

BRADY TOWNSHIP
ZONING ORDINANCE

ORDAINED & ENACTED
NOVEMBER 1989

AMENDED
AUGUST 1995

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APRIL 2021**

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100 SHORT TITLE

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

101 GENERAL INTENT

The intent of this Ordinance is to establish comprehensive controls for the development of land in Brady Township based upon the goals and objectives established for the area and it was enacted in order to promote and protect the health, safety, comfort, convenience and general welfare of the residents of the Township.

102 PURPOSE

This Ordinance is made in accordance with an overall program, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures. The provisions and regulations in this Zoning Ordinance are designed to promote, protect, and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, vehicle parking and loading space, transportation, water, sewerage, schools, parks, public grounds and other public requirements. It is also the purpose and design of this Ordinance to prevent the overcrowding of land, blight, danger and congestion in travel and transportation, pollution of air and water, loss of health, life or property from fire, flood, panic or other dangers.

103 SCOPE

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to or relocated, and every use within a building or use accessory thereto in Brady Township shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of a building or land not in conformity with the regulations herein described shall be regarded as nonconforming but may be continued, extended or changed, subject to the special regulations herein provided with respect to nonconforming buildings and uses.

104 COMMUNITY DEVELOPMENT OBJECTIVES

The Board of Township Supervisors states the following legislative finds with respect to land use, density or population, location and function of roads, and other community facilities and utilities, and other factors which the Board believes relevant in establishing community goals or development objectives for the future development of the community. It is the purpose and intent of this Ordinance to reflect the general objectives of the Township (listed below), to establish such goals and objectives as they may deem necessary, and to provide the means and regulations whereby these goals and objectives may be attained.

105 GENERAL OBJECTIVES

- A. To provide for the orderly development of the municipality.
- B.. To encourage the best use of the land.
- C. To protect against potential nuisance uses of land.
- D. To protect and maintain the aesthetic and environmental qualities of the township.
- E. To guide the development of the community so as to provide adequate and economical community facilities and public utilities.
- F. To provide for the harmonious relationship between different land use types by providing proper and adequate sites for each use.
- G. To provide stable land values.
- H. To protect against hazards to life and property, including hazards, created by improper development and land use of the floodplains.
- I. To provide suitable sites for residential, commercial, agricultural, industrial and open space purposes and adequate public, cultural and religious facilities to serve such areas.
- J. To eliminate pollutants from land, water, and air.
- K. To discourage the cluttering of public roads in order to protect their vehicle-carrying capacity.

106 AUTHORITY

The Supervisors of Brady Township, under authority granted by Article VI through X, inclusive, of Act 247 of 1968, "The Pennsylvania Municipalities Planning Code" and its amendments, do hereby ordain that this Ordinance is to promote public health, safety, morals, and the general welfare of the Township residents.

107 DISCLAIMER

This Ordinance is not intended to create nor assume liability on the part of Brady Township or any officer or employee thereof for any fire, flood, or other damage that may result from reliance on this Ordinance or from any administrative decisions lawfully made thereunder. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods or building practices when designing or constructing structures approved pursuant to these regulations.

ARTICLE 2

ZONING DISTRICTS

200 ESTABLISHMENT OF DISTRICTS

For the purpose of implementing the objectives of this Ordinance, the Township of Brady is hereby divided into the following zoning districts:

R-1	Residential District
R-2	Residential District
C-1	Commercial District
I-1	Industrial District
A-1	Agricultural District
O-1	Open Space District
FF & FP	Flood Fringe and General Floodplain District (Overlying District)
FW	Floodway District (Overlying District)

201 DISTRICT PURPOSE STATEMENTS

A. R-1 Residential District

The purpose of this district is to foster quiet, low-density residential development by providing space within the Township for the establishment of new single-family residential neighborhoods and for the expansion of such existing developments. To this end, lot sizes are based upon the need to safeguard the health of the citizens by providing ample space to allow for the proper provision of on-lot sewage and water facilities and to maintain the peaceful, semi-rural character of the Township. Commercial and industrial activities are prohibited in this zone, but compatible public and semi-public uses are permitted.

B. R-2 Residential District

This district is intended for application to those areas within the Township where low to moderate density residential development can be located without creating conflict with other land uses. Densities may vary throughout the zone, but are intended to assure adequate, usable amounts of open space are reserved in all cases. Provisions have also been included to allow smaller minimum lot sizes and higher densities where community or public sewer and/or water systems are provided or made available.

C. C-1 Commercial District

The Commercial District is established to provide a centralized area within the Township to accommodate retail and wholesale activities serving both residents of the area and a broader community market. The regulations governing this district permit the development of a variety of businesses and service activities, but require good access and adequate off-street parking and loading space to be provided. Provisions are also included to assure the efficient, safe movement of people and goods to and from this zone. To the extent possible, strip development along U.S. Route 15 is to be discouraged through use of internal marginal or reverse frontage access to commercial establishments.

D. I-1 Industrial District

The purpose of the Industrial District is to identify areas of the Township where the construction of general or light industrial or manufacturing activities can be encouraged. It is the intent of the regulations developed for this district to discourage any uses or activities which would substantially interfere with the utilization of these areas for such purposes. Reasonable standards are included to minimize air pollution, noise, glare, heat, fire and safety hazards and to insure that adequate buffer strips or screenings are provided between this district and all adjoining zones.

E. A-1 Agricultural District

The purpose of this zone is to preserve and protect the rural farming characteristics of the area and to encourage and recognize land cultivation and agricultural production as an important economic activity. The intent of such designation is to permit those lands best suited for agriculture to be utilized for that purpose. All types of agricultural uses, including agri-businesses, are permitted as well as some residential activities, but non-compatible uses are discouraged.

F. O-1 Open Space District

It is the intent of this district to encourage the conservation of land where the economics of building and supplying public facilities and services is not in the public interest, such as steep slopes, floodplains, or other environmentally-fragile areas. This zone also includes several large tracts of public land, including substantial area which is being utilized to house the Allenwood Federal Prison Complex. The values of conserving land as a natural resource are recognized in

the regulations for this zone, as well as the problems that can arise by over-utilization or development of such areas. The provisions therefore encourage only those uses which will enhance these environmental protection objectives, such as outdoor recreational uses.

G. FF & FP - Flood Fringe & General Floodplain District (overlying district)

It is the intent of these districts to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and government services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, permitted uses must be floodproofed against flood damage. (See Article VI). In these floodplain districts development and/or use of land shall be permitted in accordance with the regulations of the underlying districts, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions in all other applicable codes and ordinances.

H. FW - Floodway District (Overlying District)

It is the purpose of this district to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and government services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, only those uses which will not cause an increase in 100 year flood heights, velocities, or frequencies will be permitted. (See Article 6) In addition, in the Floodway District, no development shall be permitted except where the effects of such development on 100 year flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities and notification of such has been given to the Federal Emergency Management Agency and the PA Department of Community and Economic Development.

202 ZONING MAP

- A. The boundaries of each of the districts are hereby established as shown on the Official Zoning Map, which is hereby made a part of this Ordinance together with all future notations, references, and amendments.
- B. The Official Zoning Map shall be identified by the signature of the Chairman of the Township Supervisors, be properly attested by the Township Secretary, and shall bear the Township seal.

- C. No change of any nature shall be made to the Official Zoning Map, except in conformance with the procedures set forth in Section 1100. The final authority as to the current status of zoning districts in the Township shall be the Official Zoning Map. Any changes made to the zoning districts shall be made on the Official Zoning Map promptly after the amendment has been approved by the township Supervisors, and shall bear the date of the amendment and the signatures of the Chairman of the Board of Supervisors and the Township Secretary.

203 INTERPRETATION OF BOUNDARIES

A. Designation of District Boundaries

The district boundary lines, except for the floodplain district(s), are intended generally to follow the centerlines of streets, the centerlines of railroad rights-of-way, existing lot lines, municipal boundary lines, or may be designated as shown on the Official Zoning Map by a specific dimension from a road centerline or other boundary line as indicated.

B. Determination of Location of Boundaries

The Zoning Officer shall request the Zoning Hearing Board to render its determination in the case of uncertainty as to the true location of a district boundary line in a particular instance'; provided, however, that no boundary shall be changed by the Zoning Hearing Board. If the location of a boundary line cannot be determined by interpretation of the Zoning Hearing Board, a request for corrective action shall be filed with the Township supervisors.

C. Severed Lots

Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Hearing Board may permit the extension of the regulations for either portion of the lot, not to exceed 50 feet beyond the district line, into the remaining portion of the lot.

204 FLOODPLAIN DISTRICT BOUNDARY CHANGES

The delineation of any boundary of the floodplain districts may be revised by the governing body in accordance with the amendment procedures outlined in Section 1100 of this Ordinance where natural or man-made changes have occurred and more detailed studies have been conducted by a qualified agency or individual, such as the U.S. Army Corps of Engineers. No change in any floodplain boundary shall be made unless the Township has sought and obtained approval for said change from the Federal Emergency Management Agency, as per the National Flood Insurance Program regulations.

ARTICLE 3

DISTRICT REGULATIONS

300 APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this Article for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered:

1. to exceed the height or bulk;
2. to accommodate or house a greater number of families;
3. to have narrower or smaller rear yards, front yards, side yards, or other open space

than herein required, or in any other manner be contrary to this Ordinance.

C. The commencement of any of the uses or activities listed in this Article (the District Regulations) shall require the issuance of a Zoning Permit from the Township Zoning Officer, except as may be provided otherwise in Section 1202 A of this Ordinance.

301 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS

The specific use regulations and dimensional requirements pertaining to each district are contained on the pages that follow.

Principal Permitted Uses & Structures

1. Single family detached dwellings (See 401)
2. Mobile homes on individual lots. (See 403)
3. Day care centers. (See 410)
4. Agricultural uses. (See 411)
5. Public parks and playgrounds (See 412)

Accessory Permitted Uses & Structures

1. Private garages.
2. Private swimming pools. (See 426)
3. Home Occupations (See 409)
4. Signs (See Article 7)
5. Accessory uses or structures customarily incidental to a permitted use.

Conditional Uses (See Section 1101)

1. Public and semi-public community buildings.
2. Group homes (See 419)
3. Public or private schools
4. Utility supply facilities (See 422)

Minimum Lot Area Requirements (See Section 500)

1. Per Principal structure, dwelling or use - 2 acres / 87,120 square feet*
2. Minimum lot width - 200 feet*
3. All lots shall meet the requirements of the PA Sewage Facilities Act and all other municipal sewage regulations.

*** NOTE:**

Where public sewer OR water service is available, these requirements shall apply:

Minimum Lot Area - 30,000 square feet

Minimum Lot Width - 100 feet

Where both public sewer AND water service is available,

these requirements shall apply:

Minimum Lot Area - 20,000 square feet

Minimum Lot Width - 100 square feet

Minimum Yard Requirements (See Section 501)

1. Front Yard - 25 feet from edge of road right-of-way
2. Side Yards
 - a. Abutting street - 25 feet from edge of road right-of-way
 - b. Abutting another lot - 15 feet each side

3. Rear Yard
 - a. Principal structure - 40 feet
 - b. Accessory structure - 15 feet

Maximum Height Requirements (See Section 502)

1. Principal structures - 25 feet
2. Accessory structures - 15 feet

R-2 RESIDENTIAL DISTRICT**Principal Permitted Uses & Structures**

Any use permitted in the R-1 District and in addition:

1. Two-family attached structures; i.e. duplex (See 401)
2. Multi-family dwellings (See 404)

Accessory Permitted Uses & Structures

Any accessory use permitted in the R-1 District.

Conditional Uses (See Section 1101)

Any conditional use permitted in the R-1 District, and in addition:

1. Mobile home parks (See 406)
2. Planned Residential Developments
3. Multi-family housing developments (See 405)
4. Churches and places of worship

Minimum Lot Area Requirements (See Section 500)

1. Per Principal structure, dwelling or use - 1 acres / 43,560 square feet*
2. Minimum lot width - 200 feet*
3. Multi-family dwellings - 1 acre plus 1500 sq. feet per dwelling unit (See 404)
4. Mobile Home Parks - 2 acres
5. Multi-Family Housing Developments - 2 acres plus 1500 sq. ft. per dwelling unit (See 405)
6. Public or private schools - 2 acres
7. All lots shall meet the requirements of the PA Sewage Facilities Act and all other municipal sewage regulations.

***NOTE:**

Where public sewer OR water service is available, these requirements shall apply:

Minimum Lot Area - 25,000 square feet

Minimum Lot Width - 100 feet

Where both public sewer AND water service is available, the following requirements shall apply:

Minimum Lot Area - 12,000 square feet

Minimum Lot Width - 75 feet

Minimum Yard Requirements (See Section 501)

1. Front Yard - 25 feet from edge of road right-of-way
2. Side Yards
 - a. Abutting street - 25 feet from edge of road right-of-way
 - b. Abutting another lot - 10 feet each side
3. Rear Yard
 - a. Principal structure - 25 feet
 - b. Accessory structures - 10 feet

Maximum Height Requirements (See Section 502)

1. Principal structures - 35 feet
2. Accessory structures - 15 feet

Principal Permitted Uses & Structures

1. Retail or service establishments
2. Restaurants, with or without bar facilities.
3. Food stores
4. Hardware stores
5. Clothing stores
6. Business and professional offices
7. Banks and financial institutions
8. Public parks and playgrounds (See 412)
9. Churches and places of worship
10. Hotels and motels, with or without bar facilities
11. Amusement uses (See 414)
12. Mobile home or travel trailer sales and display
13. Automobile sales and display
14. Personal storage warehouses (See 421)

Accessory Permitted Uses & Structures

1. Off-street parking and loading (See 800 & 801)
2. Signs (See Article 7)
3. Accessory uses, customarily incidental to a permitted use
4. Attached residential uses when accessory to a permitted use

Conditional Uses (See Section 1101)

1. Public and semi-public community buildings
2. Automobile services and repair stations (See 413)
3. Single-family detached dwellings (See 401)
4. Adult book stores, adult theaters, massage studios, or similar adult entertainment establishments (See 417)
5. Bars and/or taverns
6. Group homes (See 419)
7. Utility supply facilities (See 422)
8. Commercial/Industrial Parks (See 427)

Minimum Lot Area Requirements (See Section 500)

1. Per Principal structure or use - 30,000 square feet*
2. Minimum lot width - 100 feet*
3. All lots shall meet requirements of the PA Sewage Facilities Act and all other municipal sewage regulations and shall provide for off-street parking, loading & open space areas.

***NOTE:**

Where public sewer OR water service is available, these requirements shall apply:

Minimum Lot Area - 20,000 square feet

Minimum Lot Width - 100 feet

Where both public sewer AND water service is available, the following requirements shall apply:

Minimum Lot Area - 10,000 square feet

Minimum Lot Width - 75 feet

Minimum Yard Requirements (See Section 501)

1. Front Yard
 - a. Principal structures - 50 feet from edge of road right-of-way
 - b. Parking areas - 15 feet from edge of road right-of-way
2. Side Yards
 - a. Abutting street - 25 feet from edge of road right-of-way
 - b. Abutting another lot - 10 feet each*
3. Rear Yard
 - a. Principal structure - 25 feet
 - b. Parking areas - 10 feet

***NOTE:**

Where fireproof party walls are used, no side yard requirements shall apply.

Maximum Height Requirements (See Section 502)

1. Principal structures - 40 feet
2. Accessory structures - 15 feet

INDUSTRIAL DISTRICT**Principal Permitted Uses & Structures**

1. Any enclosed manufacturing, assembly or other light industrial or research operation not prohibited herein or by other laws. (See 415)
2. Laboratory facilities (See 415)
3. Light manufacturing of: (See 415)
 - a. electrical equipment
 - b. metal fabrication
 - c. furniture
 - d. and similar uses
4. Manufacturing of apparel textiles and clothing (See 415)
5. Printing operations (See 415)
6. Warehouses for the enclosed storage of goods and materials distribution plants and wholesale businesses
7. Agricultural uses (see 411)
8. Food processing (See 415)
9. Personal storage warehouses (See 421)
10. Commercial communications transmitting and/or receiving facilities (See 423)

Accessory Permitted Uses & Structures

1. Signs (See Article 7)
2. Accessory uses customarily incidental to a permitted use
3. Loading and unloading docks (See 801)
4. Off-street parking (See 800)

Conditional Uses (See Section 1101)

1. Automobile service and repair stations (See 413)
2. Planned industrial parks (See 415)
3. Unenclosed storage
4. Business and professional offices*
5. Commercial/Industrial Parks (See 427)
6. Junk yards or auto salvage operations (See 424)
7. Utility supply facilities (See 422)

* As per 8/14/95 Ordinance Amendment

Minimum Lot Area Requirements (See Section 500)

1. Per Principal Structure or Use - 5 acres*
2. Minimum lot width - 250 feet
3. All lots shall meet the requirements of the PA Sewage Facilities Act and all other municipal sewage regulations and shall provide for off-street parking, loading and open space areas.

***NOTE:**

Where public sewer service is available, the following requirements shall apply:

Minimum Lot Area - 3 acres

Minimum Lot Width - 250 feet

Minimum Yard Requirements (See Section 501)

1. Front Yard - 75 feet from edge of road right-of-way
2. Side Yards
 - a. Abutting streets - 50 feet from edge of road right-of-way
 - b. Abutting another lot - 20 feet each*
3. Rear Yard
 - a. Principal structure - 25 feet
 - b. Parking areas - 10 feet

***NOTE:**

Where fireproof party walls are used, no side yard requirements shall apply.

Maximum Height Requirements (See Section 502)

1. Principal Structures - 100 feet
2. Accessory Structures
 - a. Agricultural structure - no maximum
 - b. Other structures - 20 feet

Principal Permitted Uses & Structures

1. Agricultural uses (See 411)
2. Single-family detached dwellings (See 401)
3. Public parks and playgrounds (See 412)
4. Horticulture
5. Animal husbandry
6. Kennels
7. Stables
8. Feed and grain mills
9. Cemeteries
10. Mobile homes on individual lots (See 403)

Accessory Permitted Uses & Structures

1. Private garages
2. Private swimming pools
3. Home occupations (See 409)
4. Signs (See Article 7)
5. Roadside farm stands (See 4110)
6. Accessory uses customarily incidental to a permitted use

Conditional Uses (See Section 1101)

1. Public and semi-public community buildings
2. Veterinary offices/animal hospitals
3. Seasonal dwellings (See 408)
4. Multi-family dwellings (See 404)
5. Multi-family housing developments (See 405)
6. Campgrounds (See 407)
7. Group homes (See 419)
8. Institutional residences (See 419)
9. Personal care or nursing homes
10. Public or private schools
11. Utility supply facilities (See 422)

Minimum Lot Requirements (See Section 500)

1. Per Principal Structure, dwelling unit or use - 2 acres
2. Minimum Lot Width - 150 feet
3. Multi-family Housing Developments - 5 acres
4. All lots shall meet the requirements of the PA Sewage Facilities Act and all other municipal sewage regulations

Minimum Yard Requirements (See Section 501)

1. Front Yard - 25 feet from edge of road right-of-way
2. Side Yards
 - a. Abutting street - 25 feet from edge of road right-of-way
 - b. Abutting another lot - 15 feet each
3. Rear Yard
 - a. Principal structure - 50 feet
 - b. Accessory structure - 15 feet

Maximum Height Requirements (See Section 502)

1. Principal Structures
 - a. Agricultural structures - no maximum
 - b. Other structures - 25 feet
2. Accessory Structures
 - a. Agricultural structure - no maximum
 - b. Other structures - 15 feet

OPEN SPACE DISTRICT**Principal Permitted Uses & Structures**

1. Community college facilities
2. Public and/or private recreation uses (See 412)
3. Preservation and conservation areas, including game lands, wildlife preserves, man-made lakes, reservoirs, etc.
4. Forestry uses
5. Agricultural uses (See 411)
6. Cemeteries
7. Seasonal dwellings (See 408)
8. State game and State forest lands
9. Single-family detached dwellings (See 401)
10. Sawmills
11. Military reservations
12. Campgrounds (See 407)

Accessory Permitted Uses & Structures

1. Private garages
2. Private swimming pools
3. Home occupations (See 409)
4. Off-street parking and loading (See 800 & 8001)
5. Signs (See Article 7)
6. Accessory uses customarily incidental to a permitted use

Conditional Uses (See Section 1101)

1. Airport or heliport meeting F.A.A. standards
2. Correctional institutions (See 420)
3. Group homes (See 419)
4. Utility supply facilities (See 422)
5. Commercial communications transmitting and/or receiving facilities (See 423)
6. Municipal or residual waste landfills (See 425)

Minimum Lot Area Requirements (See Section 500)

1. Per Principal Structure or Use - 5 acres
2. Minimum Lot Width - 300 feet
3. Municipal or residual waste landfills - 100 acres
4. All lots shall meet the requirements of the PA Sewage Facilities Act and all other municipal sewage regulations.

