. Ground mounted ASES shall be screened from adjoining residential uses or zones according to the standards found in Section 427 of the Subdivision and Land Development Ordinance.
5. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
6. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

Section 945. Truck Terminal, Truck Stop, Warehousing, Wholesale Trade.

A. Minimum lot size is 10 acres for truck terminals, 5 acres for truck stops, and 2 acres for warehousing and wholesale trade establishments.

B. The subject property shall have a minimum of 300 feet of road frontage.

C. The subject use shall be located no closer than 300 feet from the R zone or residential use.

D. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted.

E. The outdoor storage of unlicensed vehicles is prohibited.

F. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof shall be removed within two weeks after arrival.

G. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations. In addition, the applicant shall prepare, present and abide by an emergency response plan to handle hazardous material spills and any other reasonable threat to public health or safety.

Section 946. Vehicle and Equipment Repair Garage.

A. All paint work shall be performed within a building with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a residential lot line.

B. Overnight outdoor storage of "junk" shall be prohibited within view of a public street or a dwelling.

Section 947. Vehicle Sales.

A. Access to the vehicle sales use shall be from an arterial or collector street.

B. All service and repair activities shall be conducted in a completely enclosed building.

Section 948. Wind Energy Facility.

A. Accessory Wind Energy Facility (AWEF)

1. One ground-mounted AWEF and one building mounted AWEF is permitted on a lot.
2. All on-site utility, transmission lines, and cables shall be placed underground.
3. An AWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
4. No part of any AWEF shall be located within or above the required principal use setbacks of any lot, extend over parking areas, access drives, driveways or sidewalks. A Ground mounted AWEF shall be set back a distance equal to 1.5 times the total height or the principal use setback, whichever is greater.
5. Each AWEF and all related equipment shall be removed within twelve (12) months of the date when the use has been discontinued, abandoned by system owner and/or operator, or when no electricity is generated by the AWEF for a period of 12 months.
6. A Ground-mounted AWEF is prohibited in front yard areas.
7. An AWEF shall not exceed the height limitations of the zoning district by more than 15 feet.

B. Principal Wind Energy Facility (PWEF)

1. All on-site utility, transmission lines, and cables shall be placed underground.

2. Accessory structures and equipment associated with a PWEF shall be screened in accordance with the Subdivision and Land Development Ordinance.
3. Wind Turbines shall be set back a distance of not less than the normal setback requirements for the zoning district or 1.5 times its total height, whichever is greater. Each Wind Turbine shall be set back from above-ground electric power lines, public telephone lines and television cable lines a distance of no less than 1.5 times its total height.
4. A PWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
5. Each PWEF and all related equipment shall be removed within twelve (12) months of the date when the use has been discontinued, abandoned by system owner and/or operator, or when no electricity is generated by the PWEF for a period of 12 months.

Section 949. Wireless Communication Facility. (WCF).

A. A WCF not collocated on an existing structure shall not be located in, or within one-hundred (100) feet of, an area in which utilities are primarily located underground.

B. Any WCF shall be designed at the minimum functional height.

C. Additional Antennas. As a condition of approval for any WCF, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on a WCF where technically and economically feasible. The owner of a WCF shall not install any additional antennas without obtaining the prior written approval of the Township.

D. Permit Required for Modifications. To the extent permissible under applicable State and Federal law, any WCF Applicant proposing the modification of an existing WCF, which increases the overall height of such WCF, shall first obtain a building permit from the Township.

E. Co-location and Siting. An application for a new WCF shall demonstrate that the proposed WCF cannot be accommodated on an existing or approved structure or building.

F. Combined with Another Use. A WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another usesubject to the following conditions:

1. The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the WCF.
2. Minimum lot area. The WCF shall comply with the minimum lot area requirements for the applicable district and shall be the area needed to accommodate the WCF and guy wires, the equipment building, security fence, and buffer planting.

G. Minimum Setbacks. The minimum distance between the base of a WCF and any adjoining property line or street right-of-way line shall be equal to 100% of the height of the WCF or the minimum front yard setback of the underlying zoning district, whichever is greatest.

H. The WCF shall be designed to blend into the surrounding environment and minimize aesthetic impact.

I. The WCF, including accessory structures, shall be screened in accordance with the Subdivision and Land Development Ordinance.

J. Retention of Experts. The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Township for all costs of the

Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

K. Timing of Approval. The Township shall render its decision upon WCF applications according to the most current Federal and State requirements.