Minimum Yard Requirements (See Section 501)

1. Front Yard - 50 feet from edge of road right-of-way
2. Side Yards
 - a. Abutting street - 50 feet from edge of road right-of-way
 - b. Abutting another lot - 50 feet each
3. Rear Yard
 - a. Principal structure - 50 feet
 - b. Accessory structures - 25 feet

Maximum Height Requirements (See Section 502)

1. Principal Structures
 - a. Agricultural Structure - no maximum
 - b. Other structures - 35 feet
2. Accessory Structures
 - a. Agricultural structures - no maximum
 - b. Other structures - 15 feet

**FF & FP
FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT
(Overlying District)**

Principal Permitted Uses & Structures

Uses permitted in the underlying district, and in addition:

1. Agriculture (See 411)
2. Public or private recreational uses, such as parks, picnic grounds, day camps, etc, (See 412)
3. Temporary uses, such as carnivals or circuses. (See 416)
4. Seasonal dwellings (See 408)

Accessory Permitted Uses & Structures

Same as the Underlying District

Conditional Uses (See Section 1101)

Uses permitted in the underlying district and in addition:

1. Campgrounds (See 407)

Minimum Lot Area Requirements (See Section 500)

Same as the Underlying District

Minimum Yard Requirements (See Section 501)

Same as the Underlying District

Maximum Height Requirements (See Section 502)

Same as the Underlying District

***All uses, activities, and/or development in this District shall be undertaken in strict compliance with the floodproofing requirements contained in this Ordinance.**

FW - FLOODWAY DISTRICT*
(Overlying District)

Principal Permitted Uses & Structures

Uses permitted in the underlying district, and in addition:

1. Agricultural uses, including general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod and wild crop farming and harvesting.
2. Public & private recreational uses, such as parks, day camps, picnic grounds, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap & skeet ranges, and hunting & fishing areas.
3. Accessory residential uses, such as yard and play areas, gardens, pervious parking areas, airport landing strips, etc

Accessory Permitted Uses & Structures

1. Accessory uses customarily incidental to a permitted use.

Conditional Uses (See Section 1101)

Uses permitted in the underlying district, and in addition:

1. Structures accessory to a permitted use (only where such structure causes no increase in elevation of the 100 year flood)
2. Utilities and public facilities & improvements, such as railroads, streets, bridges, transmission lines, pipe lines, water & sewage treatment plants & similar or related uses.
3. Water-related uses, such as marinas, docks, wharves, piers, etc.
4. Extract of sand, gravel, and other materials
5. Temporary uses such as carnivals, or circuses (See 416)
6. Storage of materials and equipment provided they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that material and equipment is firmly anchored to prevent floatation or movement, and/or can be readily removed from the area in times of flooding.

Minimum Lot Requirements (See Section 500)

Same as the Underlying District

Minimum Yard Requirements (See Section 501)

Same as the Underlying District

Maximum Height Requirements (See Section 502)

Same as the Underlying District

***No development may be permitted which will cause any rise in the elevation of the 100 year flood.**

ARTICLE 4

SUPPLEMENTARY REGULATIONS FOR SELECTED USES

400 USES NOT PROVIDED FOR

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Township Supervisors to hear and decide such requests as a conditional use. The Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 1101 of this Ordinance. In addition, the use may only be permitted if:

- A. it is similar to and compatible with the other uses permitted in the zone where the subject property is located;
- B. it is not permitted in any other zone under the terms of this Ordinance; and
- C. it is in no way in conflict with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the health, safety and welfare of the neighborhood where it is to be located.

401 DWELLING UNITS

All dwelling units, including single-family, two-family, and multi-family units shall adhere to the following requirements.

- A. Every dwelling unit shall be placed upon and firmly anchored to a permanent foundation. A permanent foundation shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be so constructed as to leave no open spaces between the building and foundation, except for windows or other openings as might be necessary for such purposes as flood proofing.
- B. Every dwelling unit which is to be located in the Flood Fringe or General Floodplain District shall comply with all applicable District Regulations in Article 3 and the provisions contained in Article 6.
- C. Every single-family dwelling unit must contain a minimum of 720 square feet of gross floor area. In the case of multi-family dwellings or conversion apartments, each unit must contain a minimum of 400 square feet of gross floor area, except for efficiency apartments, where 250 square feet of gross floor area must be provided for each unit.

402 CONVERSION APARTMENTS

- A. Conversions shall not exceed two (2) families per structure.
- B. Conversions shall be subject to the gross floor area requirements set forth in Section 401 C.
- C. The lot area per dwelling unit shall be one (1) acre for a single-family detached dwelling in the district where the conversion is proposed.
- D. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the conversion. Certification verifying the acceptable and/or suitability of an existing sub-surface sewage disposal system or sewage permit for the installation of a new system shall be submitted as part of an application for such use.
- E. The yard, height, off-street parking, and other applicable requirements of this Ordinance shall be met.

403 MOBILE HOMES ON INDIVIDUAL LOTS

A mobile home may be permitted to be placed on an individual lot as an independent dwelling unit only as outlined in Article 3. When reviewing applications for such proposals, the Zoning Officer shall utilize the following criteria and may require additional information to be submitted where it is necessary to adequately protect the health, safety, and welfare of the Township residents.

A. Every lot to be used for the placement of an individual mobile home shall have a gross area at least equal to the minimum lot size of the district in which it is located. In addition, the unit must be situated on the lot to meet the applicable minimum setback line requirements.

B. Every mobile home shall be placed upon a foundation. One of the following types of foundations must be utilized . (See also Sections 403 C & D)

1. Permanent Foundation - a permanent foundation shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be constructed to leave no unnecessary open space between the mobile home and the foundation, except for windows or other openings as might be necessary for purposes such as floodproofing.

2. Stand or pad - a pad or stand, properly graded, placed and compacted so as to be durable and adequate to support maximum anticipated loads during all seasons may be utilized particularly in situations where a permanent foundation is not practical or a temporary foundation is desirable.

C. Every mobile home shall be firmly anchored to its foundation prior to the unit being occupied or used in order to prevent overturning or uplift. The mobile home foundation shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadmen" eyelets embedded in concrete or runways, screw augers or arrow head anchors. The anchoring system shall be designed to resist a minimum wind velocity of at least 90 miles per hour.

D. Each mobile home shall have a continuous wall around its entire perimeter. The wall shall be constructed in accordance with one of the following methods:

1. **Permanent Walls** - a permanent wall may be constructed of concrete or masonry and shall extend from the unit floor system to concrete footing below the subgrade frost line; i.e. the extension of a permanent foundation.
 2. **Skirting** - if a masonry wall is not used, each mobile home shall be encircled with a skirting designed to compliment its appearance. Skirting shall include materials which have been prefabricated for this specific purpose or other impervious, moisture resistant materials, and shall not include bales of hay, straw, interior plywood, unfinished woods, or like materials.
- E. **Access to crawl space** created by the installation of a wall shall be provided by means of a door or panel capable of being locked.
- F. **Every unit to be used as a dwelling unit** must contain a minimum of 720 square feet of gross floor area.
- G. **Every unit which is to be placed in the Flood Fringe or General Floodplain District** must comply with all applicable provisions contained in Article 6 of this Ordinance.

404 MULTI-FAMILY DWELLINGS

Multi-family dwellings shall be permitted only in those zoning districts as specified in Article 3. Every such structure shall meet the requirements outlined below as well as the requirements of the Subdivision and Land Development Ordinance in effect in Brady Township.

A. Site Plan Specifications

Application for a permit for a multi-family dwelling shall require the submission of six (6) copies of a site development plan to the appropriate approving authority. Such plans shall be either black and white or blue and white prints and shall be drawn to scale. Copies of the plans and accessory data must also be simultaneously submitted to both the Township and County Planning Commissions for review and determination that the proposal meets the requirements of the applicable Subdivision and Land Development Ordinance. The planning agencies shall be given at least 30 days to complete this review. The Zoning Permit application shall not be considered final until such review has been completed and reported by both Planning Commissions or until the 30 day time limit has expired without an approved extension.

B. Design Standards

1. Minimum Lot Area

- a. Each multi-family dwelling shall have a gross area at least equal to the minimum lot size for the district in which it is located, plus an additional 1,500 square feet for each dwelling unit where the structure is situated in a Residential District.
 - b. Where individual dwelling units of a townhouse or other single-family attached type of multi-family dwelling are to be conveyed and arrangements can be made for package sewage and/or water treatment, the following dimensional requirements shall apply:
 - 1) Minimum Lot Area
 - a) Interior Lots - 4,500 square feet
 - b) Exterior Lots - 6,000 square feet
 - 2) Minimum Lot Width - 30 feet
 - 3) Minimum Front Yard Requirement - 50 ft. from road centerline or 25 ft from edge of road right-of-way, whichever is greater
 - 4) Minimum Side Yard Requirements
 - a) Interior Lots - none
 - b) Exterior Lots - 10 feet from edge of structure
 - 5) Minimum Rear yard Requirement - 25 feet
2. **Traffic Access and Parking Facilities** - Each multi-family structure must access onto a public street. All new streets or access drives shall be designed and constructed in accordance with the road standards outlined in the Subdivision and Land Development Ordinance in effect in Brady Township. The number of parking spaces available on the site shall equal no less than 2.0 stabilized spaces per dwelling unit.
 3. **Sewage and Water Facilities** - Adequate sewage and water facilities must be provided by the developer. The preferred method of sewage disposal shall be by public or community facilities. However, if the developer can produce sufficient permits and/or proof that an on-site disposal system(s) can adequately handle all of the anticipated effluent, then this means of sewage disposal may be permitted.
 4. **Solid Waste Collection and Disposal** - The developer shall present information explaining the proposed method of solid waste collection and disposal. If such method is not deemed sufficient, then an alternate means must be presented by the applicant.

5. Drainage Control Requirements - All plans for multi-family structures shall include information indicating what types of drainage control facilities will be installed to handle runoff produced by the new structure and the grade of its site. The plans should also indicate where the drainage is to be ultimately channeled. As per the requirements of Act 167 of 1978, the post-development runoff rate shall not exceed the pre-development runoff rate.
6. Grading and Landscaping - Where excavation or grading is proposed or where existing trees, shrubs or other vegetative cover is to be removed, plans shall be submitted showing what steps are to be taken to avoid soil erosion. Exposed ground surfaces shall be protected with a vegetative cover. Screening or buffer strips of 25 feet may be required where adjacent land use dictates. (See also Section 504)

405 MULTI-FAMILY HOUSING DEVELOPMENTS

Multi-family housing developments may be permitted only in those zoning districts as outlined in Article 3 and only as a Conditional Use. Every such development shall meet the requirements outlined below as well as the provisions contained in the Subdivision and Land Development Ordinance in effect in Brady Township.

A. Site Plan Specifications

1. Application Submission Procedure - Applications for multi-family housing developments shall require the submission of six (6) copies of a site development plan to the Township Board of Supervisors. Such plan shall be either black and white or blue and white prints and shall be drawn to scale. Copies of the plans and accessory data shall also be simultaneously submitted to both the Township and County Planning Commissions for their review and determination that the proposal meets the requirements of the applicable Subdivision and Land Development Ordinance. The planning agencies shall be given at least 30 days prior to the Supervisors' hearing on the proposal to complete this review. The Zoning Permit application shall not be considered final until such review has been completed and reported by both Planning Commissions or until the 30 day time limit has expired without an approved extension.
2. Plan Specifications - Plans shall show all structures, roadways, pathwalks, parking areas, recreation areas, utility and exterior light installations and landscaping on the site, drainage facilities, all existing structures and usage

within 200 feet of the site boundaries, methods of sewage disposal and water supply, and any other elements deemed essential by the Supervisors or the planning agencies.

B. Design Standards

1. **Minimum Parcel Area and Gross Density** - Each multi-family housing development in the R-2 Zone shall have a minimum gross area of at least two (2) contiguous acres of land suitable for development, plus 1,500 square feet per dwelling unit. In the Agricultural District, a minimum of five (5) contiguous acres must be provided. The maximum allowable density shall be ten (10) dwelling units per acre. (See also Section 405. B . 6)

Where individual dwelling units of a townhouse or other single-family attached type of multi-family dwelling are to be conveyed, see dimensional standards established in Section 404.B. 1.

2. **Traffic Access** - All proposed site access ways must be adequate, but not excessive in number; adequate in grade, width, alignment and visibility, and not located too near street corners, entrances to schools or places of public assembly and other similar considerations.
3. **Circulation and Parking** - The interior traffic circulation system must be adequate, and all required parking spaces must be provided and easily accessible. (No less than 2.0 stabilized spaces per dwelling unit shall be available on the site.)
4. **Streets and Drainage System Requirements** - All multi-family structures or structures within a multi-family housing development must access directly onto a public street or onto a street in the internal road system of the development. All new streets and drainage control systems shall be designed and constructed in accordance with the road and drainage control standards outline in the Subdivision and Land Development Ordinance in effect for Brady Township. As per the requirements of Act 167 of 1978, the post-development runoff rate shall not exceed the pre-development runoff rate.
5. **Arrangement of Buildings** - Adequate provision must be made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.

6. Sewage Treatment and Water Supply - Adequate public or community sewer and water facilities must be available or be provided by the developer. No on-site, sub-surface sewer disposal system will be permitted. Proper approvals for the proposed system(s) must be presented to the Supervisors by the applicant.
7. Grading and Ground Cover (Soil Erosion & Sedimentation Control Plans) - Where excavation or grading is proposed or where existing trees, shrubs or other vegetative cover is to be removed, plans shall be presented showing what steps are to be taken to avoid soil erosion. Exposed ground surfaces shall be protected with a vegetative cover.
8. Landscaping - The proposed site must be properly landscaped, the purpose of which is to further enhance the natural qualities of the land. Where adjacent land use dictates, proper screening or buffer strips of 25 feet shall be required. (See also Section 504)
9. Recreation Space - A minimum of five (5) percent of the gross area of the development or 500 square feet per dwelling unit, whichever is greater, shall be provided for recreation space. This recreation space shall be suitable for outdoor recreational activity and shall be easily accessible to all units. Applications for multi-family housing developments shall also include a proposal regarding maintenance of such recreation space.
10. Solid Waste Collection and Disposal - The developer shall present information to the Supervisors explaining the proposed method of solid waste collection and disposal. If such a method is not deemed sufficient, an alternate method shall be proposed by the applicant.

C. Building Relations

1. Maximum Length of Rows

The maximum length of any group of attached structures shall not exceed 150 feet. A building group must be arranged in order to be accessible by emergency vehicles.

2. Distance Between Buildings

- a. The front or rear of any building shall be no closer to the front or rear of any other building than 40 feet.
- b. The side of any building shall be no closer to the side, front, or rear of any other building than 30 feet.

3. Distance Between Buildings and Driveways

- a. No driveway or parking lot should be closer than 25 feet to the front of any building, nor ten (10) feet to the side or rear of any building.
- b. In the case of an enclosed garage or carport provided as a portion of the main structure, distance requirements for driveways providing access to these accommodations shall not apply

All other applicable provisions of this Ordinance and/or any municipal Building Code hereinafter adopted shall be adhered to.

D. Certificate of Occupancy

No Certificate of Occupancy shall be issued for any unit in such development, unless the same conforms in all respects to the approved site plan.

406 MOBILE HOME PARKS

Mobile home parks are permitted only in those zoning districts as specified in Article 3 and only as a Conditional Use. Every proposed mobile home park must meet the following requirements as well as the requirements of the Subdivision and Land Development Ordinance in effect in Brady Township. (Each and every mobile home placed in an approved mobile home park shall secure an Occupancy Permit as required by this Ordinance, prior to its use as living quarters.)

A. Site Plan Specifications

Application for a permit for a mobile home park shall require the submission of six (6) copies of a site development plan to the Township Board of Supervisors. Such plans shall be either black and white or blue and white prints and shall be drawn to scale. Copies of the plans and accessory data shall also be simultaneously submitted to both the Township and County Planning Commissions for their review and determination that the proposal meets the requirements of the applicable Subdivision and Land Development Ordinance. The planning agencies shall be given at least 30 days prior to the Supervisors' hearing to complete this review. The Zoning Permit application shall not be considered final until such review has been completed and reported by both Planning Commissions or until the 30 day time limit has expired without an approved extension.

B. Design Standards

1. **Minimum Park Area** - Each mobile home park shall have a gross area of at least two (2) contiguous acres of land suitable for development.
2. **Grading and Ground Cover Requirements** - The ground surface in the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Exposed ground surfaces in the park shall be covered with stone screenings, or other solid material, or protected with a vegetative growth capable of preventing soil erosion.
3. **Mobile Home Park Lot Requirements**
 - a. **Gross Density** - The maximum number of mobile home lots within every mobile home park shall be no more than four (4) lots per acres of gross area of the mobile home park.

- b. **Minimum Lot Sizes** - The minimum mobile home lot shall contain no less than 9,000 square feet. The minimum width of any mobile home lot shall be not less than 60 feet. The minimum length of every mobile home lot measured from the edge of the right-of-way line of the mobile home park internal street shall be not less than 150 feet.
- c. **Mobile Home Lot Access** - All mobile home lots shall abut on and have frontage on a street of the mobile home park internal street system.

4. **Setbacks, Buffer Strips and Screening Requirements**

- a. **Setbacks from Public Roads** - All mobile home and auxiliary park building shall be located at least 50 feet from the centerline of any abutting public road or street or 25 feet from the edge of the road right-of-way, whichever is greater.
 - b. **Park Perimeter Buffer Strips** - All mobile homes, auxiliary park buildings and other park structures shall be located at least 50 feet from the mobile home park boundary lines. If a suitable attractive, effective screening either man-made or of natural plantings is provided along the perimeter, this minimum buffer strip may be reduced to 25 feet.
 - c. **Screening Requirements Within the Mobile Home Park** - Repair, maintenance, and storage areas or buildings shall be effectively and attractively screened from the mobile home lots, park streets and public roads or streets by man-made screens or natural plant materials.
 - d. **Minimum Distances Between Structures Within the Mobile Home Park** - All mobile homes shall be located at least 50 feet from any auxiliary park buildings and repair, maintenance, or storage areas or buildings and at least 20 feet from any other mobile home in the mobile home park.
5. **Recreation Space Requirements** - A minimum of five (5) percent of the gross park area or 500 square feet per unit, whichever is larger, shall be provided for recreational space. This recreational space shall be suitable for outdoor recreational activity and shall be easily accessible to all mobile home lots. Applications for mobile home parks shall include a proposal for maintenance of such recreation space.

6. Parking Space Requirements - A minimum of 2.0 stabilized vehicle parking spaces shall be provided for each mobile home lot within the mobile home park. These parking spaces shall be located on the mobile home lot which they are intended to serve.
7. Mobile Home Park Internal Street and Drainage System Requirements - All mobile home lots within a mobile home park must access onto the mobile home park internal street system. Streets and drainage control systems shall be constructed in accordance with the road standards outlined in the Subdivision and Land Development Ordinance in effect for Brady Township except that street widths shall be as follows:
 - a. Where parking is permitted on both sides, a minimum road surface width of 36 feet shall be required.
 - b. Where parking is limited to one side, a minimum road surface width of 28 feet shall be required.
 - c. Where no parking is permitted on either side of the street, a minimum road cartway width of 20 feet shall be required.
8. Mobile Home Lot Improvements - All mobile home lots within the mobile home park shall be improved for use by independent mobile homes. This shall include the provision of a durable pad or stand, properly graded, placed, compacted and surfaced to provide support for maximum anticipated loads during all seasons; all necessary utility hook-ups; an all-weather patio with a minimum area of 200 square feet for each mobile home; and a storage shed containing a minimum of 150 cubic feet of storage space.