L. Removal. In the event that use of a WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. An unused or abandoned WCF or portions of a WCF shall be removed as follows:

1. All unused or abandoned WCFs and accessory facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the Township.
2. If the WCF and/or accessory facility is not removed within six months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
3. Any unused portions of a WCF, including antennas, shall be removed within six months of the time of cessation of operations. The Township must approve all replacements of portions of a WCF previously removed.

M. Financial Security. Prior to receipt of a zoning permit for the construction or placement of a WCF, the WCF Applicant shall provide to the Township financial security sufficient to guarantee the removal of the WCF. Said financial security shall remain in place until the WCF is removed.

Section 950. Wireless Communication Facility, Small (SWCF) .

A. An application for a new SWCF, not collocated on an existing structure, shall demonstrate that the proposed WCF cannot be accommodated on an existing or approved structure.

B. A new SWCF not collocated on an existing structure shall not be located in, or within one-hundred (100) feet of, an area in which utilities are primarily located underground.

C. Height. A SWCF shall meet the following height restrictions:

1. The SWCF shall be mounted on structures 50' in height or lower, including their antennas.
2. Structures supporting the SWCF shall be no more than 10% taller than adjacent structures.
3. The SWCF's shall not increase the height of the support structure on which it is located to a height of more than 50 feet or by more than 10%, whichever is greater.

D. All SWCF's shall be designed to blend into the surrounding environment. .

E. Any SWCF located in the public right-of-way must comply with the following:

1. Lower Mifflin Township shall determine the time, place and manner of siting, design, construction, maintenance, repair, modification, removal and/or replacement of any SWCF located in the right-of-way, based on public safety, traffic management, physical burden on the right-of-way and related considerations.
2. A SWCF shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way.

F. Removal. In the event that use of a SWCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. An unused or abandoned SWCF or portions of a SWCF shall be removed as follows:

   1. All unused or abandoned SWCFs and accessory facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the Township.

   2. If the SWCF and/or accessory facility is not removed within six months of the cessation of operations at a site, or within any longer period approved by the Township, the SWCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the SWCF.

G. Timing of Approval. The Township shall render its decision upon SWCF applications according to the most current federal and state regulations.

ARTICLE 10

NONCONFORMING LOTS, USES AND BUILDINGS

Section 1000. The Continuation of Nonconforming Uses and Buildings.

A. All lawful uses of land, buildings, signs, or other structures existing on the effective date of this ordinance may be continued, altered, restored, reconstructed, sold, or maintained in accordance with the provisions of this Ordinance.

Section 1001. Existing Nonconforming Lots.

A. Any nonconforming lot, due to its lot area or dimensions, 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. In the development and use of a nonconforming lot, all the requirements of this Ordinance shall be met with the exception of lot area and lot width.

Section 1002. Existing Nonconforming Uses and Buildings.

A. Alterations and Reconstruction.

1. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a nonconforming building or to a building occupied by a nonconforming use.
2. A nonconforming building which is damaged by fire, an explosion, or a natural disaster, etc., may be rebuilt and used for the same purposes, provided that:
    a. The reconstruction of the building is commenced within 18 months from the date of the destroying of the building and is carried to completion without undue delay, and
    b. The reconstructed building does not exceed the height and area of the building destroyed or create any new dimensional nonconformities.

B. Extensions, Expansions, and Enlargements.

1. Nonconforming uses or buildings which are not permitted in the zoning district in which they are located shall be allowed to expand, extend or enlarge.
    a. Any extension, expansion or enlargement shall conform to the height, area, yard, coverage regulations, and other dimensional requirements of the district in which they are located.
        i. Extension along a Nonconforming Setback. If an existing building has a lawfully nonconforming building setback, additions may occur to increase the height above such setback or to extend other portions of the building out to the nonconforming side or rear setback line, provided that:
            (aa) The structure shall not be extended beyond the existing nonconforming setback line.
            (bb) No additional nonconformity shall be created.
            (cc) The new nonconforming horizontal extension shall not be greater than 25% of the existing gross floor area.
            (dd) All other requirements of this Article are met.

b. Any expansion or enlargement of a nonconforming building or use shall not exceed 50% of the total area of the nonconforming building or use from the time it became nonconforming.

c. All required loading and /or parking spaces for any expansion or enlargement shall comply with the requirements of Section 706.

d. Any extension, expansion or enlargement of a nonconforming building or use shall not be permitted to extend into vacant parcels of land adjacent to the parcel containing the nonconforming building or use, where such vacant parcels have been separately recorded or acquired prior to the effective date of this Ordinance.

e. Any expansions or extensions of a nonconforming sign shall comply with Section 707 of this Ordinance.

f. The intensity of a nonconforming use shall not be increased. Intensity shall refer to the nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc., resulting from the nonconforming use.