C. Utilities and Park Facilities

1. Water Supply System - An adequate supply of water shall be provided for mobile homes, service buildings and other accessory facilities. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the applicant shall design, install, and maintain a private water supply system according to the standards of and with the approval of the Pennsylvania Department of Environmental Protection.

2. Sewage Disposal System - An adequate and safe sewage system shall be provided in all mobile home parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Mobile Home parks shall be connected to public sewer systems, where possible. Where a satisfactory public sewage disposal system is not available, the applicant shall design, install and maintain an approved private sewage system according to the standards of the Department of Environmental Protection.
3. Other Utility Systems - Telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be provided in accordance with plans approved by the Township Supervisors and the utility company. Underground installation of the utility distribution and service lines is required for approval of the mobile home park proposal.
4. Service and Other Auxiliary Park Buildings - Service, maintenance and management buildings, recreation or community buildings and commercial sales buildings required for the management, servicing and maintenance of the park and well-being of the park residents shall be allowed within the mobile home park boundaries. The entire area of these buildings shall be used exclusively for the management, servicing and maintenance requirements of the park and park residents.
5. Solid Waste Collection and Disposal - The developer shall present information to the Board of Supervisors explaining the proposed method of solid waste collection and disposal. If such method is not deemed sufficient, an alternate method shall be proposed by the applicant.

D. Rules and Regulations of the Park

The developer shall submit to the Board of Supervisors a copy of the proposed rules and regulations to be followed by tenants of the mobile home park. Included shall be regulations requiring:

1. Each mobile home shall be skirted. (Skirting shall include materials which have been prefabricated for this specific purpose or similar materials. It shall not include bales of hay, straw, interior plywood, unfinished wood or like materials.)

2. Garbage and trash shall be placed in appropriate receptacles.
3. Each mobile home shall be anchored to prevent the structure from being overturned or blown from its foundation or supports. This anchoring shall comply with the specifications outlined in Section 403 C.

407 CAMPGROUNDS

Campgrounds are permitted only in those zoning districts as specified in Article 3 and may be open to either tents or recreational vehicles. All campground permits shall be renewed annually. Every such development shall meet the requirements outlined below, as well as the requirements of the Subdivision and Land Development Ordinance in effect in Brady Township.

A. Site Plan Specifications

Application for a permit for a campground shall require the submission of six (6) copies of a site development plan to the appropriate Township official(s). (Where campgrounds are a permitted use, the appropriate Township official shall be the Zoning Officer. Where campgrounds are listed as Conditional Uses, the appropriate Township officials shall be the Board of Supervisors.) Such plans shall be either black and white or blue and white prints and shall be drawn to scale. Copies of the plan and accessory data shall also be simultaneously submitted to both the Township and County Planning Commissions for their review and determination that the plan meets the requirements of the township Subdivision and Land Development Ordinance. The planning agencies shall be given at least 30 days prior to action being taken or the Supervisors' hearing, as applicable, to complete this review. The Zoning Permit application shall not be considered final until review has been completed and reported by the Planning Commissions or until the 30 day time limit has expired without an approved extension.

B. Design Standards

1. Minimum Campground Area - A campground shall have a gross area at least equal to the minimum lot size of the district in which it is located.
2. Grading and Ground Cover Requirements - Where any excavating or grading is proposed or where any existing trees, shrubs, or other vegetative cover will be removed, plans shall be presented showing what steps will be taken to avoid soil erosion. Exposed ground surfaces shall be protected with a vegetative cover capable of preventing soil erosion.
3. Camping Space Requirements
 - a. Gross Density - The maximum number of camping spaces within each campground shall be no more than 155 per acre of gross area of the campground.

- b. Minimum Camping Space Sizes - Each camping space shall contain a minimum of 1500 square feet. The minimum width shall be not less than 30 feet and the minimum depth not less than 50 feet.
 - c. Camping Space Access - All camping spaces shall abut on and have 30 foot frontage on a street of the campground internal street system.
- 4. Setbacks, Buffer Strips and Screening Requirements
 - a. Park Perimeter Buffer Strip - All camping spaces and auxiliary park structures shall be located at least 40 feet from the campground boundary lines, including public roads. If a suitable attractive, effective screening of natural plantings is provided along the perimeter this minimum buffer strip may be reduced to 25 feet.
 - b. Minimum Distance Between Structures and Camping Space - All camping spaces shall be located at least 30 feet from any auxiliary building.
- 5. Parking Space Requirements - A minimum of 1.5 vehicle parking spaces shall be provided for each camping space plus one (1) additional parking space for every five (5) camping spaces.
- 6. Campground Internal Street System Requirements - All camping spaces within a campground must access onto the campground internal street system. The internal street and drainage system shall consist of private streets constructed according to right-of-way standards and construction standards proposed by the applicant and agreed upon by the Planning Commission. If no agreement can be reached or if the applicant does not wish to make any proposals, the standards outlined in the Subdivision and Land Development Ordinance for Brady Township shall apply.

C. Utilities and Park Facilities

- 1. Water Supply and Sewage Disposal Systems - The standards of the Department of Environmental Protection shall be met. Documents and approvals indicating that these standards can be met along with notations on the campground plan showing the location of water sources

and restrooms shall be presented to the appropriate Township officials. Separate restroom facilities shall be provided for men and women.

2. Other Utility Systems - Where electric or other utilities are to be provided, plans shall be provided by the developer and approved by the appropriate Township Officials and the utility company.
3. Solid Waste Collection and Disposal - The applicant shall present information to the appropriate Township officials explaining the proposed method of solid waste collection and disposal. If such a method is not deemed sufficient by the appropriate Township officials an alternate method shall be proposed by the applicant.
4. Service and Other Campground Buildings - Service, maintenance and management buildings and commercial sales buildings required for the management, servicing and maintenance of the campground may be allowed provided that such buildings are used exclusively for said purposes. No structures may be located within a Floodway District, but may be located within any other Floodplain District as long as they are adequately flood proofed. (See Article 6)

D. Campgrounds in Floodprone Areas

1. Where campgrounds are proposed to be located within a designated Floodway, permits will only be valid from May 1 through October 1. All units must be removed from the floodplain during the remainder of the year.
2. Where campgrounds are proposed to be located within any designated floodplain area, a workable evacuation plan must be submitted by the developer as a part of his application for a permit. Said plan must insure that all recreational vehicles will be removed from the floodplain during flood events.
3. Anchoring may be required for units being placed permanently in campgrounds located outside of designated floodplain areas. However, units being placed in campgrounds located within a designated floodplain must remain on wheels and be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports.

408 SEASONAL DWELLINGS

Seasonal dwellings shall be permitted only in those zoning districts a specified in Article 3. Every such structure shall meet the requirements outlined below as well as the requirements of the Subdivision and Land Development Ordinance in effect in Brady Township.

- A. For the purposes of this Ordinance, seasonal dwellings are defined as permanent structures intended to be utilized only periodically during the year. Such use may include shelter during hunting and fishing season, vacation uses, weekend uses, and other similar periodic visits.
- B. Seasonal dwellings shall not be converted to permanent dwelling units unless the same shall conform to all applicable Township codes and ordinances. Where seasonal dwellings are proposed for conversion to full-time occupancy, all gross floor area and foundation requirements contained in Section 401 must be met.
- C. No buses, trucks, or similar vehicles or sheds, garages or similar structures are permitted as seasonal home structures.
- D. No more than one seasonal home shall be erected on an individual lot. Minimum lot sizes shall be in accordance with Article 3.

409 HOME OCCUPATIONS

Home occupations may be permitted subject to the following standards.

- A. A home occupation is a use conducted entirely within a dwelling or accessory building(s) which is clearly incidental and secondary to the principal residential use, provided the following criteria are met:
1. no external alterations or structural changes are necessary which will change the character of the dwelling;
 2. the occupation does not produce offensive noise, vibrations, heat, dust, traffic problems or other objectionable conditions;
 3. no outside, unenclosed storage is required;
 4. not more than 25% of the area of the dwelling unit is used for such purpose;
 5. not more than one (1) non-occupant is employed;
 6. a minimum of two (2) additional off-street parking spaces are provided;
 7. no show windows or advertising outside the premises (other than the permitted home occupation sign) shall be used; and,
 8. deed restriction(s) for the land in question would not prohibit such a use
- B. Home occupations may include arts and crafts, antiques and carpentry shops, studios, dressmaking, music lesson or tutoring facilities, bakeries, barber and beauty shops, insurance and professional offices, and family day care homes. In the Agriculture and Open Space Districts, home occupations may also include facilities for the sale of seed, fertilizer, or other farm-related services.
- C. Other home occupations not specified above may be permitted upon finding by the Zoning Hearing Board that such use complies with Section 409 A, other applicable codes and ordinances, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood.

410 DAY NURSERIES OR DAY CARE CENTERS

Day care centers, nursery schools, kindergartens, or other agencies or individuals providing care for more than six (6) children outside of a family residence are subject to the following provisions.

- A. Outdoor play areas of at least 100 square feet per child shall be provided. Such play areas shall be at least 60 feet back from any road and shall be fenced.
- B. Outdoor play areas shall be sufficiently screened and sound insulated to protect neighborhood from noise and other disturbances.
- C. Sewage and water facilities shall be sufficient to handle the loading created by the proposed use.
- D. All other applicable codes, ordinances or laws (including regulations of the State Department of Public Welfare, Environmental Protection, and Education), shall be met before issuance of a Zoning Permit.

411 AGRICULTURAL USES AND ACTIVITIES

- A. In Residential Districts, the raising or boarding of livestock or poultry for personal use may be permitted provided that any building used for such purposes must be situated at least 100 feet from any street right-of-way line or dwelling other than the owner's dwelling, and not less than 50 feet from any property line.
- B. Temporary roadside stands or shelters may be permitted for the sale of various types of produce grown on the premises, provided:

 - 1. such stands may be situated on the site for any consecutive six (6) month period of time, but must be removed during that period when not in use for the sale or display of produce;
 - 2. two (2) additional off-street parking spaces are provided where a roadside stand is established:
 - 3. stands are located at least 10 feet from the edge of the adjoining road right-of-way; and
 - 4. permits for such activities are renewed annually.
- C. Nothing contained in this Ordinance shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure.
- D. Land cultivation activities and/or private gardens are permitted in all districts.
- E. Domesticated animals or pets are exempt from the regulations of this Section.

**412 PUBLIC OR SEMI-PUBLIC RECREATION FACILITIES;
PARKS & PLAYGROUNDS**

If specific recreational facilities are not regulated elsewhere herein, the following standards shall apply.

- A. A plan showing the proposed facilities and/or design of the recreational facility shall be provided.
- B. A statement shall be submitted by the applicant indicating the reasons why the proposed facility is appropriate for the district in which it is located.
- C. Off-street parking facilities and driveways shall be provided in accordance with Article 8.
- D. Sewage disposal facilities shall be provided in accordance with the standards of the Department of Environmental Protection. A sewage permit shall be submitted with the application.
- E. Information on the proposed method of solid waste collection and disposal shall be presented by the applicant.
- F. No building, structure or active recreational facility shall be located within 75 feet of an adjacent residential lot.
- G. Outdoor security lighting shall be provided. Such lighting and any other outdoor lighting shall however be installed and shielded to eliminate direct glare on adjacent property or upon public streets.
- H. The proposed hours, rules, and security methods for the facility shall be included with the plan submission. Consideration shall be given not only to the convenience of the users, but the convenience, safety and welfare of the neighborhood in which the facility is located.

**413 AUTOMOTIVE OR MOTORIZED VEHICLE SALES, SERVICE,
AND REPAIR SHOPS**

- A. No automotive service station or repair shop shall have an entrance or exit for vehicles within 300 feet of any school, playground, church, or public place of assembly.
- B. Gasoline pumps shall be no closer than 30 feet to any street or lot line.
- C. Most repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure.
- D. All fuel, oil, propane gas, or other similar substances shall be stored at least 25 feet from any street or property line. All materials including new and used parts shall be stored within a building.
- E. Where adjacent land use dictates (e.g. residential home sites, churches or similar uses), proper screening and/or buffer strips of 25 feet shall be provided. (See Section 504.)
- F. Body work or painting of vehicles may be permitted provided that:
 - 1. the sewage system on the site is designed to handle any wastes generated by the body work which are to be flushed into it for disposal; and
 - 2. the structure within which the body work is to take place meets all the Labor and Industry regulations of the Commonwealth and is designed to contain all noise, vibrations, dust, and odor generated by the body work on-site.
- G. No more than three (3) cars may be offered for sale at any one time at an automotive service station or repair shop.

414 AMUSEMENT USES

For the purposes of this Ordinance, amusement uses shall be defined as activities operated as a business for profit, open to the public, for the purpose of providing entertainment, including but not limited to bowling alleys, roller skating rinks, motion picture theaters, health clubs and similar establishments. Specifically excluded from this definition are adult book stores, adult theaters, massage studios or similar establishments providing adult entertainment. (See Section 417.) The following standards shall apply to such uses, in addition to all other applicable State or local regulations.

- A. Such uses shall be conducted entirely within an enclosed structure.
- B. Off-street parking spaces shall be provided in accordance with TABLE 1, Section 800, of this Ordinance and all parking areas shall be screened from adjoining residential properties as required in Section 504.
- C. the principal structure may be situated no closer than 40 feet to any property line.
- D. No bowling alley, roller skating rink or similar public entertainment facility may be maintained or operated within 100 feet of an entrance or exit to a public school, church, hospital or any other public or semi-public institution.
- E. Illuminated signs or other outdoor lighting must be installed and shielded in such a manner so as to avoid causing glare on private property or impairing the vision of passing motorists. No flashing signs are permitted. (See also Article 7.)

415 INDUSTRIAL OR MANUFACTURING USES

These uses may be permitted only as outlined in Article 3; in the Industrial District. When applications for such operations are being reviewed, the following criteria shall apply and additional information may be required where it is necessary to protect the health, safety, and welfare of the Township residents.

- A. Industrial operations shall abut and/or provide direct access to a highway which is capable of accommodating heavy trucks and industrial employee and related traffic.
- B. Every industrial or manufacturing operation or activity must be contained within a building(s). In the I-1 District, limited outside, unenclosed storage may be considered as a Conditional Use by the Board of Supervisors at the time an application for such a use is submitted.
- C. Where adjacent land use dictates or where in the opinion of the approving agency it would be appropriate, buffer strips of at least 25 feet with a screening of natural plantings or fencing shall be provided along all property lines of the site. (See also Section 504.)
- D. The following minimum performance standards, in addition to all applicable State or Federal regulations, (including DEP's air, water and noise pollution control requirements) shall apply.
 1. Sound - The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses.
 2. Vibration - An operation which creates intense earthshaking vibration, e.g., heavy drop forges, heavy hydraulic surges, shall not be discernible beyond the property lines of the industry.
 3. Radioactivity - No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," dated June 16, 1957, or any subsequent revision or amendments.
 4. Odor - No emission of odorous gas or other odorous matter in such quantity as to be readily detectable by any point along lot lines without use of instruments shall be permitted.

5. Toxic or Noxious Matter - No discharge of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort or welfare, or causes injury or damage to property or business, shall be permitted.
6. Glare - No direct or reflected glare shall be detectable from any R-Zone boundaries.
7. Heat - No direct or reflected heat shall be detectable from any R- or C-Zone boundaries.
8. Dust and Fly Ash - No solid or liquid particles shall be emitted in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.
9. Smoke - No smoke shall be emitted in such quantity as to become a nuisance.

**416 TEMPORARY USES IN FLOODPLAIN AREAS
(SUCH AS CARNIVALS & CIRCUSES)**

- A. A temporary zoning permit may be issued by the Zoning Officer for a temporary use such as a carnival or circus in any floodplain district. Such temporary permit shall be valid for 21 days and shall be issued only after the applicant agrees to or provides the following information.
1. If there is a threat of flood, all wagons, tents, temporary structures, animals and other materials shall be removed completely out of the 100 year floodplain. This shall be done promptly before the threat of flood becomes a reality.
 2. The site of such temporary use shall not be left unattended by the applicant or agents working for him at any time during which the use is located on site.
 3. Assurance shall be given by the applicant to guarantee that there is adequate space to satisfy the parking demands that will be generated by the use and that adequate traffic control precautions are to be taken.
 4. Information concerning the temporary sewage disposal facilities to be used shall be presented by the applicant with assurance from the Department of Environmental Protection that they are adequate.
 5. If the temporary use is to take place on land not owned by the applicant, the applicant shall present a written agreement to the Zoning Officer in which the owner of the property agrees to the temporary use of his property.
 6. Any solid waste generated by the temporary use shall be collected and disposed of properly by the applicant.
 7. All wagons, tents, temporary structures, animals and any other materials brought in shall be removed from the site within the time limit stated on the Temporary Permit.
- B. The Zoning Officer shall note on the Temporary Permit or attach the permit information that demonstrates the applicant has agreed to or complied with items #1 through #7 of Section A. The Zoning Officer shall inspect the site as needed to see that the provisions of the permit are carried out.

417 ADULT ENTERTAINMENT ESTABLISHMENTS

Adult entertainment establishments or facilities may only be permitted in those districts specified in Article III and only as a Conditional Use shall meet the following standards.

- A. Adult entertainment facilities shall not be located within:
1. 500 feet of any Residential District or residential structure;
 2. 750 feet of any church, school, theater, park, playground or other area where minors congregate;
 3. 500 feet of any establishment licenses by the PA Liquor Control Board to dispense alcoholic beverages.
 4. 500 feet of any restaurant, eating establishment or grocery store; nor within
 5. 500 feet of any other adult entertainment facility.
- B. Advertisements, displays, or other promotional materials for adult entertainment facilities shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.
- C. All building openings, entries, exits or windows for adult entertainment facilities shall be located, covered, or screened in such a manner as to prevent a view into the interior from any street, sidewalk or other public place. In the case of an adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public place.

418 BOARDING OR ROOMING HOMES

Boarding or rooming homes may be permitted only in those zoning districts as specified in the District Regulations, Article 3. All applications for such uses shall also meet the requirements outlined below.

- A. The lot upon which the boarding or rooming home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Boarding or rooming facilities shall be accessory to a single family dwelling unit and such uses may or may not include arrangements for meals. And, for the purposes of this Ordinance, the owner of the single family dwelling must occupy the unit as its legal resident.
- C. Accommodations may be provided for up to six (6) additional persons, with a maximum of two (2) persons per bedroom. Such accommodations shall be for periods of one (1) week or more in duration.
- D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements set forth by the Pennsylvania Department of Environmental Protection. Where applicable, all requirements of the Pennsylvania Department of Labor and Industry shall also be met. Satisfactory evidence that the necessary permits or approvals have been obtained shall be submitted by the developer as a part of his application for a boarding or rooming home.
- E. The off-street parking requirements set forth in Article 8 and all other applicable standards of this Ordinance shall be met.
- F. Where adjacent land use dictates, adequate buffer yards and/or landscaping shall be provided in accordance with Section 504 of this Ordinance.

419 GROUP HOMES OR INSTITUTIONAL RESIDENCES

Group homes or institutional residences may be permitted only in those zoning districts as specified in the District Regulations, Article 3. all applications for such activities shall also meet the requirements outlined below.

- A. The lot upon which the group home or institutional residence is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Residents of a group home shall maintain a single household unit with shared use of rooms, except bedrooms, and shall share mealtimes and housekeeping responsibilities. (There shall however be no more than two (2) persons per bedroom)
- C. Accommodations in a group home shall be provided for no more than eight (8) residents, excluding staff, at one time. For the purposes of this Ordinance, group homes providing accommodations for more than eight (8) residents shall be considered to be institutional residences. Applications for group homes shall specify the maximum number of residents or occupants to be housed or cared for at the facility.
- D. Adult supervision shall be provided at the facility on a 24-hour basis.
- E. Applicants for group homes or institutional residences shall indicate the type of care, counseling or treatment to be provided at the site. In each instance, medical care shall be incidental in nature and shall not be a major element of the care being provided at the facility.
- F. Residents of such facilities shall remain in residence for a period of at least three (3) months, and a change of residents shall not routinely occur, except in the case of death, extended illness, disability or similar circumstances.
- G. The applicant for an institutional residence shall provide a copy of his complete license application from the Pennsylvania Department of Public Health, including drawings, as part of his application for such a use. Revocation or suspension of the State Permit shall constitute an automatic revocation of the Township Zoning Permit.
- H. Any Zoning Permit for a group home or institutional residence shall apply only to the facility and applicant named, the premises designated, and for the activities or purposes listed or identified in the application. Said Permit shall be nontransferable.

- I. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements set forth by the Pennsylvania Department of Environmental Protection. Where applicable, all other requirements of the Pennsylvania Department of Labor and Industry shall also be met. Satisfactory evidence that the necessary permits or approvals have been obtained shall be submitted by the developer as a part of his application for such a use.
- J. Arrangements for the collection, storage and disposal of solid waste generated by the facility shall be made by the applicant and submitted to the Township for approval as part of the application for such a use.
- K. Where adjacent land use dictates, adequate buffer yards and/or landscaping shall be provided in accordance with Section 504 of this Ordinance.
- L. The requirements set forth in Article 8 regarding off-street parking, loading and access drives, and all other applicable standards of this Ordinance shall also be met.

420 CORRECTIONAL INSTITUTIONS

Correctional facilities may be permitted only in those zoning districts as specified in the District Regulations, Article 3. In addition, every proposed correctional institution shall meet the requirements outlined below as well as the standards set forth in the Brady Township Subdivision and Land Development Ordinance.

- A. Applications for correctional institutions shall include the following information as applicable.
1. A site plan showing the tract of ground on which the use is proposed and illustrating the location of all existing and proposed buildings or structures to be used as part of the facility;
 2. A listing of the traffic, sanitary and environmental safety measures to be provided and be operational before such operations commence;
 3. An indication that light fixtures to be used for security and night operations are positioned and designed to avoid directing glare on adjacent roadways and causing nuisance effects on nearby properties;
 4. A formal written commitment, signed by the highest responsible official or policy board member, indicating what operational policies, practices (including the maximum inmate number), and staffing plans are to be utilized and that they will provide on-going security and control to prevent unauthorized trespass on adjacent properties or unreasonable risk to the safety of nearby residents;
 5. An Emergency Response Plan which guarantees that the facility owner will either provide directly or provide to the Township whatever supplemental equipment, personnel, and financial resources are deemed necessary by the township to properly train and develop the necessary capability for response to fire, explosion, riot, epidemic, or other potential incident;
 6. A Communications Plan which defines in detail the manner in which Township officials, broadcast and print media, and all appropriate public safety officials will be notified and fully briefed on reportable incidents, including their ultimate disposition and preventive measures being undertaken to prevent their recurrence, as well as a mechanism for advisory input from the Township to the owner;

7. An Accountability Chart which identifies the on-site or parent organization chain-of-command by position and name; and
 8. A Maintenance Plan which assures that the physical appearance of the facility will be kept in a sanitary and secure condition and will not therefore adversely effect neighboring properties.
- B. All principal and accessory structures to be provided for correctional institutions shall be setback at least 100 feet from any property line and 200 feet from any occupied dwelling (other than the owner's residence). And, where adjacent land use dictates, buffer yards and/or landscaping may be required by the Township in accordance with Section 504 of this Ordinance.
- C. All permits, licenses and approvals required from Federal or State agencies must be secured by the applicant and submitted to the Township as part of the application for the correctional institution. Revocation or suspension of any of these approvals will constitute an automatic revocation of the Township Zoning Permit.
- D. Nothing in this Section is intended nor shall be interpreted to attempt to regulate those aspects of correctional institutions which are specifically regulated by the Pennsylvania Department of Corrections or the U.S. Department of Justice, provide that the essential precautions are defined by such regulations in as much detail as required herein.

421 PERSONAL STORAGE WAREHOUSES

Personal storage warehouses may be permitted only in those zoning districts as specified in the District Regulations, Article 3. In addition, all such uses shall be subject to the following standards.

- A. There shall be no commercial or residential use conducted from or occurring within such facilities. Such warehouses shall be used exclusively for the storage of personal property, goods and materials.
- B. Access to such facilities shall be sufficient to accommodate the size and type of items likely to be stored in the warehouse units.
- C. External storage of boats, RV's or other vehicles shall be protected by security fencing and shall be shielded or screened from public view.

422 UTILITY SUPPLY FACILITIES

For the purposes of this Ordinance, utility supply facilities shall include those facilities, buildings and structures constructed and maintained by municipal or governmental agencies, public utilities, or public service corporations, which are necessary for the provision of utility services to the general public, such as electrical substations, water pumping stations, and sewage treatment plants, but shall not include communications transmitting and receiving facilities. (See also Section 423.) Utility supply facilities shall meet the following standards.

- A. Utility supply facilities shall be designed and constructed to be compatible with the general character (appearance and structural material) of the other structures within the district in which they are located.
- B. Structures may be permitted for the housing of transformers, pumps and similar equipment, but shall be subject to the setback requirements provided in the District Regulations for the district in which they are located. Such structures shall house only that equipment necessary to provide normal maintenance and repair for the systems. Office space may only be provided in the Commercial and Industrial Districts.
- C. Outdoor or unenclosed storage yards associated with utility supply facilities may only be situated in the Industrial District. When authorized, such storage areas shall be enclosed with a fence and shall be shielded from view by adequate screen planting. In addition, where adjacent land use dictates, buffer yards of 25 feet may also be required to provide sufficient separation of uses. (See also Section 504 of this Ordinance.)

423 COMMUNICATIONS TRANSMITTING AND/OR RECEIVING FACILITIES

For the purposes of this Ordinance, communications transmitting and/or receiving facilities shall include all forms of transmitting and/or receiving antennae, dishes, or devices and the poles, masts, towers or other structures which support them, as well as any building which may be necessary for the operation or maintenance of such uses. Privately-owned and operated communications transmitting and/or receiving antennae may be permitted to be located in any zoning district as an accessory use, while commercial communications transmitting and receiving facilities may only be situated in an Industrial or Open Space District, but may be authorized as either a principal or accessory use. (See also Article 3, District Regulations.) Communication transmitting and/or receiving facilities utilized by governmental agencies or those activities regulated by applicable public utility laws, shall be exempt from the requirements of this Section. All other such facilities shall be subject to the standards outlined below, as well as all other applicable provisions of this Ordinance.

- A. No person or entity shall construct, install or otherwise operate a communications transmitting and/or receiving antenna without first securing a Zoning Permit from the Township Zoning Officer, except as set forth above.
- B. Accessory communications transmitting and/or receiving antennae shall meet all setback requirements for the district in which they are to be located. No such structure may however be located in a front yard nor in the street side yard of a corner lot property.
- C. All communications transmitting and receiving antennae shall be supported, anchored, and installed in accordance with accepted engineering practices, taking into consideration all relevant safety factors, including but not limited to wind forces.
- D. Communications transmitting and/or receiving towers may only be exempt from the height regulations of this Ordinance where their setback from all property lines is equal to or greater than their height. In all cases, the applicant shall demonstrate to the Township that the height of the proposed tower is the minimum necessary to perform its intended purpose. (See also Section 502)

- E. Structures permitted for the housing of equipment, transformers, and other similar provisions, shall be designed and constructed to be compatible with the general character of the other structures located within the same district, and shall be subject to the setback requirements provided in the District Regulations and for the district where they are to be located. Such structures shall house only that equipment necessary to provide normal maintenance and repair for the operations. Office space may only be provided in the Commercial and Industrial Districts.

- F. Outdoor or unenclosed storage yards associated with communications transmitting and receiving facilities may only be situated in the Industrial District. When authorized, such storage areas shall be enclosed with a fence and shall be shielded from view by adequate screen planting. In addition, where adjacent land use dictates, buffer yards of 25 feet may also be required to provide sufficient separation of uses. (See also Section 540 of this Ordinance.)

- G. No provision of this Section is intended to unduly restrict or impair communications activities conducted by any Federal Communications Commission-licensed individual or entity. In the event that it is determined that any provision of this Section would unlawfully restrict the exercise of a license issued by the FCC, the Supervisors of Brady Township shall have the power and authority to modify the terms of this Section as they apply to such license holder. Relief under this Sub-Section shall however be authorized on a case-by-case basis, and any such application shall be considered as a conditional use.

424 JUNK YARDS OR AUTO SALVAGE OPERATIONS

Junk yards or auto salvage operations created after the effective date of this Ordinance may be permitted only in those zoning districts as provided in the District Regulations, Article 3, and shall comply with the provisions outlined below, as well as other municipal regulations which may hereafter be enacted. In addition, the standards set forth in the Brady Township Subdivision and Land Development Ordinance shall apply to junk yards or auto salvage operations.

- A. Zoning Permits for such uses shall be renewed annually by the owner. Such renewal shall be preceded by an inspection of the premises by the Township Zoning Officer. Fees for such Permits shall be as established by Resolution of the Township Board of Supervisors.
- B. The minimum area required for a junk yard or an auto salvage operation shall be five (5) acres.
- C. Such uses shall be conducted within a building or entirely enclosed within a fence or wall not less than eight (8) feet in height and made of a suitable, permanent material. In addition, a buffer yard and/or landscaping as set forth in Section 504 of this Ordinance may be required. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.
- D. No junk material, appurtenant structure, related activity or other enclosure shall be stored, placed, located or conducted within 50 feet of any adjoining property line, public street right-of-way, body of water, stream or wetland. No weeds or scrub-growth over eight (8) inches in height shall be permitted to grow within this setback area. Where determined appropriate by the Township, the applicant may be required to prepare and submit a Soil Erosion and Sedimentation Control Plan for his facility.
- E. All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled higher than two feet below the height of the fence or wall which encloses the facility, and shall not exceed a maximum height of eight (8) feet.
- F. No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be controlled at all times.
- G. All junk yards shall be maintained in such a manner to avoid causing public or private nuisances; causing any offensive or noxious odors; or causing the breeding or harboring of rats, flies, or other vermin that could be hazardous to public health.

425 MUNICIPAL OR RESIDUAL WASTE LANDFILLS

Municipal or residual waste landfills may only be permitted in those zoning districts as specified in the District Regulations, Article 3, and shall be subject to the following standards as well as all applicable requirements of the Pennsylvania Department of Environmental Protection (25 PA Code, Chapters 271 - 299 relating to Municipal and Residual Waste Regulations, or as may hereafter be amended.)

- A. The minimum area required for a municipal or residual waste landfill shall be 100 contiguous acres.
- B. The applicant shall obtain a Permit for the proposed facility from the Pennsylvania Department of Environmental Protection prior to the issuance of a Zoning Permit by the Township.
- C. Municipal or residual waste landfills shall abut on or provide direct access to an arterial highway capable of accommodating the anticipated type and volumes of traffic generated by the facility. Access to any such facility shall be designed to minimize danger to normal traffic and nuisance to surrounding properties. In addition, all such access roads shall at a minimum meet the requirements set forth in Section 273.213 of Chapter 273 and Section 288.213 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended.
- D. Municipal or residual waste landfill sites shall be completely enclosed by a fence to prevent unauthorized access and to prevent debris from being blown from the site. In addition, all requirements relating to access control contained in Section 273.212 of Chapter 273 and Section 288.212 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be met.
- E. Municipal or residual waste landfills shall not be sited in the following locations; (All distances shall be measured from the property line of the facility, except as may be otherwise indicated.)
 - 1. within a 100 year floodplain;
 - 2. in or within 300 feet of a wetland;
 - 3. within 100 feet of a perennial stream;
 - 4. in a valley, ravine or the head of a hollow where the operation would result in the elimination, pollution or destruction of a portion of a perennial stream;

5. within 1/4 mile upgradient and within 300 feet downgradient of a private or public water source;
6. within 300 feet of an occupied dwelling;
7. within 300 yards of a building owned by a school district or a school;
8. within 300 yards of a park or playground;
9. within 10,000 feet of a runway used by turbine-powered aircraft at a Federal Aviation Administration (FAA) certified airport;
10. within 5,000 feet of a runway used by piston-type aircraft at an FAA certified airport;
11. within the conical area for runway flight paths that are used by turbine-powered or piston-type aircraft;
12. within 25 feet of a coal seam, coal outcrop or coal refuse;
13. in coal bearing areas underlain by recoverable or mineable coals;
14. in areas underlain by limestone or carbonate formations where the formations are greater than five (5) feet thick and present at the topmost geologic unit; nor shall the landfill facility be located;
15. within 100 feet of a property line or the right-of-way of a public street.

F. The disposal area of a municipal or residual waste landfill shall be located at least:

1. 500 feet from an occupied dwelling;
2. 300 feet from a property line; and
3. 300 feet from the right-of-way of a public street

G. A copy of the geology, soils and hydrology descriptions required by Sections 273.115-273.120 of Chapter 273 and Sections 288.212-127 of Chapter 288 of Title 25 of PA Code, or as may hereafter be amended, shall be submitted as part of an application for a municipal or residual waste landfill.

H. A copy of the water quality protection and monitoring plan required by

Sections 273.151 and 273.152 of Chapter 273 and Sections 288.151 and 288.152 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, including a soil erosion and sedimentation control plan, shall be submitted as a part of an application for a municipal or residual waste landfill.

- I. A copy of the gas monitoring and control plan required by Section 273.171 of Chapter 273 and Section 288.161 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of an application for a municipal or residual waste landfill.
- J. A copy of the emergency contingency plan required by Section 273.181 of Chapter 273 and Section 288.171 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of an application for a municipal or residual waste landfill.
- K. A copy of the postclosure land use plan and closure plan required by Sections 273.191 and 273.191 of Chapter 273 and Sections 288.181 and 288.182 of Chapter 288 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as part of an application for a municipal or residual waste landfill.
- L. The applicant for a municipal or residual waste landfill shall demonstrate, to the satisfaction of the Township, sufficient financial responsibility for the operation of the proposed facility and the ability to provide for insurance protection for personal injury and property damage to third parties arising from the operation of the facility. A copy of the collateral and/or surety bond guarantees required by Section 273.311 of Chapter 271 and Section 287.311 of Chapter 287 of Title 25 of the PA Code, or as may hereafter be amended, shall be submitted as a part of the application for the facility.
- M. The applicant for a municipal or residual waste landfill shall demonstrate to the Township that the proposed facility is appropriate and suitable for the district and the location in which it is planned.
- N. In addition to the foregoing requirements, the applicant shall provide evidence that all other required governmental approvals have been granted prior to the issuance of a Zoning Permit. Required improvements shall include, but are not limited to, approvals by any Federal or State agencies, storm water management plans, subdivision and land development plans (including appropriate financial guarantees), and approvals under any County or Township Ordinances.

- O. In the event the landfill is found to be in violation of any other governmental regulations which require that the operations of the landfill shall cease, such action shall cause the Zoning Permit to be void and forfeited. No resumption of the landfill shall take place in such event unless and until the applicant submits and obtains approval of a new Zoning Permit application pursuant to the requirements of this Ordinance and other municipal regulations in effect at the time that such new application is submitted.**

426 SWIMMING POOLS

Private swimming or bathing pools (pools used by the occupants and their guests) may be permitted as accessory uses in all zoning districts, but must comply with the following requirements.

- A. Every outdoor private swimming pool of permanent construction, whether above or below ground, shall be completely surrounded by a fence or wall not less than four (4) feet in height to prevent uncontrolled access. (No additional fence or wall shall be required where a minimum of four (4) feet of the walls around the perimeter of the pool are located above the ground; provided that steps, ladders and other means of access to the pool are removed or secured to a minimum height of four (4) feet above ground level when the pool is not in use.) All gates or doors in the fence shall have self-latching or locking devices.
- B. A dwelling or accessory structure may be used as part of the required enclosure.
- C. The pool shall not be located within any required front yard nor closer to any side or rear property line than is established for accessory structures in the district where the pool is located.

427 COMMERCIAL/INDUSTRIAL PARKS

Commercial/industrial parks may be permitted only in those zoning districts as provided in the District Regulations, Article 3. In addition, all such uses shall be subject to the requirements outlined below, as well as the standards set forth in the Brady Township Subdivision and Land Development Ordinance.

A. The minimum area required for a commercial/industrial park shall be ten (10) acres. Individual lots within the park shall be no less than one (1) acres in size and shall meet the following minimum yard and height regulations.

1. Front Yard:

- a. Structures - 75 feet from edge of road right-of-way.
- b. Parking areas - 15 feet from edge of road right-of way

2. Side Yards:

- a. Structures -
 - 1) Abutting a street - 50 feet from edge of road right-of-way
 - 2) Abutting another lot - 25 feet each side*
- b. Parking areas - 15 feet each side

3. Rear Yard:

- a. Structures - 25 feet
- b. Parking areas - 10 feet

4. Maximum Height:

- a. Principal structures - 100 feet
- b. Accessory structures - 25 feet

***NOTE:** No side yard shall be required where fireproof common walls, meeting all applicable building Code regulations, are used.

B. Every commercial or industrial operation shall be contained within a building(s). Plans for outside, unenclosed storage for specific commercial or industrial operations shall be evaluated by the Township as part of the land development plan review and approval process for the proposed facility.

- C. Public or community sewer and water services shall be provided throughout the commercial/industrial park by the developer.
- D. All utilities within the park shall be installed underground.
- E. Adequate, safe and convenient facilities shall be provided by the developer for motor vehicles and pedestrians throughout the development, including internal streets or roadways, and sidewalks or walkways. All lots and buildings shall have access by way of the internal street system; there shall be no direct access to any lot provided from an existing public street or roadway. Adequate access shall also be provided for emergency vehicles and equipment.

Individual parcel owners shall be responsible for the provision of parcel driveways or access drives, and appropriate off-street parking and loading facilities. All such facilities shall be evaluated by the Township as part of the land development plan review and approval process for the proposed facility.

- F. The developer shall prepare a stormwater management plan addressing all aspects of potential stormwater runoff and drainage for the park, and shall provide adequate facilities throughout the park to satisfactorily accommodate all such runoff, whether structural or nonstructural in nature.

Plans for development of individual parcels shall be evaluated by the Township as part of the land development plan review and approval process for the proposed facility to determine that all proposed grading and site alteration plans are consistent with the stormwater plan approved for the park.

- G. Permanent buffering and landscaping as set forth in Section 504 of this Ordinance shall be provided by the developer to screen or shield adjacent residential districts or uses from the commercial/industrial park. Individual lot landscaping or screening plans shall be evaluated by the Township as part of the land development plan review and approval process for the proposed facility.
- H. All proposed uses shall meet the minimum performance standards set forth in Section 415 D. of this Ordinance.
- I. The developer shall provide the Township with plans for signs and light to be used throughout the park. Individual lot plans for signs or lighting shall be evaluated by the Township as a part of the land development review and approval process for the proposed facility to determine consistency with the overall park plan.

J. Plans for a commercial/industrial park shall also include a copy of the legal arrangements being proposed for ownership and maintenance of all internal streets, park utilities, common open space or landscaping, and similar facilities, as well as a copy of all proposed deed restrictions or protective covenants to be used throughout the development.

ARTICLE 5

SUPPLEMENTARY LOT REGULATIONS

500 LOT REQUIREMENTS

- A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by the Ordinance.
- B. Every principal building hereinafter erected shall be located on a lot as defined. In a residential zone, there shall not be more than one principal residential building and its accessory structures on one lot, except in the case of multi-family structures, mobile home parks, or other approved land development.
- C. No building shall hereafter be erected unless there is direct access to the structure through an open space on the same lot or a right-of-way at least 20 feet wide extending from the building to a public street.
- D. The minimum lot width of any lot shall be measured along the minimum building setback line as required for that district. Lots located on cul-de-sac turn arounds or curves in the road or lots of unusual shape may have lot widths of less than those required provided that the average of the front and back lot line is equal to or greater than the required lot width.
- E. Any portion of a lot included in a street right-of-way shall not be included in calculating the lot area.
- F. No space applied or necessary under this Ordinance to satisfy the yard and area requirements in relation to any building or use, whether now or subsequently built or conducted, shall be counted or used as part of the required open space or area in relation to any other building or use.