Section 1003. Change of Use.

A. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

B. A nonconforming use may be changed to another nonconforming use only by the granting of a Conditional Use in compliance with this Ordinance. Where a Conditional Use approval is required, the Board of Supervisors shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:

1. Traffic safety and generation (especially truck traffic).
2. Noise, dust, fumes, vapors, gases, odors, glare, vibration, fire, hazardous substances and explosive hazards.
3. Amount and character of outdoor storage.
4. Late-night and early-morning hours of operation if the new use would be close to dwellings.
5. Compatibility with the character of surrounding uses.

Section 1004. Abandonment and Discontinuance.

A. A nonconforming use shall be presumed abandoned when operations associated with the nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped and the use is not actively advertised for sale or lease. Such nonconforming use shall not thereafter be reinstated except in conformance with this Ordinance. A nonconforming building or land, which is actively marketed, but has not been sold or leased, shall not be considered abandoned. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.

ARTICLE 11

ADMINISTRATION, PERMITS, AND FEES

Section 1100. Duties of Zoning Officer.

A. A. For the administration of this Ordinance, a Zoning Officer, who shall not simultaneously hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Board of Supervisors and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal Zoning and the Lower Mifflin Township Zoning Ordinance. The Zoning Officer shall administer this Ordinance in accordance with its 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 and other applicable Township codes and ordinances. The Zoning Officer shall issue all permits and perform all inspections required by this Article. The Zoning Officer may be authorized by the Township Supervisors to institute civil enforcement proceedings with the Township Solicitor as a means of enforcement when acting within the scope of his employment by the Township.

B. The Zoning Officer shall have the right to enter any building or enter any land with notice at reasonable hours as necessary in the execution of his duties, provided that:

   1. The Zoning Officer shall notify the owner and/or tenant before conducting any inspection requiring entry onto the property. Permission shall be obtained from the property owner or tenant prior to each inspection. If refused entry, the Board of Supervisors may authorize the Zoning Officer to seek legal authority to enter the property.

   2. The Zoning Officer or his duly authorized assistant(s) shall display identification upon commencing an inspection.

   3. Inspections shall, whenever possible, be performed in the presence of the property owner or his representative, tenant, or agent.

C. The Zoning Officer shall maintain files, open to the public, of all applications for Land Use Permits along with plans submitted therewith.

D. The Zoning Officer shall also maintain records, open to the public, of every complaint of a violation of the provisions of this Ordinance as well as action taken as a result of such complaints.

Section 1101. Land Use Permit.

A. A Land Use Permit shall be required prior to the erection, construction or alteration of any building, manufactured home, structure, or sign, or any portion thereof; prior to the moving of a building into the Township, or from one place in the Township to another; prior to the change or extension of non-conforming use; and upon a change in the use of a structure or land.

B. Application for permits shall be made in writing to the Zoning Officer on such forms as may be furnished by the Township. Such application shall include building and plot plans of a satisfactory nature in duplicate, and shall contain all information necessary for such official to ascertain whether the proposed erection, alteration, use, or change in the use complies with the provisions of this ordinance.

C. No Land Use Permit shall be issued except in conformity with the regulations of this ordinance, except after written order from the Zoning Hearing Board or the Courts. Permits shall be granted or refused within thirty (30) days after date of application. In case of refusal, the Applicant shall be informed of his right to appeal to the Zoning Hearing Board.

D. No Land Use Permit shall be valid or effective after one (1) year from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit has been commenced within the said one (1) year period and pursued with due diligence. If, however, the Applicant has been delayed in proceeding with the work for which the permit was granted due to circumstances or any reasonable cause beyond his control, the permit may be renewed without additional cost to the Applicant.

E. The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or the plans on which the permit or approval was based, or if it is found that the work performed or the use to which the property is put is not in conformance with the application, approved plans, or provisions of all pertinent laws.

F. A record of all Land Use Permits shall be kept on file at the Township Office by the Zoning Officer and a copy shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

Section 1102. Inspections.

A. It shall be the duty of the Zoning Officer to make the following minimum number of inspections of property for which a Land Use Permit/Building Permit has been issued. These are in addition to inspections required by the Uniform Construction Code officials.

   1. Initial inspections shall be performed at the beginning of any construction, erection or alteration activity, prior to the change or extension of nonconforming uses, or prior to the change in the use of a structure or land. The purpose of the inspection shall be to determine compliance with applicable provisions of this ordinance, to assure that the work performed conforms to the plans and other data submitted with the approved permit application, and, especially in the case of non-conformities, to assess existing use, operation, and extent of occupation prior to changes.

   2. Final inspections shall be performed upon completion of any construction, erection or alteration activity, after a change or extension of nonconforming uses, or after change in the use of a structure or land. The purpose of this inspection shall be to determine compliance with applicable provisions of this ordinance and to assure that the permitted activity has been performed in accordance with the plans, statements and other data submitted with the approved permit application.

B. The Zoning Officer shall keep a record of all inspections, noting the permittee, address, purpose of the inspection, date, time and his findings. Such record shall be accessible to the Board of Supervisors and Township Secretary, and a copy of each inspection record shall be mailed to the permittee. Enforcement actions shall be undertaken in accordance with this ordinance, the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as reenacted and amended), and other law as may be applicable.

Section 1103. Fees.

The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fees schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.

Section 1104. Interpretation and Uses Not Regulated.

A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Ordinance.

B. Uses Not Specifically Regulated. If a use clearly is not permitted By Right or Conditional Use by this Ordinance within any Zoning District, the use is prohibited, except that the Board of Supervisors may permit such use as a Conditional Use if the Applicant specifically proves to the clear satisfaction of the Board of Supervisors that all of the following conditions would be met:

   1. Proposed use would be closely similar in character to uses permitted in that Zoning district and would be no more intensive in external impacts and nuisances than uses that are permitted in the Zoning district.

   2. Use is not specifically prohibited in that Zoning District.

Section 1105. Interpretation of Zoning Text and Boundaries.

A. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all Zoning District boundaries to applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor to aid in the Zoning Officer's determination.

B. If an Applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the Applicant's favor, the Applicant may appeal to the Zoning Hearing Board.

C. The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map:

   1. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, creeks, railroads and lot lines (according to official County records) as they existed at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Official Zoning Map.

   2. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.

   3. The location of a district boundary that divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.

   4. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

Section 1106. Enforcement Notice.

A. Whenever the Zoning Officer or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, or of any regulation adopted pursuant thereto, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section when authorized by the Board of Supervisors.

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. Enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Township intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
4. The date before which the steps for compliance must be commenced, not to exceed thirty (30) days from receipt of notice, and the date before which the steps must be completed.
5. An outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance, or any part thereof: and with any regulations adopted pursuant thereto.
6. A statement indicating that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with procedures set forth elsewhere in this Ordinance.
7. A statement indicating 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.

Section 1107. Causes of Action.

If the enforcement notice is not complied with within the specified time period, the Zoning Officer shall notify the Board of Supervisors. With the consent of the Board of Supervisors, the Township Solicitor or other Officer of Township 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.

Section 1108. Jurisdiction.

District Justices shall have initial jurisdiction over proceedings brought under Section 1008.

Section 1109. Enforcement Remedies.

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any Zoning Ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by a municipality 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 Justice. If the defendant neither pays nor timely appeals the judgment, the municipality 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 Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All

judgments, costs and reasonable attorney fees collected for the violation of Zoning Ordinances shall be paid over to the municipality whose Ordinance has been violated.

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.

Section 1110. Creation of Zoning Hearing Board and Appointments.

Pursuant to Article IX of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, the Lower Mifflin Township Board of Supervisors hereby creates a Zoning Hearing Board, consisting of three members who shall be residents of the Township. Members of the Zoning Hearing Board shall hold no other office in the Township. The terms of office shall be three (3) years and shall be so fixed that the term of office of no more than one (1) member shall expire each year. Appointments to fill vacancies shall be only for the unexpired portion of the term.

Section 1111. Alternate Members.

The Board of Supervisors may appoint by resolution at least one (1), but no more than three (3) residents of the municipality to serve as Alternate Members of the Zoning Hearing Board. The term of office of an Alternate Member shall be three (3) years. When seated pursuant to the provisions of Section 14.04, an Alternate shall be entitled to participate in all proceedings and discussions 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 voting Member during the proceedings, and shall have all the powers and duties, set forth in this ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission or Zoning Officer. Any 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 pursuant to Section 1015 unless designated as a voting Alternate Member pursuant to Section 1025.

Section 1112. Removal of Members.

Any Zoning Hearing Board Member may be, removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member received fifteen (15) days advanced 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.

Section 1113. Organization of Board.

A. The Zoning Hearing 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 Section 1016.

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board 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. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of Lower Mifflin Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

Section 1114. Expenditures for Services.

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing 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. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 1004, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

Section 1115. Hearing.

The Zoning Hearing 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, such other persons as the Board of Supervisors shall designate by ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Zoning Hearing 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 week prior to the Hearing.