501 YARD REQUIREMENTS

A. Projections

1. Cornices, eaves, gutters, steps, bay windows or chimneys may project into any required yard, but not more than 24 inches.
2. Covered porches, patios and attached carports shall be considered part of the main building and shall not project into any required yard.
3. Uncovered patios, driveways, walks, parking areas, stairs and other structures may project into required yard setback areas provided they are no higher than 12 inches above yard grade.
4. In the Commercial District, canopies or awnings shall be attached to a building and shall not project over sidewalks or pedestrian areas a distance greater than one (1/2) the width of the walkway.

B. Front Yards

1. Front yard setbacks shall be in accordance with the requirements of Article 3.
2. Accessory buildings may not be erected in any required front yard.
3. When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard, the front yard of such unimproved lot may be the same depth as the average of the two (2) adjacent improved lots.
4. Signs may be erected within a required front yard in accordance with the requirements listed in Article 7.

C. Side Yards

1. On a corner lot, the side yard abutting the street shall have a width equal to the required front yard depth for the district in which the lot lies. The remaining two (2) yards shall constitute a side yard and a rear yard.
2. An accessory building may not be constructed in any portion of the required side yard, except as may be permitted in the District Regulations.

3. Signs may be erected within a required side yard in accordance with the requirements listed in Article 7.

D. Rear Yards

1. An accessory building may be constructed within a required rear yard as specified in the District Regulations, Article 3.
2. Signs may be erected within a required rear yard in accordance with the requirements listed in Article 7.

502 HEIGHT REGULATIONS

- A. Height regulations shall not apply to spires, belfries, cupolas, penthouses (not used for human occupancy), nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, television antennae, non-commercial satellite dish receivers, solar collectors and related equipment, and ornamental or necessary mechanical appurtenances normally associated with homes, churches, and similar establishments.. (See also Sub-Section 502C below)
- B. Agricultural or industrial structures such as barns, silos, grain elevators, storage tanks or similar types of structures, may be erected above the height limits specified in Article 3.
- C. Communications transmitting and/or receiving towers may also exceed the height regulations contained in Article 3, but only where their setback from all property lines is equal to or greater than their height.
- D. Military, law enforcement or fire towers shall be exempt from the height regulations specified in Article 3.
- E. In residential districts, accessory buildings shall not exceed 15 feet in height.
- F. Notwithstanding any of the exemptions provided above, where the height of any proposed structure will exceed the capability or limits (at the time of application) of local fire and emergency response units to reasonably protect that structure, the applicant shall be responsible to provide all such protection.

503 GENERAL REGULATIONS

A. Two or More Principal Uses in Same Building

Unless otherwise provided herein, when two (2) or more principal uses occupy the same building (not including home occupations as defined in Section 409), sufficient parking spaces, lot area, open space, etc., shall be provided so that the standards pertaining to each use will be met in full.

B. Spacing of Non-Residential Buildings

Where two (2) or more buildings for non-residential uses are proposed to be built on a property in one ownership, front, side and rear yards are required only at lot lines abutting streets or other properties.

C. Hedges, Walls and Fences

Hedges, walls, or fences may be situated within any of the required yards, so long as they do not cause danger to traffic on a street or public road by obscuring a driver's view or which does not comply with Section 503 D.

D. Obstructions to Vision at Street Intersections

On a corner lot, no obstruction or planting higher than 30 inches or lower than eight (8) feet above road grade shall be permitted within the clear sight triangle. A clear sight triangle shall be defined as that area of unobstructed vision at street intersections formed by lines of sight between points 75 feet from the intersection of the street centerlines.

E. Outdoor Lighting on Private Premises

All outdoor flood lighting and spot lighting on private premises shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or upon public streets.

504 BUFFER YARDS/LANDSCAPING

- A. Where a commercial or industrial use abuts a residential district or a public street, a buffer yard of at least 25 feet shall be required. The buffer yard shall be a part of the commercial or industrial installation and shall be maintained by the business or industry.
- B. Where a commercial or industrial use abuts a stream or drainage channel, a buffer yard of at least 25 feet shall be required. The yard shall be measured from the nearest edge of the stream or channel at bankfull conditions.
- C. Buffer yards required for uses other than for commercial or industrial activities shall be not less than 15 feet in width, unless provided otherwise in Article 4 of this Ordinance.
- D. All buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or other evergreens. Buffer yards shall be planted in such a fashion that will provide the desired screening or filtering of noise or dust or unobstructed open channel.
- E. The required yard space shall be considered as part of the buffer yard.
- F. No structure, storage of materials or parking of vehicles shall be permitted in a buffer yard.
- G. Access drives, as well as utilities, may cross buffer yards.

505 JUNKED OR ABANDONED MOTOR VEHICLES

In any district, no more than one (1) junked or abandoned motor vehicle (a motor vehicle which does not bear a current registration or inspection) may be stored outside of an enclosed structure for a period of time exceeding 60 days. The accumulation of two (2) or more junked or abandoned motor vehicles, or the major parts thereof, shall be deemed to make the lot a junk yard, unless such accumulation is associated with an existing or proposed legitimate business operation or activity.

ARTICLE 6

SUPPLEMENTARY FLOODPLAIN REGULATIONS

600 GENERAL PROVISIONS

A. Purpose

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. regulating uses, activities, and development which, acting along or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
2. restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding;
3. requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage; and,
4. protecting individuals from buying lands and structures what are unsuited for intended purposes because of flood hazards.

B. Interpretation of District Boundaries

Where interpretation is needed concerning the exact location of any boundary of any floodplain district, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Zoning Hearing Board and to submit his own technical evidence if he so desires.

C. Compliance

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development within the Township except in full compliance with the terms and provisions of this Ordinance, including Section 1202 pertaining to Zoning Permits, and any other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

D. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such districts, will be free from flooding or flood damages.

601 BASIS FOR FLOODPLAIN DISTRICTS

These districts shall be overlays to the existing underlying district as shown on the official Zoning Ordinance Map. As such, the provisions of the floodplain district shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements for the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain shall apply.

The identified floodplain area shall consist of the following specific areas:

A. FW - Floodway Area - the area identified as “Floodway” in the AE Zone in the Flood Insurance Study (FIS) prepared by the Federal Emergency Management Agency. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS.

B. FF-Flood Fringe Area - the remaining portions of the 100 year floodplain not identified as “floodway” in the AE Zone of the Flood Insurance Study (FIS) where a floodway has been delineated. The basis for the outermost boundary of this area shall be the 100 year flood elevations as shown in the flood profiles contained in the FIS.

C. The General Floodplain District (FP) - shall be that floodplain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by the FEMA. For these areas, elevation and floodway information from Federal, State, or other acceptable sources, shall be used when available. When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township.

All uses, activities, and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of Article 3 of this Ordinance and with all other applicable codes and ordinances of Brady Township.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels of the floodway of any watercourse, drainage ditch, or any other drainage facility or system.

602 FLOOD DAMAGE CONTROL PROVISIONS

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all new construction, development or substantial improvements occurring in any identified floodplain area.

A. General Technical Requirements

1. Within any identified floodplain area, the development and/or use of land shall be permitted provided that such development or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in effect in Brady Township.
2. Within any floodway area, the following provisions shall apply:
 - a. No new construction, development, use, activity or encroachment shall be permitted that would cause any increase in flood heights.
 - b. No new construction or development shall be allowed, unless a permit is obtained from the PA Department of Environmental Protection's Regional Office.
3. Within any general floodplain areas, no new construction or development shall be located within the area measured 50 feet landward from the top of the bank of any watercourse, unless a permit is obtained from the PA Department of Environmental Protection's Regional Office.

B. Elevation and Floodproofing Requirements

1. Residential Structures

Within any identified floodplain area, the lowest floor (including basement or cellar) of any new construction or substantial improvement of a residential structure shall be at least one and one-half (1 1/2) feet above the 100 year flood elevation.

2 Non-Residential Structures

- a. Within any identified floodplain area, the elevation of the lowest floor (including basement or cellar) in any new construction or substantial improvement of a non-residential structure shall be at least one and one-half (1 1/2) feet above the elevation of the 100 year flood, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
- b. Any non-residential structure, or part thereof, having a lowest floor (including basement or cellar) which is not elevated to at least one and one-half (1 1/2) feet above the 100 year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

3. Space Below the Lowest Floor

- a. **Fully Enclosed Space** - Fully enclosed space below the lowest floor (including basement or cellar) is prohibited.

- b. Partially Enclosed Space - Partially enclosed space below the lowest floor which will be used solely for the parking of vehicles, building access, or incidental storage in an area other than a basement or cellar, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces.

Designs for meeting this requirement for all new construction and substantial improvements, fully enclosed space and partially enclosed space below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Design and Construction Standards

1. Fill

If fill is used to raise the finished surface of the floor one and one-half (1 1/2) feet above the 100 year flood elevation:

- a. fill shall extend laterally 15 feet beyond the building line from all points;
- b. fill shall consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
- c. fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
- d. fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes are submitted to and approved by the Zoning Officer;

- e. fill area shall be appropriately seeded upon completion of compaction to avoid erosion and scouring of the fill material; and
- f. fill shall be used only to the extent to which it does not adversely affect adjacent properties.

2. Special Requirements for Mobile Homes and/or Manufactured Homes

For the purposes of this Ordinance, the term mobile home shall also include manufactured homes, and park trailers, travel trailers, recreational vehicles and other similar types of units which are placed on a site for more than 180 consecutive days.

- a. Within any FW (Floodway Area), mobile homes shall be prohibited.
- b. Where permitted within an identified floodplain area, all mobile homes, and any improvements, including those units substantially damaged as a result of a flood, shall be:
 - 1) placed on a permanent foundation;
 - 2) elevated so that the lowest floor of the mobile home is one and one-half feet or more above the elevation of the 100 yr flood;
 - 3) anchored to resist flotation, collapse, or lateral movement.

3. Placement of Buildings and Structures

All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designated to have a minimum effect upon the flow and height of the flood water.

4. Anchoring

- a. All buildings and structures, including mobile homes, shall be firmly anchored in accordance with accepted and engineering practices to prevent flotation, collapse, and lateral movement.
- b. All air ducts, large pipes and storage tanks, and other similar objects or components located below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.

5. Floor, Walls and Ceilings

Where a structure is located at or below the 100 year flood elevation, the following standards shall apply:

- a. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
- b. Plywood and interior finished walls shall be of any "exterior", "marine" grade and of a water-resistant or waterproof variety.
- c. Basement ceilings shall have sufficient wet strength and be so installed as to survive inundation.
- d. Window frames, door frames, door jams and other such components shall be made of metal or other water-resistant material.

6. Electrical Systems

- a. All electrical water heaters, electric furnaces, electric air conditioning and ventilating systems, and other critical electrical installations shall be permitted only at elevations of one and one-half (1 1/2) feet or more above the 100 year flood elevation.
- b. No electric distribution panels shall be allowed at an elevation less than three (3) feet above the level of the 100 year flood elevation.
- c. Separate electrical circuits shall serve lower levels and shall be dropped from above.

7. Paints and Adhesives

Where a structure is located at or below the 100 year elevation, the following standards shall apply:

- a. Adhesives shall have a bonding strength that is unaffected by inundation.
- b. Doors and all wood trim shall be sealed with a waterproof paint or similar product.
- c. Paints or other finishes shall be capable of surviving inundation.

8. Equipment

Water heaters, furnaces and other critical mechanical installations shall be permitted only at elevations of one and one-half (1 1/2) feet or more above the 100 year flood elevation.

9. Fuel Supply Systems

All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

10. Water and Sanitary Sewer Facilities and Systems

- a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- c. No part of any on-site system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems.

11. Other Utilities

All other utilities, such as gas lines, electric and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

12. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the 100 year flood elevation.

13. Drainage

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

14. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life (including but not limited to those identified in Section 606) shall not be stored below an elevation one and one-half (1 1/2) feet above the 100 year flood.

603 WATER MANAGEMENT USES

Uses normally associated with water management projects (such as dams, impoundment basins, culverts, sewers, or bridges) may be permitted in any of the floodplain districts, regardless of the underlying district, but shall meet the “no rise rule” requirements set forth in Sections 309 and 602 A.2. of this Ordinance. Such uses shall also be subject to approval of the Township Supervisors (following review by the Township Planning Commission) and the PA Department of Environmental Protection. In addition, prior to any such alteration or relocation, adjacent communities, the Pennsylvania Department of Community and Economic Development and the Federal Emergency Management Agency must be notified. Under no circumstances shall any alteration or relocation take place which will lower the flood-carrying capacity of any stream or watercourse.

604 EXISTING STRUCTURES IN FLOODPLAIN AREAS

A structure, or use of a structure or premises, which lawfully existed in any designated floodplain district before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures and/or uses located in the Floodway District shall not be expanded, but may be modified, altered, or repaired to incorporate floodproofing measures, provided that such measures do not raise the level of the 100 year flood.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of less than 50 percent of its market value, shall be floodproofed and/or elevated to the greatest extent possible.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of 50 percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

605 SPECIAL PROVISIONS FOR ACCESSORY STRUCTURES

- A. Accessory structures which are proposed to be located in a Flood Fringe or General Floodplain area need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:**
- 1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, materials, and equipment related to the principal use or activity.**
 - 2. The total floor area of all accessory structures located on a lot in the floodplain shall not exceed 600 square feet.**
 - 3. The structure shall have a low damage potential.**
 - 4. The structure shall be located on the site so as to cause the least obstruction to the flow of flood waters.**
 - 5. Power lines, wiring and outlets shall be at least one and one-half feet**
 - 6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. shall be prohibited.**
 - 7. Sanitary facilities shall be prohibited.**
 - 8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit flood waters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:**
 - a. a minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space;**
 - b. the bottom of all openings shall be no higher than one foot above grade; and**
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit for flood waters.**

606 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

A. Hazardous Materials and Substances

In accordance with the Pennsylvania Floodplain Management Act (Act 1978-166), and the regulations adopted by the Pennsylvania Department of Community Affairs (now known as the Department of Community and Economic Development) as required by the Act, any new or substantially improved structure which:

- will be used for the production or storage of any following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance or a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances;
- shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life.

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Floodproofing Requirements

1. Activities and development of the kind described in sub-section A above shall be prohibited in any identified Floodway area.
2. Where permitted within an identified Flood Fringe or General Floodplain area, any new or substantially improved structure of the kind described in sub-section A above shall be:
 - a. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the 100 year flood;
 - b. designed to prevent pollution from the structure or activity during the course of a 100 year flood; and,
 - c. where any such structure, or part thereof, will be built below the Regulatory Flood Elevation it shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972), or with some other equivalent water-tight standard.
3. In addition, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.
4. Except for a modification of the freeboard requirements involved, no variance shall be granted for any other requirements of this Section.

607 ACTIVITIES REQUIRING SPECIAL PERMITS

A. Identification of Activities Requiring a Special Permit

In accordance with the Department of Community and Economic Development administrative regulations implementing the Pennsylvania Floodplain Management ACT (Act 1978-166), the following obstructions and activities are permitted only by Special Permit, if located partially or entirely within any identified floodplain area.

1. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - a. hospital
 - b. nursing homes
 - c. jails or prisons

2. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to such existing mobile home parks or mobile home subdivisions.

B. Application Requirements

Applicants for Special Permits shall provide five (5) copies of the following items:

1. A written request including a completed Building Permit Application Form.
2. A small scale map showing the vicinity in which the proposed site is located.
3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
 - a. north arrow, scale and date;
 - b. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;

- c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing streets, drives, other access ways, and parking areas, with information concerning width pavement types and construction, and elevations;
 - e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - f. the location of the floodplain boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities;
 - g. the location of all proposed buildings, structures, utilities, and any other improvements; and
 - h. any other information which the municipality considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- a. sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior buildings elevations, as appropriate;
 - b. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - c. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100 year flood.
 - d. detailed information concerning any proposed floodproofing measures;

- e. cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
 - f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and propose grades; and,
 - g. plans and profiles of all proposed sanitary and storm sewer systems, and any other utilities and facilities.
5. The following data and documentation:
- a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year flood;
 - c. a statement, certified by a registered professional engineer, architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100 year flood, including a statement concerning the effect such pollution may have on human life;
 - d. a statement, certified by registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have 100 year flood elevations;
 - e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevations and the effects such materials and debris may have on 100 year flood elevations and flows;
 - f. the appropriate component of the Department of Environmental Protections' "Planning Module for Land Development";

- g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;**
- h. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and**
- i. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.**

C. Application Review Procedures

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures which are established.

- 1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer (if applicable) for review and comment.**
- 2. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.**
- 3. If the Township decides to disapprove an application, it shall notify the applicant in writing of the reasons for the disapproval.**
- 4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information with the Department of Community and Economic Development by registered or certified mail, within five (5) working days after the date of approval.**

5. Before issuing the special Permit, the Township shall allow the Department of Community and Economic Development 30 days, after the receipt of the notification, to review the application and decision made by the Township.
6. If the Township does not receive any communication from the Pennsylvania Department of Community and Economic Development during the 30 day review period, it may issue a Special Permit to the applicant.
7. If the Pennsylvania Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

D. Special Technical Requirements

In addition to any other applicable requirements, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and any other applicable provisions, the more restrictive provisions shall apply.

1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - a. fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - 1) the structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation;
 - 2) the first floor elevation will be at least one and one-half (1 1/2) feet above the 100 year flood elevation; and,

608 ADMINISTRATION

A. Zoning Permit Requirements

To insure that the aforementioned flood damage controls are being employed in all construction, development and substantial improvement within any designated floodplain district, including the use of fill, the applicant or developer shall obtain a Zoning Permit prior to commencement of any such activity. The Zoning Officer shall provide the applicant with information from the Township's official floodplain mapping concerning the location of any floodplain boundary relative to the proposed construction and/or development site and the water surface elevation of the 100 year flood at the proposed construction and/or development site. The applicant shall provide all of the necessary information in sufficient detail and clarity to enable the zoning Officer to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. adequate drainage is provided so as to reduce exposure to flood hazards.

B. Application Requirements

The Zoning Officer shall require the following specific information, plus other pertinent information as may be required, to be included as part of an application for a Zoning Permit in order to make the above determination.

1. A completed Zoning Permit application form.
2. A plan of the entire site, prepared by a registered professional land surveyor, engineer, or architect, clearly and legibly drawn at a scale of (1) inch being equal to 100 feet or less, showing the following:
 - a. north arrow, scale and date:
 - b. topographic contour lines, if available;

- c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing or proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision or land development;
 - e. the location of all existing streets, drives, and other accessways; and
 - f. the location of any existing bodies of water or water courses, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures, and other improvements, drawn at a suitable scale showing the following:
- a. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - b. the elevation of the 100 year flood;
 - c. if available, information concerning flood depths, pressures, velocities, impact and uplift force, and other factors associated with a 100 year flood; and,
 - d. detailed information concerning any proposed floodproofing measures.
4. The following data and documentation:
- a. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the 100 year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or development.

All plans and specifications for floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the standards contained in Section 602 of this Ordinance.

- b. detailed information needed to determine compliance with Section 602 C 14, Storage, and Section 606, Development Which May Endanger Human Life, including
 - 1) the amount, location and purpose of any materials or substances referred to in Sections 602 C 14 and 606 which are intended to be used, produced, stored or otherwise maintained on the site; and
 - 2) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials of substances listed in Section 606 during a 100 year flood.
- c. the appropriate component of the Department of Environmental Protection's Planning Module for Land Development.
- d. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

C. Review by the County Conservation Districts

A copy of all plans for proposed development in any floodplain district shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the County Conservation District may be incorporated into the plan to provide for protection against predictable hazards. If no comments are received within 14 days, the Zoning Officer may take action on the permit.

D. Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

E. Issuance of Zoning Permits

Prior to the issuance of any Zoning Permit, the Zoning Officer shall review the application to determine if all other necessary governmental permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachment Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the US. Clean Water Act, Section 404, 33 U.S.C. 1344. No Zoning Permit shall be issued until this determination has been made.