B. The Board of Supervisors may prescribe reasonable fees with respect to Hearings before the Zoning Hearing Board. Fees for said Hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the Hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. The Hearing shall be held within sixty (60) days from the date of the Applicant's request, unless the Applicant has agreed in writing to an extension of time.

D. The Hearings shall be conducted by the Zoning Hearing Board or the Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings, shall be made by the Board, however, the Appellant or the Applicant, as the case maybe, in addition to the Township, may, prior to the decision of the Hearing, waive the decision or findings of the Hearing Officer as final.

E. The parties to the Hearing shall be Lower Mifflin Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

F. The Chairman or Acting Chairman of the Zoning Hearing Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and arguments and cross-examine adverse witnesses on all relevant issues.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and the Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person, appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

J. The Zoning Hearing Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate, and 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.

K. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last Hearing before the Zoning Hearing Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or of any other ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the Hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon, to the Board prior to a final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer.

L. Where the Zoning Hearing Board fails to render its decision within the period required by this Subsection, or fails to hold 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 for the record to an extension of time. When a decision has been rendered in favor of the Applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection A. of this Section. If the Zoning Hearing Board shall fail to provide such notice, the Applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

M. 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 Zoning Hearing 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.

Section 1116. Jurisdiction.

A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications 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 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.
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, failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
4. Appeals from a determination by a Municipal Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
5. Applications for variances from the terms of the Zoning Ordinance or such provisions within a land use ordinance pursuant to Section 1020.
6. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code.
7. Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving the Subdivision and Land Development Ordinance or Planned Residential Development applications.

Section 1117. Applicability of Judicial Remedies.

Nothing contained in this Article shall be construed to deny the Appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

Section 1118. Board of Supervisors Functions.

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

1. All applications pursuant to Section 508 of the Municipalities Planning Code for approval of subdivisions and land developments under Article V of the MPC.
2. Applications for conditional use under the express provisions of the Zoning Ordinance pursuant to Section 603(c)(2) of the Pennsylvania Municipalities Planning Code.
3. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Article XI of the Pennsylvania Municipalities Planning Code. 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.

4. Appeals from the determination of the Zoning Officer or the Municipal Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for land development under the Township Subdivision and Land Development Ordinance. Where such determination relates only to development not involving a Municipalities Planning Code Article V or Article V11 application, the appeal from such determination of the Zoning Officer or the Municipal Engineer shall be to the Zoning Hearing Board.

Section 1119. Variances.

A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflicts unnecessary hardship upon the Applicant. The Township may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Zoning Hearing 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 the Zoning 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 the Zoning 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 Appellant.

   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 of 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 the Pennsylvania Municipalities Planning Code and this Zoning Ordinance.

Section 1120. Conditional Uses.

A. Where the Board of Supervisors, in the Zoning 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 hold Hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in the ordinance and the following standards for conditional uses, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code in the Zoning Ordinance.

   1. Upon submission of an application for a conditional use and the scheduling of the public Hearing upon the application, the Applicant shall mail notice to all owners of every property within five

hundred (500) feet of the proposed facility. The Applicant shall provide proof of the notification to the Township.

2. The Applicant shall establish, by credible evidence, proof of ownership of the property and compliance with all conditions of the conditional use enumerated in this ordinance which gives the Applicant the right to seek the conditional use.
3. The Applicant shall establish by credible evidence that the proposed conditional use shall be properly serviced by all existing public or private service systems or provide evidence of on-lot sewer system approval and well water capacity.
4. The traffic generated by the subject of the approval shall be accommodated in a safe and efficient manner or improvements shall be made to meet township approval.
5. The Applicant shall establish by credible evidence that the proposed conditional use shall be accommodated with respect to police protection, fire protection, utilities, parks and recreation.
6. The Applicant shall establish by credible evidence that the proposed conditional use shall be properly designed with regard to internal traffic/pedestrian circulation, parking, buffering and other elements of design as specified in this ordinance.
7. The Applicant shall establish by credible evidence that all proposed signage is in compliance with township sign regulations.
8. The proposed conditional use shall not be located within a FEMA designated floodplain.
9. The Applicant shall submit a site plan which shall include all information required for a Sketch Plan as listed in the Subdivision and Land Development Ordinance.

B. The Board of Supervisors shall render a written decision or, when no decision is cal1ed for, make written findings on the conditional use application within forty-five (45) days after the last Hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

C. Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to hold 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 of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Pennsylvania Municipalities Planning Code. If the Board of Supervisors shall fail to provide such notice, the Applicant may do so.

D. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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 no later than the day following its date.

Section 1121. Parties Appellant Before the Board.