609 VARIANCES IN FLOODPLAIN DISTRICTS

In passing upon applications for variance within any designated floodplain district, the Zoning Hearing Board shall consider all factors specified in other Sections of this Ordinance, state law relative to variances, and the following:

- A. Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the State Inventory of Historic Places provided that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. Variances may not be given in the floodway that result in any increase in flood levels during the 100 year flood.
- C. Variances shall only be given where the applicant shows that granting of a variance will not result in prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense, nor cause fraud or victimization of the public or conflict with existing local laws or ordinances.
- D. If any variance is given, written notification shall be given to the applicant indicating that:
 - 1. the granting of a variance may result in increased premiums for flood insurance to the applicant, and
 - 2. construction occurring below the 100 year flood level increases risk to life and property.
- E. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to Section 606, Development Which May Endanger Human Life, and to Section 607, Development Regulated by Special Permit.
- F. If granted, a variance shall involve only the least modification necessary to provide relief.
- G. Records of all variance actions including their justification shall be maintained by the community as well as reported in its annual report to FEMA.
- H. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures and the effects of buoyancy of the 100 year flood.

ARTICLE 7

SIGN REGULATIONS

700 DEFINITIONS

For the purposes of this Ordinance, the following terms shall be defined and applied as follows.

A. Billboards or Advertising Sign Boards

Boards which direct motorists or pedestrians to a business establishment or call the attention of a motorist or pedestrian to a product, place, or activity that exists or occurs at a location other than the location upon which the board is erected. Bill boards shall be free-standing structures, not including wall signs.

B. Business Identification Signs

Signs or boards that are directly oriented to activities that occur on the same premises as the sign or board. Such signs may be attached to either a wall or the ground. Awnings or canopies intended to be used for advertising purposes shall also meet the requirements of Section 501 A 4 of this Ordinance.

C. Ground Pole Signs

A sign supported vertically by one or more uprights placed in or on the ground which may be designed to be movable. Such signs may advertise products of items offered for sale or that are directly related to the premises upon which they are located, e.g. business identification signs, or may advertise products or events located elsewhere, e.g. billboards.

D. Temporary Signs

Flags, pennants, ground signs, or special promotional devices intended to be erected for a limited period of time to call attention to a legally permissible special event.

E. Wall Signs

Signs attached to a wall or part of a wall of a building or structure, not including billboards as defined above, which advertise products sold or directly related to the premises on which they are located, e.g. business identification signs.

701 GENERAL SIGN REGULATIONS

Signs may be erected, altered, and maintained only when in compliance with the provisions of this Article and any other appropriate municipal regulations. The following regulations shall apply to all permitted sign uses.

A. Location

The main supporting structure of all signs shall be setback in accordance with the minimum requirements established in this Article for the specific type of sign and the District in which it is to be located. In no case shall any sign be located closer to any lot line than one-half the required yard for the District in which it is located. Signs shall not be located in any public right-of-way except traffic signs or signs that are required in connection with the provision of municipal services.

B. Illumination

Illuminated signs shall not cause glare or any other disturbance which would be incompatible with the nature of the adjoining neighborhood or which would in any way impair the vision of passing motorists. Illumination shall be steady in nature, not flashing, animated, moving or changing in brilliance, color or intensity. No flashing or animated signs shall be permitted.

C. Attachment

All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the elements and prevent collapse. Signs attached to a building may not project more than 18 inches over a public sidewalk, unless the sign is located at least ten (10) feet above the sidewalk.

D. Anchoring

All ground signs shall be anchored, weighted, spring loaded, or otherwise designed to minimize wind action. The applicant for a permit shall indicate the method of anchoring to be employed.

E. Access

No sign shall be erected or maintained which prevents free ingress or egress from any door, window or fire escape, or which prevents free access from one part of a roof to any other part. No sign shall be attached to a standpipe or fire escape.

F. Traffic or Visual Obstruction

No sign shall be erected at the intersection of a street which could obstruct a motorist's clear vision. If located within the direct line of vision of any traffic control signal, no sign shall have red, green or amber illumination.

G. Construction and Maintenance

All signs permitted under this Ordinance must be constructed of durable material and shall be adequately maintained to present a legible appearance and to avoid deterioration, decay, or other conditions which could endanger the public health, welfare or safety.

H. Landowner's Permission

No sign shall be displayed upon private or public property, other than on that of the applicant, without first being permitted by the owner or agent thereof. Written consent shall be presented with an application for such a permit.

I. Nonconforming Signs

Signs existing at the time of passage of this Ordinance which do not conform to the requirements of the Ordinance shall be considered nonconforming signs, and once removed, shall be replaced with only conforming signs. Nonconforming signs may be painted, repaired or maintained, provided such maintenance or repair does not extend the dimensions of the existing sign.

J. Temporary Signs

Temporary Signs which are to be erected for a legally permissible special event or purpose may be permitted in any zoning district, subject to the following restrictions.

1. No more than two (2) such signs referring to a single temporary event may be permitted.
2. The size or area of each sign shall not exceed 16 square feet.
3. Such signs shall not be located within any public right-of-way.
4. The signs shall be removed by the property owner or applicant within 30 days after the event has occurred.

K. Zoning Permit

A zoning permit shall be required for the erection or alteration of all signs, with the exception of those permitted in Section 702 A. No zoning permit will be required for temporary signs where the requirements of Section 701 J are met.

L. Fees

Fees for the issuance of zoning permits for signs shall be paid to the Township upon filing of an application for such use and shall be in accordance with the schedule of fees established by Resolution of the Township Supervisors. No fee shall be charged for any permit connected with the erection of a sign necessary for the public welfare.

702 SIGNS IN THE R-RESIDENTIAL, A-AGRICULTURE, AND O-OPEN SPACE DISTRICTS

The following regulations shall apply to all signs placed or located in the R-1, R-2, A-1, or O-1 Zoning Districts.

- A. No more than one (1) of each of the following non-flashing, non-animated signs may be permitted on a property at any one time, unless such property is situated on a corner and fronts on two (2) streets, in which case one (1) sign may be erected on each frontage. (A double-faced sign shall count as a single sign)
1. Name plates. (Maximum size - 2 square feet)
 2. Identification signs. (Maximum size - 10 square feet)
 3. Home occupation signs. (Maximum size - 6 square feet)
 4. Sale and rental signs. (Maximum size - 8 square feet)
 5. Trespassing signs. (Maximum size - 2 square feet)
 6. Development signs. (Maximum size - 20 square feet)
 7. Signs advertising the sale of farm or nursery products. (Max size - 20 sq. ft.)
 8. Signs of schools, churches and similar institutions (Max size - 20 sq ft)
- B. Permitted signs may be located in any portion of a required front yard, but shall be no closer to the adjoining street right-of-way line than ten (10) feet. No sign however, shall be erected which will effectively limit proper sight distance for safety purposes.

703 SIGNS IN THE C-1 COMMERCIAL DISTRICT

The following signs may be placed or located in the C-1 Commercial Zoning District, subject to the specified requirements.

A. Those signs permitted in Section 702 A and in addition:

B. **Business Identification - Ground Pole Signs.** Business identification ground pole signs may be permitted subject to the following stipulations.

1. No more than one (1) non-flashing, non-animated business identification sign may be permitted on a property at any one time, except when a building is located on a corner lot and has a public entrance on two public streets or where a building has both a front and rear public entrance, then one (1) additional sign may be erected. (A double-faced sign shall count as a single sign.)
2. The size or area of each sign shall not exceed 100 square feet.
3. In no case shall the total sign area of all signs on one premises exceed 200 square feet.
4. Such sign(s) shall not exceed 20 feet in height nor be located closer to the ground than eight (8) feet.
5. Ground pole signs shall be set back a minimum of 15 feet from the edge of the adjoining public street right-of-way. No sign however, shall be erected or placed which effectively limits proper sight distance for safety purposes.
6. The sign (s) shall advertise only items sold or directly related to the premises upon which they are located.

C. **Business Identification - Wall Signs -** Business identification wall signs may be permitted subject to the following stipulations:

1. No more than one (1) non-flashing, non-animated business identification sign may be placed on any wall.
2. The size or area of such sign shall not exceed 100 square feet.
3. The sign shall not extend above the top of the wall nor beyond either side of the wall to which it is attached.

4. The sign shall not project more than three (3) feet from the wall.
5. The sign shall advertise only items sold or directly related to the premises upon which it is located.

D. Billboards or Advertising Sign Boards - Billboards or advertising sign boards may be permitted subject to the following stipulations:

1. No more than one (1) non-flashing, non-animated billboard may be erected on any premises at one time.
2. The size or area shall not exceed 300 square feet. (Sign area shall not include the main supporting structure, base, or apron but shall include all trim and border area).
3. The height shall not exceed 35 feet above ground level nor be closer to the ground than eight (8) feet.
4. The billboard shall be set back at least 25 feet from the edge of the adjoining public street right-of-way.
5. No billboard may be erected closer than 1000 feet (measured parallel to) on the same side of the highway to any other billboard.

E. All applicable provisions of the State's Outdoor Advertising Act of 1971 as amended, Act 160, shall be adhered to where signs are to be erected in areas adjacent to roads or highways in PA DOT's Primary and Interstate Highway Systems. (See also memo of 3-12-97 RE: sign regulations for PA DOT) Any individual desiring to establish a sign in these areas shall contact PA DOT's Division of Outdoor Advertising to determine if the State's regulations will effect his proposal.

704 SIGNS IN THE I-1 DISTRICTS

Same as those permitted in Section 703 A, B, C, D, and E.

705 SIGNS IN THE FF FLOOD FRINGE OR FP GENERAL FLOODPLAIN DISTRICT

Same as the underlying district, except that no sign may impede natural drainage or the flow of water.

706 SIGNS IN THE FW FLOODWAY DISTRICT

Signs shall be prohibited in this District except as they might necessarily be placed by Federal, State or local governments for the health, safety, and welfare of the people. If such signs are necessary, they shall be designed so as not to impede the natural drainage or flow of water.

Where State approval is necessary, the requirements of that agency shall be met prior to the issuance of a Zoning Permit.

ARTICLE 8

OFF-STREET PARKING, LOADING, AND ACCESS DRIVES

800 OFF-STREET PARKING

In all districts, in connection with every use, there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements of this section.

A. Size

Each parking space shall consist of not less than an average of 180 square feet of usable area for each motor vehicle and have a minimum width of nine (9) feet. Parking spaces may be located on a lot other than that containing the principal use, but must be located within 600 feet of the principal building. Such remote parking area shall remain under the control and care of the owner or operator of the use to which it is appurtenant.

B. Surfacing

All required off-street parking areas shall be graded for proper drainage and shall be surfaced so as to provide a durable surface, and shall be so designed to provide for the orderly and safe parking of vehicles.

C. Access

Adequate provisions shall be made for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted, except where the parking area is less than 35 feet in depth. Parking area shall be designed so there will be no need for motorists to back over major thoroughfares.

D. Lighting

Any lighting which is used to illuminate off-street parking or loading areas shall be mounted and shielded in such a manner to effectively eliminate direct glare on adjacent properties or upon public streets.

processing and approval procedures contained in Section 302 of the SLDO. Final approval of a land development plan does not authorize the conveyance of lots, but may authorize the conveyance of individual dwelling units, i.e. condominiums.

E. Required Spaces

Off-street parking shall be provided as set forth in TABLE 1. In cases of any building, structure, or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Hearing Board, shall apply.

**TABLE 1
OFF-STREET PARKING SCHEDULE**

1 Churches, schools, colleges and similar places of assembly. whichever is greater.	- 1 for each 3 seats in an auditorium or 1 for each 15 classroom seats;
2. Community buildings and social halls, theaters, or places of public assembly.	- 1 for each 4 seats provided.
3. Dwellings. (Single-family and and conversion apartments.)	- 2 for each family or dwelling unit.
4. Dwellings (Multi-family units)	- 1 1/2 per dwelling unit
5. Rooming houses, hotels, motels or transient lodging facilities.	- 1 per guest room plus 1 for each 3 employees.
6. Restaurants, bars or taverns.	- 1 for each 3 customer seats plus 1 for each employee.
7. Retail stores, store groups, shops, service stations, and service outlets.	- 1 for each 150 square feet of floor area.
8. Wholesale establishments or warehouses.	- 1 for each 150 square feet of gross floor area.
9. Offices - - General	- 1 for each 200 square feet of floor area
10. Professional offices or clinics	- 5 for each office
11. Nursing or convalescent homes	- 1 for each 3 beds, plus 1 for each 2 employees
12. Parks, playgrounds and public or semi-public recreational facilities.	- 1 space for each 5 persons of total facility capacity.
13. Industrial activities.	- Preferred, 1 for each employee; no less than 1 for each 2 employees in the maximum work shift.

801 OFF-STREET LOADING

In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing, commercial, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading or unloading berths as follows:

- * 4,000 - 50,000 square feet ----- 1 space
- * each additional 25,000 square feet ---- 1 space

The space required in each instance shall be not less than 12 feet in width, 60 feet in length, with 14 feet of overhead clearance, and may occupy all or any part of any required side or rear yard, but shall not hinder the free movement of vehicles and pedestrians over a street, right-of-way, or sidewalk. The loading area shall be designed so that there will be no need for motorists to back over public rights-of-way.

802 ACCESS DRIVES

All parking and loading areas and access drives shall be designed according to the following standards.

- A. The general lot layout shall be such that there will be no need for motorists to backover public rights-of-way.
- B. Access drives shall be constructed of a durable, all-weather material and shall not exceed 35 feet in width, except as may be increased by the curb radii.
- C. The number of access drives shall not exceed two (2) per lot on any one street frontage. The Zoning Hearing Board may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.
- D. Access drives shall not cross the street right-of-way line:
 - 1. within five (5) feet of a fire hydrant, catch basin, or drain inlet,
 - 2. within ten (10) feet of a property line, in the case of commercial and industrial uses, nor

3. within three (3) feet of a property line unless two adjoining owners mutually agree to a common access drive, in residential areas, including the provisions for maintenance thereof.
- E. Driveways shall be constructed in a manner that will not impair the drainage within a street right-of-way or any adjacent area. Where necessary, a drainage pipe of sufficient diameter shall be installed under the driveway at the property owner's expense. The applicant shall be directed to the appropriate municipal official to determine the proper size and location for such installation.
 - F. Access to public highways or streets shall be controlled in the interest of public safety. The off-street parking, loading and service areas on all properties, used for any purpose other than single-family residences, required by this Article shall be physically separated from the highway or street by a curb, pipe rail or fence and/or a planting strip or buffer yard. (See also Section 504.)

803 GENERAL STANDARDS

- A. A scaled drawing of proposed off-street parking and loading areas, access drives, and walks shall be submitted as part of any required plot plan. Any plan requiring access into a State Highway shall be approved by the Pennsylvania Department of Transportation in addition to being approved by the Township.
- B. In addition to the standards listed above, the driveway design guidelines set forth in TABLE 2 shall be utilized to the greatest extent possible.

TABLE 2

DRIVEWAY DESIGN GUIDELINES

Type of Minimum Development	Driveway		Minimum	Minimum	
	Min Width	Max Grade	Curb Radius-6	Intervals	Sight Distance
A. Single Family	10 ft.	15%-1	10 ft.	40 ft.-2	150 ft - 4
B. Multi-Family Residential - 5	20 ft.	12%-1	15 ft.	40 ft -3	200 ft - 4
C. Non-Residential	15 ft.	8% - 1	15 ft.	40 ft.-3	300 ft - 4

1 - All driveways shall provide a stopping of leveling area which extends 20 feet beyond the edge of the road cartway. This leveling area shall not exceed a maximum of 5% in grade nor intersect the shoulder of roads so as to produce a change in grade exceeding 8%. The leveling area shall intersect the street or road at an angle of no less than 60 degrees and preferably 90 degrees.

2 - Between an intersection and the first driveway only

3 - Between any two (2) points of access, including both driveways and public streets.

4 - Minimum sight distance shall be measured from the point of intersection of the driveway centerline and the street right-of-way line to a point on the cartway centerline. No significant obstructions or plantings higher than 30 inches or tree limbs lower than eight (8) feet shall be permitted within this area.

5 - For the purpose of driveway design, the multi-family residential design criteria shall be used for driveways providing access to five (5) or more dwelling units. All other dwelling units shall meet the driveway requirements for single-family residential uses.

6 - Where dropped curbs are used to provide driveway access, the minimum width of the dropped curb shall be 20 feet for single-family residential uses and 35 feet for multi-family and non-residential uses. The transition from the normal driveway width to the width of the dropped curb shall begin ten (10) feet back from the edge of the curb for single family residential and 15 feet back for multi-family and non-residential.

ARTICLE 9

NONCONFORMITIES

900 NONCONFORMING USES AND STRUCTURES

Any nonconforming use or structure legally existing at the time of the adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold, or maintained even though it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed. (For nonconforming lots see Section 901)

A. Abandonment

If any nonconforming use or structure is abandoned for a period of six (6) months, the future use of such building or land shall be in conformity with the District Regulations. A nonconforming use shall be judged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of six (6) months from the date of cessation or discontinuance.

B. Alteration and Reconstruction

1. Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use.
2. A nonconforming building which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:
 - a. said reconstruction commences within one (1) year of the damage;
 - b. said reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Zoning Hearing Board;
 - c. the location of said reconstruction does not create a safety hazard;

- d. where the nonconformity is located within the Flood Fringe or General floodplain portion of the 100 year floodplain, the new construction should comply, to the extent possible, with all of the floodproofing requirements contained in Article 6 of this Ordinance; and,
- e. where the nonconformity is located within the Floodway portion of the 100 year floodplain, the reconstruction may not cause any rise in elevation of the 100 year flood.

C. Extensions or Enlargements

1. Extensions or enlargements may be made to nonconforming structures or uses provided that:
 - a. the extensions or enlargements do not extend the structure or use by more than 50% of the area occupied by such use at the effective date of this Ordinance;
 - b. the nonconforming structure or use is not located in a Floodway District;
 - c. the Zoning Hearing Board approves such proposed extension or enlargement;
 - d. the extensions or enlargements shall conform to the yard and height regulations of the district in which the structure or use is situated; and,
 - e. in the case of a nonconforming use, be immediately adjacent to the existing nonconforming use.
2. For nonconforming uses whose normal operations involve natural expansion (i.e. quarries, junk yards, cemeteries, etc.), expansion shall be permitted by right up to 25% of the volume or area of the nonconformity which existed at the effective date of this Ordinance. For expansion beyond 25%, approval shall be required from the Township Zoning Hearing Board.
3. A nonconforming use shall not be extended to displace a conforming use.

D. Change of Use/Restoration

A nonconforming use of a building or land may be changed to a nonconforming use of the same or a more restricted classification. Whenever a nonconforming use of a building or land has been changed to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification. Once changed to a conforming use, such use shall not be changed back to a nonconforming use.

E. Certification

A Certificate of Nonconformance shall be issued by the Zoning Officer for all nonconforming lots, upon written request of the property owner or occupant. Sufficient evidence shall be provided by the applicant at the time of such request which documents the existence of a nonconformity at the effective date of this Ordinance amendment.

Nothing herein shall require any change in plans, construction, or designated use of a building or structure which complies with existing laws or for which a permit was granted and/or where the construction shall have started before the date of adoption of this Ordinance or applicable amendment thereto.

901 NONCONFORMING LOTS

Any nonconforming lot legally existing at the time of the adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued and/or maintained even though it does not conform to the regulations of the district in which it is located. It is not the intent of this ordinance to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconforming lots to continue until they are eliminated as single entities, possibly through the addition of such lots to adjacent property.

A. Certification

A Certificate of Nonconformance shall be issued by the Zoning Officer for all nonconforming lots, upon written request of the property owner or occupant. Sufficient evidence shall be provided by the applicant at the time of such request which documents the existence of the nonconformity at the effective date of this Ordinance amendment.