Appeals under Section 1017 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 under Section 1020

and for conditional use under Section 1021 may be filed with the Zoning Hearing Board or Board of Supervisors, respectively, by any landowner or any tenant with the permission of such landowner.

Section 1122. Enactment of Zoning Ordinance Amendments.

A. 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 perimeter of the tract to notify potentially interested citizens. The affected tract or areas shall be posted at least one week prior to the date of the Hearing.

B. 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.

C. 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 Cumberland County Planning Commission for 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. The Township may offer a mediation option as an aid in completing proceedings authorized by Article IX or Article X-A of the Pennsylvania Municipalities Planning Code. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code.

F. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Cumberland County Planning Commission.

Section 1123. Procedure for Landowner Curative Amendments.

A. A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code. The Board of Supervisors shall commence a Hearing thereon within sixty (60) days of the request as provided in said Section. The curative amendment and challenge shall be referred to the Township Planning Commission and County Planning Commission as provided in Section 1022 and notice of the Hearing thereon shall be given as provided in Section 1025 of this ordinance and in Section 916.1 of the Pennsylvania Municipalities Planning Code.

B. The Hearing shall be conducted in accordance with Section 1016, and all references therein to the Zoning Hearing Board shall, for purposes of this section, be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this Subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance and Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

C. If the Board of Supervisors of Lower Mifflin Township determines that a validity challenge has merit, it 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 the ordinance or map;
3. The suitability of the site for the intensity of use proposed by the site soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
4. The impact of the proposed use on the site soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
5. The impact of the proposal on agriculture and other land uses which are essential to public health and welfare.

Section 1124. Procedure for Municipal Curative Amendments.

If the Township determines that this Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

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

B. 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 Zoning Ordinance pursuant to the provisions required by Section 1022 in order to cure the declared invalidity of the Zoning Ordinance.

C. Upon the initiation of the procedures, as set forth in clause A., the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 1023, nor shall the Zoning Hearing Board be required to give a report requested under Section 1017 or 916.1 of the Pennsylvania Municipalities Planning Code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause A. 1. Upon completion of the procedures as set forth in clauses A. and B., no rights to a cure pursuant to the provisions of Sections 1023 of this ordinance and 916.1 of the Pennsylvania Municipalities Planning Code shall, from the date of the declaration and proposal, accrue to any

landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.

D. If the Township utilizes the procedures as set forth in clauses A. and B., it may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Zoning Ordinance, pursuant to clause B.; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to this ordinance to fulfill said duty or obligation.

Section 1125. Publication, Advertisement and Availability of Ordinances.

A. Amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail if the full text is not included:

   1. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

   2. An attested copy of the proposed amendment shall be filed in the county law library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