B. Existing Lots of Record

In the case of a lot of record which existed at the effective date of this Ordinance which does not meet the minimum area requirements for the district in which it is located, a permitted structure may be placed on the parcel provided that:

1. the owner does not own adjoining land which could be combined to form a conforming lot;
2. each side yard is not less than five (5) feet when adjoining another lot and ten (10) feet when adjacent to any street right-of-way line;
3. the rear yard is not less than ten (10) feet;
4. the front yard conforms to the minimum distance required;
5. where needed, the site has an approved sewage disposal system or an appropriate sewage permit; and,
6. provided that the site and its intended use complies with all other applicable provisions of this Ordinance.

ARTICLE 10

ZONING HEARING BOARD

1000 ORGANIZATION AND PROCEDURE

A. Establishment

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, a Zoning Hearing Board is hereby established in Brady Township.

B. Appointment and Membership

The Zoning Hearing Board shall consist of three (3) residents of Brady Township to be appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. A Zoning Hearing Board member may be removed by the majority vote of the appointing authority for just cause only after the member has received 15 days' advanced notice of the Township's intent to take such a vote. Members of the Zoning Hearing Board shall hold no other office in the Township.

The Township Supervisors shall also appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. The Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

C. Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

D. General Grant of Power

The Zoning Hearing Board shall perform all the duties and have all the powers prescribed by Act 147 of 1968, as amended, the Pennsylvania Municipalities Planning Code, and as herein described.

1001 POWERS AND DUTIES

The Zoning Hearing Board shall hear and decide appeals pursuant to the provisions of Act 247 of 1968, as amended and shall have the following powers.

A. To Hear and Decide Appeals

1. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.
2. The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or Planned Residential Development contained in Articles V and VII of the Pennsylvania Municipalities Planning Code.
3. The Zoning Hearing Board shall hear and decide appeals from a determination by the municipal engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions with a land use ordinance.
4. The Zoning Hearing Board shall hear and decide upon appeal from a determination of the Zoning Officer, any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

B. To Hear and Decide Challenges to the Validity of any Land Use Ordinance

1. The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the governing body pursuant to Sections 609.1 and 916.1(a) (2) of the Pennsylvania Municipalities Planning Code, as amended.

2. The Zoning Hearing Board shall hear and decide challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

C. To Hear and Decide Requests for Variances

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions. (See Section 609 for additional information regarding variances in the Floodplain Districts and Appendix A for an illustration of the variance procedure.)

No variance in the strict application of any provision of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:

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 or development of adjacent property, nor be detrimental to the public welfare; and,

5. that the variance, if authorized will represent the minimum variance that will afford the relief and will represent the least modification possible of the regulation in issue.
6. that adequate off-street parking and loading is provided and ingress and egress is designed to cause minimum interference with traffic on abutting streets; and,
7. that the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments.

1002 HEARING PROCEDURES

A. Parties Appellant Before Board

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or by any person aggrieved. Requests for a variance must be filed with the Zoning Hearing Board by any landowner or an authorized agent of such landowner.

B. Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

C. Applications Required

All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance that is applied for, in addition to the following information:

1. the name and address of the applicant or appellant;
2. the name and address of the owner of the parcel to be affected by such proposed change or appeal;

3. a brief description and location of the parcel to be affected by such proposed change or appeal;
4. a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof; and,
5. a reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

D. Procedure for Zoning Officer

1. The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
2. It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

E. Hearing Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

1. Public Notice in accordance with the definition of "Public Notice" in Article 14 of this Ordinance.
2. Post in a conspicuous place on the property involved a written notice of the pending hearing and action; such notice shall take place at least seven (7) days prior to the public hearing;
3. Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Planning Commission, the Township Planning Commission shall be given notice at least 30 days prior to the hearing); and,
4. In case of an appeal or a request for a variance, all adjacent property owners within 500 feet of the nearest line of the property for which the variance is sought shall be given written notice within seven (7) days of the hearing.

Each subsequent hearing on the application shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.

F. Rules of Conduct

The Zoning Hearing Board shall adopt rules consistent with the provisions of this Ordinance and shall commence, conduct and complete all hearings in accordance with the requirements of the PA Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the chairman and at such other times as the Zoning Hearing Board may determine. Such Chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

A quorum of two (2) Board Members shall be required for the Board to take action.

G. Decisions

The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitations of the power of the Zoning Hearing Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or finds must be delivered to the applicant personally or must be mailed to him not later than the day after the date of the report. All other persons interested in the result or who filed an appearance or testified during the Hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

H. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

I. Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of the Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

J. Failure to Hold Required Hearing or Render Decision

Where the Board fails to commence, conduct or complete the required hearing or fails to render a decision within the prescribed time periods (except for challenges filed under Section 916.1 of the PA Municipalities Planning Code), 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 is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision.

K. Stay of Proceedings

An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any other appropriate agency.

L. Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal there from within 30 days to the Court of Common Pleas of Lycoming County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended

ARTICLE 11

AMENDMENTS AND CONDITIONAL USES

1100 AMENDMENTS TO ZONING ORDINANCE OR MAP

The municipality may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. (See Appendix B of this Ordinance for an illustration of the amendment procedure.) for Curative Amendments see Section 609.1, Procedure For Landowner Curative Amendments, under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

A. Review by Planning Commission

Every such proposed amendment or change, whether initiated by the Township Board of Supervisors or by petition, shall be referred to the Township Planning Commission and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) shall fail to file such a report before the Public Hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

B. Public Hearing and Notice Requirements

The township Board of Supervisors shall, at a public meeting, establish a date, time and place for a Public Hearing on the proposed amendment. Notice of such Hearing shall be published once each week for two (2) consecutive weeks in a newspaper of general, local circulation. The first notice shall be published not more than 30 days and the second publication should appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.

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 affected tract at least seven (7) days prior to the date of the hearing. Further, where a proposed amendment involves a map change, other than a comprehensive municipal rezoning, the Township shall notify all property owners within the area proposed for rezoning (by first class mail) of the date, time and location of the hearing at least 30 days prior to the hearing.

If after said public hearing, the proposed amendment is changed substantially or revised to include land not previously affected by it, the Supervisors shall hold another public hearing and give notice thereof as set forth above, before proceeding to vote on the amendment.

C. Opportunity to be Heard

At the public Hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

D. Notice of Enactment

Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary in a newspaper of general, local circulation. Such notice shall include the time and place of the meeting at which passage will be considered and shall name the place where copies of the proposed amendment may be examined. The notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage. If the full text is not published, a copy of the amendment shall be supplied to the newspaper at the time of publication of the notice, and an attested copy of the proposed amendment shall be filed in the county Law Library or other county office designated by the County Commissioners.

E. Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Township Board of Supervisors. The vote of the Supervisors shall be within 90 days after the last public Hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied.

Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

1101 CONDITIONAL USES

The Township Supervisors may grant Conditional Use approval for only those uses set forth in Article 3 of this Ordinance, the District Regulations, pursuant to the express standards and criteria outlined in Article 4, the Supplementary Use Regulations. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purposes of this Ordinance. (See Appendix C of this Ordinance for a chart illustrating the Conditional Use procedure.)

A. Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the Secretary of the Township Supervisors. Upon receipt of a Conditional Use application, the Secretary of the Township Supervisors shall forward a copy of the application to the Township Planning Commission for their review and recommendation. The Planning Commission shall conduct its review and make recommendations within 45 days of receipt of such request.

B. Written Statement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

1. the location of the tract of land;
2. the present use of the tract for which the conditional use is requested;
3. the present use of adjoining tracts;
4. the type of conditional use for which the application is made;
5. a brief description of the type and extent of the proposed activities;
6. an estimate of the total development cost of the conditional use; and
7. the names of the applicant, the owner of the tract, the developer of conditional use and the person or organization who will operate the conditional use.

C. Site Plan

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below.

The site plan shall be drawn to a scale not exceeding 50 feet to the inch and shall be placed on a sheet no smaller than 18"x24" and no larger than 24"x36". If the site plan is drawn in two (2) or more sections, a key map showing the section locations shall be placed on each sheet. The site plan shall include:

1. title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
2. tract boundaries showing bearings and distances;
3. existing significant natural or man-made features of the site;
4. existing and proposed streets, rights-of-way, easements, means of access and setback lines;
5. existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
6. existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
7. proposed grading and drainage plan;
8. proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
9. plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and,
10. location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a Conditional Use, the Township Supervisors may, upon recommendation of the Township Planning Commission, waive the requirement for submittal of certain information that is deemed unnecessary for review of the application. In all cases however, the information submitted shall be adequate for review of the Conditional Use request.

D. Hearing Requirements

Within 60 days of the date of receipt of an applicant's application for a Conditional Use, the Supervisors shall select a date, advertise (pursuant to the definition of Public Notice), and hold the first public hearing on the proposal. Hearings shall be conducted in accordance with the procedures set forth in Section 1002 of this Ordinance for Zoning Hearing Board hearings. The burden of presentation of the Conditional Use request at the hearing shall rest entirely with the applicant.

E. Criteria for Review and Approval of Conditional Uses

The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance:

1. the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
2. whether the specific site is an appropriate location for the use, structure or condition;
3. whether the use developed will adversely affect the neighborhood;
4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
5. whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
6. the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; and,

7. whether satisfactory provision and arrangement has been made concerning the following:
 - a. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
 - b. off-street parking and loading areas;
 - c. waste collection, storage and disposal;
 - d. utilities, with reference to location, availability and compatibility;
 - e. screening and buffering with reference to type, dimensions and character;
 - f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and,
 - g. required yards and open spaces.

F. Decisions

The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

G. Failure to Hold Required Hearing or Render Decision

Where the Board of Supervisors fail to commence, conduct or complete the required hearing or fail to render their decision within the prescribed time periods (except for challenges filed under Section 916.1 of the PA Municipalities Planning Code), 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 a violation of the prescribed time periods, the Township Supervisors shall give public notice (in the same manner as is done for the public hearing) of the decision within ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

H. Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building/Zoning Permit or comply with the conditions of said authorization within six (6) months from the date of authorization.

I. Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

ARTICLE 12

ADMINISTRATION AND ENFORCEMENT

1200 DUTIES OF THE ZONING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Township Board of Supervisors, hold no elective office in the municipality, may be compensated for his/her work and shall have the following duties:

- A. to receive and process applications for permits, certificates, variances, special exceptions, conditional uses, appeals and other applications required under the terms of this Ordinance;
- B. to prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- C. to issue or deny applications for Zoning Permits in accordance with the procedure set forth in Section 1202 of this Ordinance. In cases involving requests for a Conditional Use or a Variance, Zoning Permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for such hearings before the Supervisors and Zoning Hearing Board, respectively;
- D. to issue or deny requests for Certificate of Compliance in accordance with the procedure set forth in Section 1203 of this Ordinance;
- E. to examine land, buildings and structures to determine their consistency with the Zoning Ordinance at the time of application filing, during the work and upon completion of the work;
- F. to issue written enforcement notices as specified in Section 1204 A of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate District Justice on behalf of the Township as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Zoning Hearing Board and to the Board of Supervisors;

- G. to maintain and update the official Zoning Map;
- H. to keep records of applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued, and make monthly report of same to the Township Supervisors;
- I. to issue Certificates of Nonconformance as requested. (See also Sections 900 E and 901 A);
- J. to post notice of pending Zoning Hearing Board hearings in accordance with the procedures established in Section 1002E of this Ordinance, and to post notice of proposed zoning district boundary changes as per the requirements of Section 1100 B. of this Ordinance;
- K. to perform such other duties as may be provided or made necessary by the terms of this Ordinance.

1201 GENERAL PROCEDURE FOR ZONING AND BUILDING PERMIT APPLICATIONS

All persons desiring to undertake any new construction, structural alteration, or change in the use of a building, structure, or land shall apply to the Township Zoning Officer for a Zoning Permit by completing the appropriate application form and submitting the required fee to the Township. The Zoning Officer shall then either issue or deny the Zoning Permit or refer the application to the Township Zoning Hearing Board or Board of supervisors for their consideration, as applicable. After the applicant has received a Zoning Permit, he shall contact the Township Building Code official and make application for a Building Permit. Following completion of his project, the applicant shall apply to the Zoning officer for a Certificate of Compliance. If the Zoning Officer finds the project has been completed in accordance with the terms of the Zoning Permit, he shall issue a Certificate of Compliance, after which the Building Code official shall inspect the project and issue or deny an Occupancy Permit allowing the premises to be occupied or used. (The specifics of each step of the zoning procedure are presented in Sections 1202 and 1203 below.) **Nothing in this Ordinance shall exempt the applicant from obtaining any Permits which may be required by other regulations or codes in effect in Brady Township.**

1202 ZONING PERMITS

A. Requirements of Zoning Permits

A Zoning Permit shall be required prior to the erection, construction, addition, or alteration of any building or structure, or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration of signs, except as specified in Article 7; prior to the change or extension of a nonconforming use; or prior to development in any floodplain district; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Zoning Permit has been duly issued therefore. (In some instances, additional permits may also need to be obtained prior to beginning construction or alterations.)

Zoning Permits shall not be required for the following activities unless they are proposed within a floodplain district:

1. interior alterations when there is no increase in ground floor exterior dimension and no change in use;
2. general maintenance and repair to existing buildings or structures; including siding, roofing, painting, the addition of storm windows, and similar activities;
3. crop farming;
4. planting of trees and shrubs;
5. construction or erection of fences; and
6. placement or location of private utility lines so long as they do not cross or occupy public roads or rights-of-way.

B. Application for Zoning Permits

Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer. All applications for Zoning Permits shall be accompanied by plans drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any buildings existing on

the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as may be necessary to determine compliance with this Ordinance and all other pertinent information.

The Zoning Officer shall have 30 days after receipt of an application to issue or deny the Zoning Permit. Any denial shall be in writing and shall state the reason(s) for such action.

C. Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all regulations, including performance standards that will permit carrying out the provisions of this Ordinance. Included in the information shall be a copy of a sewage permit when one is needed for the disposal of sewage from a proposed building. Also, if Labor and Industry regulations apply, the applicant shall supply evidence which shows that these regulations have been met.

D. Changes

After the issuance of a Zoning Permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted to the Zoning Officer for consideration.

E. Placard

In addition to the Zoning Permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Zoning Permit, the date of its issuance, a description of the construction authorized and bear the signature of the Zoning Officer.

F. Time Limitations

Work on the proposed construction shall be completed within 12 months after the date of such permit or the permit shall expire unless a time extension is granted in writing by the Zoning Officer. Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to grant such a request.

For the purposes of this Ordinance, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

G. Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine this compliance.

H. Revocation of Permits

The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the person holding the permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Township Board of Supervisors for whatever action they may deem necessary.

1203 CERTIFICATES OF OCCUPANCY

A. Requirements for Certificates of Occupancy

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used in whole or in part or shall be changed in use until a Certificate of Occupancy has been issued by the Zoning Officer. Such Certificate shall not be issued until the exterior walls of the building are complete and all essential or vital utilities have been installed, including sewage facilities, water supply, and electric service. The issuance of a Certificate of Occupancy is not however intended to guarantee or warranty, either stated or otherwise, the soundness of any construction nor the habitability of any building or structure. The Purpose of the Certificate is only to certify that all work authorized by the Zoning Permit has been satisfactorily completed and that the building or proposed use thereof complies with the provisions of this Ordinance.

B. Issuance and Effect

The applicant shall notify the Zoning Officer in writing upon completion of the permitted activity and the Certificate of Occupancy shall be issued or denied by the Zoning Officer within ten (10) days after the activity has been inspected and approved as complying with the provisions of this Ordinance and the issued Zoning Permit. Once granted, the Certificate of Occupancy shall continue in effect so long as there is no change in use, regardless of change in ownership, tenants or occupants. If any part of the construction is found in violation, then the applicant shall be notified in writing of the deficiencies found or the reasons for denial of the Certificate.

1204 VIOLATIONS

Failure to secure a Zoning Permit when required hereunder or failure to secure a Certificate of Occupancy or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

A. Enforcement Notice

Whenever it appears to the Zoning Officer that there has been a violation of any provision of this Ordinance, the Zoning Officer, on behalf of the Township, shall give written notice of such alleged violation as hereinafter provided. Such enforcement notice shall:

- 1. be served upon the property owner or sent to him by certified mail (return receipt requested);**
- 2. include the name of the owner of record and any other person against whom the Township intends to take action;**
- 3. include the location of the property in violation;**
- 4. identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of the Ordinance;**
- 5. specify the time to be allotted (not to exceed 30 days) for response to and correction or abatement of the alleged violation;**
- 6. contain an outline of remedial action which, if taken, will effect compliance;**
- 7. notify the recipient of his right to appeal to the Township Zoning Hearing Board prior to the expiration of the time period provided for response to the notice; and,**
- 8. indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and will be prosecuted or remedied as provided in this Section.**

In any appeal of any enforcement notice to the Township Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

B. Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township Zoning Officer may institute in the name of the Township, any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent any act, conduct, business, or use in or about such premises constituting a violation.

Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may also institute an appropriate corrective action or proceeding. Such action must be preceded however by serving a copy of the complaint on the Township Supervisors at least 30 days prior to being instituted. No such action may be maintained until such notice has been given.

C. Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, whether enacted under current law or prior law shall, upon being found liable therefore in a civil enforcement proceeding commenced by Brady Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Brady Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district 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 this Zoning Ordinance shall be paid over to Brady Township.

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.

Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than Brady Township the right to commence any action for enforcement pursuant to this Section.

1205 FEES

Fees for the issuance of Zoning Permits, Certificates of Occupancy, Ordinance Amendments, Conditional Uses, Variances and other zoning actions shall be paid to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established by Resolution of the Board of Supervisors.

Further, any fees paid by a party for the appeal of an enforcement notice to the Township Zoning Hearing Board, shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.

ARTICLE 13

ENACTMENT AND MISCELLANEOUS PROVISIONS

1300 INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Township. The Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township provided that where this Ordinance imposes a greater restriction upon the use of land or premises or upon the construction of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinance, the provisions of this Ordinance shall control.

1301 REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed, including the Brady Township Zoning Ordinance, enacted May 2, 1971. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

1302 SEVERABILITY AND VALIDITY

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, by a court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the Township Board of Supervisors, that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

1303 EFFECTIVE DATE

Enacted and Ordained into an Ordinance this 13th. day of November, 1989. Said Ordinance shall become effective on the 18th. day of November, 1989.

ENACTED and ORDAINED by the Board of Supervisors of Brady Township, Lycoming County, PA, as amendments to the Brady Township Zoning Ordinance (effective November 18, 1989) on this 10th day of August, 1998.

TO BECOME EFFECTIVE on the 15th day of August, 1998.

ARTICLE 14

DEFINITIONS

1400 INTERPRETATIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used"; and the word "shall" is mandatory and not optional.

1401 DEFINITIONS

ABANDONED - The visible or otherwise apparent discontinuance of a non-conforming use of a building or premises, or the removal of the characteristic equipment or furnishing used in the performance of a non-conforming use without its replacement by a similar equipment or furnishings, or the replacement of the non-conforming use or structure.

ACCESS DRIVE - A durable, all-weather surfaced means, other than a street, which provides vehicular access from a street or public road to a lot; e.g. a driveway.

ACCESSORY USE OR STRUCTURE - A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

ADULT ENTERTAINMENT ESTABLISHMENT - Adult book stores, adult theaters, massage parlors, and similar establishments providing entertainment of a sexual nature.

AGRIBUSINESS - The sale of agricultural products or commodities, including but not limited to farm produce, seed, fertilizers, and farm machinery.

AGRICULTURE - The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agriculture activities.

ALTERATION - Any major change or rearrangement in or addition to a structure.

AREA, NET SITE - The total area within the property lines, excluding external street rights-of-way.

AUTOMOTIVE and/or MOTORIZED VEHICLE SERVICE STATION AND REPAIR SHOP - A building or place of business where gasoline, and possibly oil and greases, batteries, tires and automobile and motorized vehicle accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and where minor repair service may be rendered. (See also Garage Repair.)

AUTOMOTIVE OR MOTORIZED VEHICLE SALES FACILITY - An open area, not including a street, used for the display, sale, or rental of new or used motor vehicles which are in operable condition and where no major repair work is done.

BAR - A building or structure, or part of a building or structure, used primarily for the sale or dispensing of liquor by the drink. For the purposes of this Ordinance, a bar shall also include those facilities selling bottled goods, either as a principal activity or as an accessory use. (See also TAVERN.)