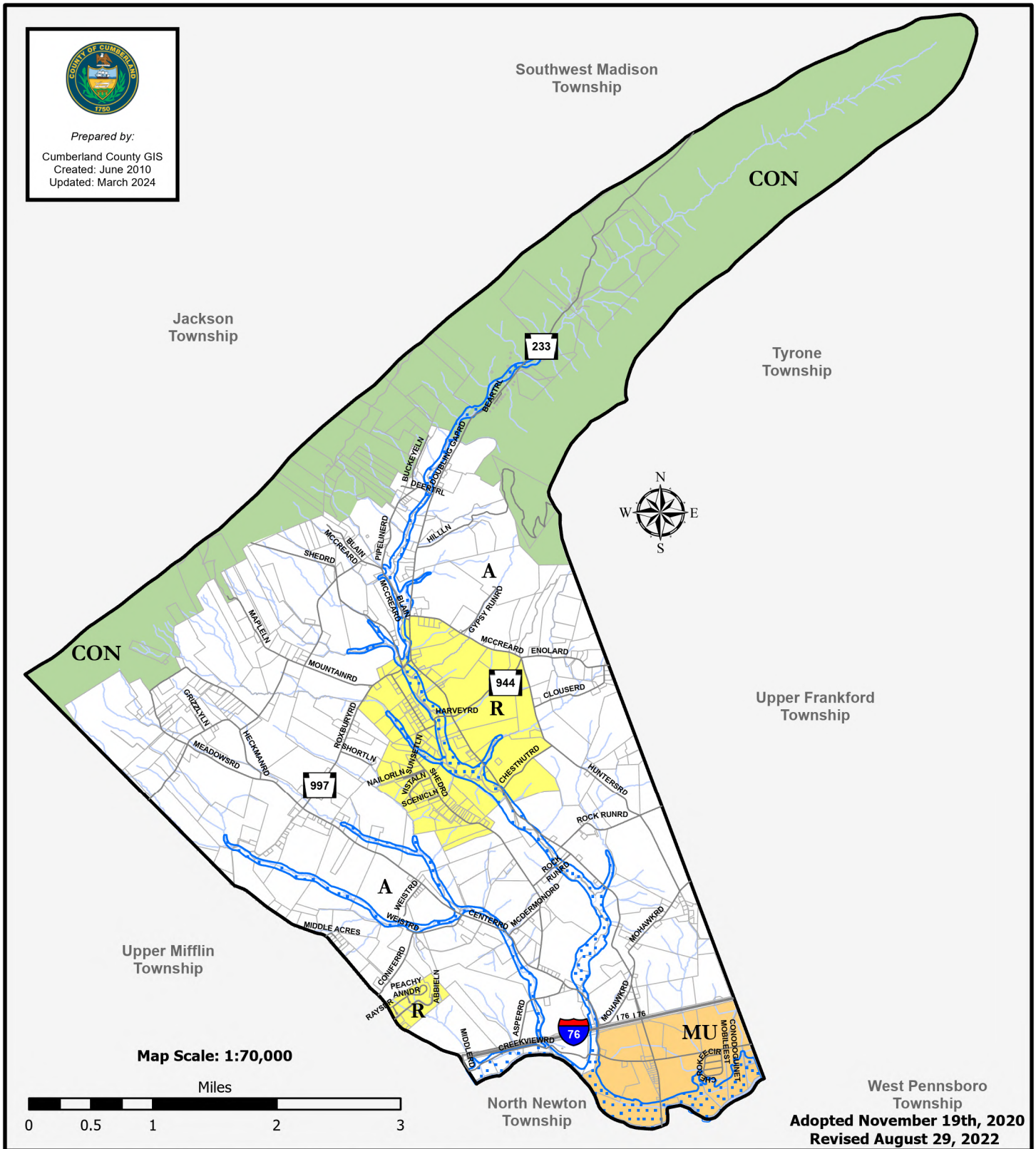
B. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

C. This Zoning ordinance and any amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

Section 1126. Appeals.

A. The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, as amended, shall be used for securing review of any decision rendered pursuant to this Zoning Ordinance.

B. All appeals from all land use decisions rendered pursuant to this ordinance shall be taken to the Court of Common Pleas of Cumberland County and shall be filed within thirty (30) days after entry of the decision as provided in 42 Pa.C.S. Section 5572 (relating to time of entry of order) or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given.



Lower Mifflin Township Zoning Map

COUNTY DISCLAIMER

This map was digitally compiled for internal maintenance and developmental use by the Cumberland County, Pennsylvania, GIS & Planning Departments to provide an index to parcels and for other reference purposes. Parcel lines do not represent actual field surveys of premises. County of Cumberland, Pennsylvania makes no claims as to the completeness, accuracy or content of any data contained hereon, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred, with respect to the information or data furnished herein.

No part of this document may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, except as expressly permitted by the County of Cumberland and the Township of Lower Mifflin.

Refer to the officially enacted "Township of Lower Mifflin Zoning Ordinance" for information regarding interpretation of zoning district boundaries, floodplain area boundaries, procedures for requesting amendment to this map, etc.

Legend

Reference

- Municipal Boundary
- Tax Parcels
- Interstates
- State Roads
- Local Roads
- Streams

Zoning Districts

- Residential - R
- Mixed Use - MU
- Agriculture - A
- Conservation - CON
- Floodplain - FP

This Zoning Ordinance shall become effective on Nov. 19, 2020, and shall remain in force until modified, amended, and/or rescinded by the Board of Supervisors of Lower Mifflin Township, Cumberland County, Pennsylvania,

ENACTED AND ORDAINED this 19th day of November, 2020.

LOWER MIFFLIN TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

Clinton Barrick
Clinton Barrick, Chairman

Brandi L Lay
Brandi Lay, Township Secretary

Franklin R. Oiler
Franklin Oiler, Vice Chairman

Jacob N. Fealtman
Jacob Fealtman, Supervisor

State and Federal Regulations* Cited in the Lower Mifflin Township Zoning Ordinance

** Lower Mifflin Township is not responsible for determining state and federal regulations that apply to land uses or Subdivision and Land Development Plans. This list does not represent an all-inclusive list of regulations and rules for any land use. Each project may have specific circumstances that require more or less regulation. Each appropriate state or federal agency should be contacted to ensure that all regulations have been met. Lower Mifflin Township will require proof of compliance prior to final approvals.*

- Pennsylvania Act 38-Nutrient Management Program – https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/NutrientManagementProgram/Pages/default.aspx
- US Federal Insurance Administration (Floodplain) – https://www.fema.gov/about/offices/insurance-mitigation#:~:text=The%20Federal%20Insurance%20and%20Mitigation%20Administration%20%28FIMA%29%20manages,from%20floods%2C%20earthquakes%2C%20tornadoes%2C%20and%20other%20natural%20disasters.
- US Army Corps of Engineers (Floodplain)– https://www.nae.usace.army.mil/Missions/Public-Services/Flood-Plain-Management-Services/
- US Department of Agriculture (Floodplain) – https://websoilsurvey.nrcs.usda.gov/app/
- US Geological Survey (floodplain) – https://www.usgs.gov/faqs/where-can-i-find-flood-maps?qt-news_science_products=0#qt-news_science_products
- Susquehanna River Basin Commission – https://www.srbc.net/our-work/programs/planning-operations/flooding.html
- Pennsylvania Department of Environmental Protection (Floodplain) https://www.dep.pa.gov/Business/Water/Waterways/Flood-Protection/Pages/default.aspx
- US Department of Agriculture (Kennel) – https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/caw/education+and+training/ct_commercial_dog_breeders
- US Environmental Protection Agency (Landfill) - https://www.epa.gov/landfills
- Pennsylvania Department of Environmental Protection (Landfill) - https://www.dep.pa.gov/Business/Land/Waste/SolidWaste/Residual/Pages/Regulations.aspx
- Pennsylvania Right to Farm Act - https://pennstatelaw.psu.edu/academics/research-centers/agricultural-law/resource-areas/pennsylvania-right-farm-act
- Pennsylvania Livestock and Poultry Mortality Disposal - https://www.agriculture.pa.gov/Animals/AHDServices/Pages/Livestock-and-Poultry-Mortality-Disposal.aspx
- Pennsylvania Department of Agriculture Dog Laws - https://www.agriculture.pa.gov/Animals/DogLaw/pa-dog-laws/Pages/default.aspx
- Pennsylvania Veterinary Medical Association (Veterinary Disposal) - https://www.pavma.org/page/VeterinaryLaws
- Pennsylvania Department of Agriculture (Bed and Breakfast) - https://www.agriculture.pa.gov/consumer_protection/FoodSafety/Retail%20Food/Documents/PDA%20FOOD%20CODE_TITLE%207%20CHAPTER%2046.pdf
- Pennsylvania Department of Environmental Protection (Erosion and Sedimentation Control) - https://www.dep.pa.gov/Business/Water/CleanWater/StormwaterMgmt/Stormwater%20Construction/Pages/default.aspx
- Pennsylvania Department of Environmental Protection (Clean Streams Law) - https://www.dep.pa.gov/Business/Water/CleanWater/StormwaterMgmt/Stormwater%20Construction/Pages/Act162.aspx

- Pennsylvania Department of Environmental Protection (Water Obstructions and Encroachments) - https://www.dep.pa.gov/Business/Water/Waterways/Pages/ePermitting.aspx
- Pennsylvania Department of State (Funeral Home) - https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/FuneralDirectors/Pages/Board-Laws-and-Regulations.aspx
- Pennsylvania Department of Environmental Protection (Junk yard) - https://www.dep.pa.gov/Business/Land/Waste/Pages/Statutes.aspx
- Pennsylvania Pollution Control and Preservation at Agricultural Operations - http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/025/chapter91/chap91toc.html
- County Conservation District (manure storage) - https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/NutrientManagementProgram/Pages/default.aspx
- Pennsylvania Department of Health (Medical Marijuana) - https://www.health.pa.gov/topics/programs/Medical%20Marijuana/Pages/Medical%20Marijuana.aspx
- Pennsylvania Department of Agriculture (Animal slaughtering) - https://www.agriculture.pa.gov/Animals/AHDServices/Pages/Livestock-and-Poultry-Mortality-Disposal.aspx
- Pennsylvania Department of Transportation (Emissions) - https://www.dmv.pa.gov/VEHICLE-SERVICES/Inspection-Information/Emissions-Inspection-Program/Pages/default.aspx
- Pennsylvania Department of Environmental Protection (Quarry and Mining) - https://www.dep.pa.gov/Business/Land/Mining/Noncoal/Pages/default.aspx
- The Pennsylvania Resource Council (Municipal Waste, Recycling Act) - https://prc.org/act-101/
- Pennsylvania Game Commission (Discharge of a Firearm) - https://www.pgc.pa.gov/HuntTrap/Law/Pages/default.aspx
- Federal Communications Commission (Wireless Communication Facilities) - https://www.fcc.gov/wireless-telecommunications