BASEMENT - (1) That portion of a building partly underground, but having less than one-half of its clear height below the average lot grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. (2) For floodplain management purposes, a basement shall be that area of a structure or building having its floor subgrade (below ground level) on all sides.

BOARD - The Zoning Hearing Board of Brady Township.

BOARDING OR ROOMING HOME - A single family dwelling or part thereof, where lodging is provided for a fee by the legal owner thereof. Such lodging may be provided for no more than six (6) persons unrelated to the owner and shall be for periods of time exceeding one (1) week, whether or not arrangements have been made for meals. (See also Section 418 of this Ordinance)

BUFFER STRIP - A buffer strip is an open space of ground containing no man-made structures (except signs as permitted by the sign regulations and fences) which acts as a barrier to noise and visibility. Buffer strips shall be designed to meet specific dimensions provided under the provisions of this Ordinance.

BUILDING AREA - That portion of a lot bounded by the required front, side, and rear yards.

BUILDING - A structure having walls and a roof which is used for the shelter, housing or enclosure of persons, animals or property. The word "building" shall include any part thereof. Included shall be all mobile or manufactured homes and trailers to be used for human habitation.

BUILDING COVERAGE - That percentage of the plot of land area covered by the principal and accessory buildings (including covered porches, carports, and breeze-ways, but excluding open patios, parking or loading areas).

BUILDING HEIGHT - The vertical distance measured from mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, tanks, and similar projections.

BUILDING LINE - The required setback (front, side or rear) of a building from a property or street line.

BUILDING SETBACK LINE - A line parallel to the street line located at a distance which is equal to the front yard requirement for the district in which the lot is located, i.e. front yard setback.

CAMPGROUND - A tract or tracts of ground, or portion thereof, used for the purpose of providing two or more spaces for recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space.

CARTWAY - The area of a street within which vehicles are permitted, not including curbs, shoulders, sidewalks, or drainage swales.

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

CERTIFICATE OF NONCONFORMITY - A Certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure, or lot as of the effective date of this Ordinance amendment, thereby authorizing its right to continue until it is eliminated or abandoned.

CERTIFICATE OF COMPLIANCE - The Certificate required by this Ordinance which indicates that all work authorized by the project's Zoning Permit has been satisfactorily completed, or in a case involving no construction, a proposed new use is in compliance with the terms of this Ordinance.

CHURCHES AND/OR PLACES OF WORSHIP - A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith. For the purposes of this Ordinance, such uses shall not include facilities intended for full or part time occupancy for religious or similar activities.

COMMERCIAL/INDUSTRIAL PARK: A tract of land planned and developed for a mixture of industrial and business uses on individual lots utilizing a common internal street system and utilities. Uses permitted within a commercial/industrial park shall be limited to the specific list of activities agreed to by the Township and the developer as part of the park's Conditional Use approval. In general, such uses may include general or light industrial, wholesale, or service-oriented support uses, in addition to retail, service, office or administrative activities.

COMMUNICATIONS TRANSMITTING AND/OR RECEIVING FACILITIES - All forms of transmitting and/or receiving antennae, dishes, or devices, and the poles, masts, towers, or other structures which support them, as well as any buildings which may be necessary for the operation or maintenance of such uses, except that those communications transmitting and/or receiving facilities utilized by governmental agencies or those which are regulated by applicable public utility laws shall be exempt. (See also Section 423.)

COMPLETELY DRY SPACE - A space which will remain totally dry during flooding, the structure is designed and constructed to prevent the passage of water and water vapor.

CONDITIONAL USE - A use permitted in certain districts, as provided for in Article 3, which may only be authorized by the Township Supervisors as set forth in Article 11 of this Ordinance.

CONSTRUCTION - See definition of NEW CONSTRUCTION.

CONVERSION APARTMENTS - Dwelling units created by the conversion of an existing sing-family dwelling into apartments for two (2) families without substantially altering the exterior of the building.

CORRECTIONAL INSTITUTION - An establishment, regardless of ownership or operation, whether private, non-profit or public, engaged in the confinement and correction of offenders sentenced by the court. Such facilities shall include, but are not limited to detention centers, penitentiaries, reformatories, training schools for delinquents, offenders, and other adjudicated individuals. (See also Section 420)

COUNTY - Lycoming County, Pennsylvania

DAY CARE CENTER - A private facility enrolling more than six (6) young children where tuition, fees, or other forms of compensation for the care of the children is charged and which is licensed or approved to operate as a child day care center by the Pennsylvania Department of Public Welfare.

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

DOCKS - A temporary structure extending into a stream or other body of water for the purpose of securing a boat(s).

DWELLING - Any building, structure, or other shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons, as provided hereafter:

a. Dwelling, Single-Family Attached - A building designed for and occupied exclusively as a residence for one family only but having a party wall on at least one side in common with an adjacent dwelling: i.e. a townhouse unit or garden apartment.

b. Dwelling, Single-Family Detached - A detached building designed for or occupied exclusively by one family, except for a mobile home as defined below.

c. Dwelling, Two-family Attached - An attached or semi-attached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar; i.e. duplex

d. Dwelling, Mobile Home - A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two 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 is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include manufactured housing, and park trailers, travel trailers recreational vehicles, and other similar units which are placed on a site for a period of time exceeding 180 consecutive days. (See also Section 403)

e. Dwelling, Multi-Family - A building designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units; i.e. apartment buildings, condominiums, etc. For the purposes of this Ordinance, a multi-family housing development shall consist of more than one multi-family dwelling or structure.

DWELLING UNIT - One or more rooms containing a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes. Travel trailers, recreation vehicles, facilities for transient lodging, etc shall not be considered as dwelling units for the purposes of this Ordinance.

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

ENCLOSED USE - A use which is located entirely within a structure.

ESSENTIALLY DRY SPACE - A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

EXTRACTIVE OPERATIONS - Quarrying or commercial extraction of rock, sand, gravel, earth, clay or other similar materials, including facilities for the batching or mixing of extracted materials.

FAMILY - One or more persons related by blood or marriage occupying a single dwelling unit and living as a single household unit. (See also GROUP FAMILY HOUSEHOLD.)

FAMILY DAY CARE CENTER - A family residence where care is provided for no more than six (6) children by an occupant of the home which is registered by the Pennsylvania Department of Public Welfare to provide such care.

FARM - A parcel of land used for agricultural purposes or activities.

FARM BUILDING - Any building used for storing agricultural equipment or farm produce, housing livestock or poultry, or processing dairy products. Farm buildings shall not be considered dwellings nor may they be used for residential purposes.

FENCE - Any facility constructed of wood, metal, wire mesh, masonry blocks, or similar material or any landscaping which consists of plants located close together (i.e. hedgerow), erected for the purpose of screening one property from another either to assure privacy or to protect the property screened. For the purposes of this Ordinance, a fence shall not be considered a structure. (See also Section 503C)

FLOOD - A temporary inundation of normally dry land areas.

FLOOD FRINGE - That portion of the 100 year floodplain outside the floodway, excluding areas shown as approximate 100 year flood zones on the Township's Flood Boundary and Floodway Maps.

FLOOD, ONE-HUNDRED YEAR - A flood that on the average is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

FLOODPLAIN - 1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation 2) an area subject to the unusual and rapid accumulation of runoff of surface waters from any source

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. (See Section 602 for a more detailed definition.)

FLOODWAY - The designated area of a floodplain as shown on the Township's Flood Boundary and Floodway Maps that is required to carry and discharge the flood waters of a 100 year flood.

FLOOR AREA - For the purposes of applying the requirements for off-street parking and loading, "floor area" in the case of office, merchandising, or service type uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public or customers, patrons, clients, or patients, including areas occupied by fixtures equipment used for display or sales of merchandise. (See also HABITABLE FLOOR AREA.)

FREEBOARD - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watersheds.

GARAGE, PRIVATE - An accessory building designed or used for the parking or storage of vehicles owned and used by the occupants of the building to which it is accessory and which is not a separate commercial enterprise available to the general public.

GARAGE, REPAIR - A building used primarily for making major repairs to motor vehicles, (especially automobiles, motorcycles, and/or snowmobiles) including overhauling, body work, refinishing, and upholstering, as well as incidental servicing. (See also AUTOMOTIVE SERVICE STATIONS AND REPAIR SHOPS).

GENERAL FLOODPLAIN - That portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated area on the Township's Flood Boundary and Floodway Maps.

GOVERNING - The Board of Supervisors of Brady Township

GROSS FLOOR AREA - The sum of the gross horizontal areas of all of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding interior parking spaces for motor vehicles, basement or cellar floor areas where this area is not used for business or dwelling purposes, and the area of enclosed or unenclosed porches, decks, patios and terraces.

GROUP FAMILY HOUSEHOLD - A group of individuals not related by blood, marriage, adoption or guardianship living together in one dwelling unit as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship proving organization and stability.

GROUP HOME - A residence occupied by eight (8) or fewer persons unrelated by blood, marriage, adoption or guardianship which live together as a single housekeeping unit; i.e. a group family household. Such homes include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped persons, battered children and women, and specialized treatment facilities providing less than primary health care. Group homes of eight (8) or fewer residents, excluding staff, shall be permitted in all districts which permit single family residential uses. (See also INSTITUTIONAL RESIDENCE.) (See also Section 419)

HABITABLE FLOOR AREA - Any floor area within a dwelling unit that is usable for living purposes, including area for working, sleeping, eating, cooking, and recreation, or a combination thereof. Floor area used only for storage purposes, such as closet, attic, or unimproved basement space shall not be considered habitable flood area.

HAZARDOUS MATERIALS - Any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being.

HISTORICAL STRUCTURE - Any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;

d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1) by an approved state program as determined by the Secretary of the Interior; or

2) directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION - An accessory use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. (See Section 409)

IDENTIFIED FLOODPLAIN AREA - Those floodplain areas specifically identified in this Ordinance as being inundated by the 100 year flood, including areas identified as Floodway, Flood Fringe and General Floodplain.

INSTITUTIONAL USE - A private, non-profit or quasi-public use or facility such as a church, library, a public or private school, hospitals, nursing home, personal care home, or a municipally-owned building, structure or land used for public purposes. (See also CORRECTIONAL INSTITUTION)

INSTITUTIONAL RESIDENCE - Establishments primarily engaged in the provision of residential social and personal care for children, the elderly, and other special categories of persons with some limits on their ability for self-care, but where medical care is not a major element. These uses include, but are not limited to, group foster homes; residential alcohol and drug rehabilitation centers with incidental health care; children's boarding homes; halfway homes for persons with social or personal problems, except halfway homes for delinquents, offenders and other adjudicated individuals, and not including training schools for delinquent and other adjudicated individuals; homes for destitute individuals; homes for the deaf or blind; homes for emotionally disturbed or mentally or physically handicapped persons, with health care incidental; and group homes

for nine (9) or more residents, excluding staff. Residents of these facilities would be treated by staff in an institutional setting rather than living independently. Institutional housing where there is commercial rental or condominium ownership is also included in this category, with the exception of personal care homes as defined herein. Such facilities may also require licensing by the Pennsylvania Department of Public Health or other State agencies (See also Section 419 of this Ordinance)

JUNK - Any used or discarded article or material not ordinarily disposed of as rubbish, garbage, or refuse and including, but not limited to, scrap metal, scrapped, abandoned or junked automobiles, machinery, equipment, or parts thereof, with or without the dismantling, processing, salvage, sale or use or disposition of the same. For purposes of this Ordinance, the term "junk" shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the Pennsylvania Solid Waste Management Act.

JUNKED OR ABANDONED MOTOR VEHICLE - Any motor vehicle which does not bear a current registration and is not currently inspected which is stored outside of an enclosed building or which is not completely covered or tarped for a period of time exceeding 180 days.

JUNK YARD - Any outdoor establishment, place of business, or use of land (with or without buildings) which is maintained, used or operated for storing, keeping, buying or selling junk or junked or abandoned motor vehicles, not including the purchase or storage of used furniture or household equipment or used cars in operable condition. For the purposes of this Ordinance, such facility may also be referred to as an auto salvage operation or scrap processing facility. (See also Section 424.)

LAND DEVELOPMENT - Any of the following activities: 1) the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving: i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features; or 2) the subdivision of land.

LOT - A tract or parcel of land intended for transfer of ownership, use or improvement; land which is shown as a separate parcel on records of Lycoming County.

LOT AREA - The computed area contained within the lots lines, excluding any street right-of-way.

LOT, CORNER - A lot abutting upon two (2) or more streets at their intersection.

LOT DEPTH - The distance measured from the front lot line to the rear lot line.

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

LOT LINES - The property lines bounding the lot

- a. Lot Line, Front - The line separating the lot from a street
- b. Lot Line, Rear - The lot line opposite and most distant from the front lot line
- c. Lot Line, Side - Any lot line other than a front or rear lot line, a side lot line separating a lot from a street is called a side street lot line
- d. Lot Line, Street - A lot line separating the lot from the street

LOT WIDTH - The distance between the two side lot lines measured at the required setback line

LOT OF RECORD - Any lot which individually or as part of a subdivision has been recorded in the office of the Lycoming County Recorder of Deeds

LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the National Flood Insurance Program.

MANUFACTURING - The act of producing, preparing, or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

MARKET VALUE - The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business

MINOR REPAIR - The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or the rearrangement of parts of a structure affecting the exitway requirements; nor shall any minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME - See DWELLING, MOBILE HOME

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

MOBILE HOME PAD OR STAND - 1) A stabilized space on a mobile home lot in a mobile home park for the parking or placement of a mobile home, or 2) a stabilized space for the temporary placement of a recreational vehicle on a lot in the township

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more manufactured homes, or park trailers, travel trailers, recreational vehicles, or other similar units for a period of time exceeding 180 consecutive days (See also Section 406)

MODULAR HOUSING - Housing units designed and manufactured in two (2) or more standard sections, which are trucked or shipped and joined into one (1) integral unit on the site. For purposes of this Ordinance, such housing must be placed upon a permanent foundation so that it cannot be separated for further towing.

MUNICIPAL WASTE - Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste as defined in the Pennsylvania Solid Waste Management Act from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

MUNICIPAL WASTE LANDFILL - A facility using land for disposing of municipal waste. The facility includes land effected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site and contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/demolition landfill or a facility for the land application of sewage sludge. (See also Section 425.)

MUNICIPALITY - Brady Township, Lycoming County, Pennsylvania

NEW CONSTRUCTION - The construction, reconstruction, renovation, repair, extension, expansion, alteration, located or relocation of a building (including mobile and manufactured homes), structure, and/or improvements (such as streets, utilities, etc.) for floodplain management purposes, the term shall pertain to structures for which the start of construction commenced on or after June 4, 1979, and includes any subsequent improvements thereto.

NONCONFORMING LOT - Any lot which does not conform to the minimum width, depth, and area dimensions specified for the district in which said lot is located (including those lots existing prior to the enactment of this Ordinance.) (See Article 9, Nonconformities, for more detailed information.)

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use provisions of this Ordinance or where such structure lawfully existed prior to the enactment of the Ordinance or any amendment. Such nonconforming structures, include but are not limited to, nonconforming signs. (See Article, 9 Nonconformities, for more detailed information.)

NONCONFORMING USE - Any use of a building or land which is not listed as a principal permitted use, a special exception use, or a conditional use for the district in which said use is located, including those uses which existed prior to the enactment of this Ordinance. (See Article 9, Nonconformities, for more detailed information.)

NURSING HOME - A state-licensed institutional establishment which provides full-time convalescent or chronic nursing and/or medical care. Such facilities may not provide surgical, obstetrical or other services generally provided by a hospital.

OBSTRUCTION - Any wall, damn, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impeded, retard or change the direction of water, either in itself or by catching or collecting debris carried downstream to the damage of life or property.

OPEN SPACE - A space not occupied by a structure, open to the sky, and on the same lot with the building or structure.

PARK - A public or private park or park-type facility which provides outdoor recreational enjoyment and activity to the members of the organization which owns the facility or to the general public, either for free or on a fee basis. A park may include activities such as golf, tennis, basketball, baseball, swimming, hiking, and playgrounds and may also include buildings and accessory structures.

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

PERSONAL CARE HOME - A state-licensed institutional facility providing supervised care services, including meals and less than full-time skilled or intermediate nursing care, for individuals, usually the elderly.

PERSONAL STORAGE WAREHOUSE - A warehousing facility where separate storage spaces of varying size are available for lease or rental to the general public, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy nor commercial sales conducted from such storage facilities. (See also Section 421)

PLANNING COMMISSION - The Planning Commission of Brady township

PRE-CUT/PACKAGED HOUSING - Building materials designed and manufactured as a complete package intended to be assembled on site into a residential dwelling unit(s). For the purposes of this Ordinance, such housing must be placed upon a permanent foundation.

PRIMARY HIGHWAY SYSTEM - That portion of connected main highways located within the Commonwealth as officially designated, now or hereafter, by the State or Federal Departments of Transportation.

PRINCIPALLY ABOVE GROUND - At least fifty-one (51) percent of the actual cash value of the structure, less land value, is above ground.

PRINCIPAL BUILDING - A structure in which the principal use of the site is conducted.

PRINCIPAL USE - The primary purpose(s) for which a lot is occupied. (See Article 3)

PROFESSIONAL OFFICE - The office of a member of a recognized profession. A professional office shall be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is only secondary to the residential use of the building.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Township Supervisors, Township Planning Commission, or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance

PUBLIC MEETING - A forum held pursuant to notice under the Act of July 3, 1978 (P.L. 388, No. 84), known as the Sunshine Act.

PUBLIC NOTICE - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the date, time and place of the hearing and the particular nature of the matter to be considered. the first publication shall not be more than 30 days and the second publication shall not be less than seven (7) days prior to the hearing date.

PUBLIC SEWAGE SYSTEM - A system designed to treat the sewage wastes of more than one dwelling unit and which discharges the resultant outflow into a stream or other body of water. Such a system must be designed in accordance with DEP standards and be permitted by the bureau of Water quality of the Department of Environmental Protection. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.

RECREATIONAL FACILITIES - See definition of PARK

RECREATIONAL VEHICLE - A vehicle which is i) built on a single chassis; ii) not more than 400 square feet, measured at the largest horizontal projections; iii) designed to be self-propelled or permanently towable by a light-duty truck; iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD - The flood that has been selected to serve as the basis upon which the Floodplain Management provisions of this Ordinance have been prepared; the 100 year flood.

REGULATORY FLOOD ELEVATION - The 100 year flood elevation.

RESIDUAL WASTE - Garbage, refuse, and other discarded material or other waste including solid, liquid, semisolid or contained gaseous materials resulting from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act nor treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Act.

RESIDUAL WASTE LANDFILL - A facility for disposing of residual waste. The term does not include a residual waste impoundment or a facility for the land application of residual waste. The term also does not include a facility at which municipal waste, other than industrial lunchroom or office waste generated by the operator, construction/demolition waste generated by the operator, or certain special handling waste, is disposed. (See also Section 425)

RESTAURANT - A retail establishment where food and drink is prepared, served and consumed primarily within the principal building.

ROADSIDE FARM STAND - A temporary booth or stall located along a roadway from which produce and/or farm products grown on the premises are offered for sale to the general public. (See also Section 411 B)

SATELLITE DISH - For the purposes of this Ordinance, a satellite dish antenna shall be defined as an accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

SCHOOL - An establishment or facility, or part thereof, which is designed, constructed, or used for public or private education or instruction in any branch of knowledge. For the purposes of this Ordinance, such facilities shall not include halfway homes or training facilities for delinquents, offenders, or other adjudicated individuals, nor other detentional or retentional facilities providing residential or "live-in" services. (See also **CORRECTIONAL INSTITUTION** and **INSTITUTIONAL RESIDENCE**)

SCREENING - Screening is the provision of a barrier to visibility, glare, and noise between adjacent properties made of plant materials such as trees or shrubs which shall be of such species as will produce, within three (3) years, a visual screen at least six (6) feet in height. However, such plantings shall adhere to Section 503 D and shall be broken at points of vehicular or pedestrian access or utility easements.

SEASONAL ZONING PERMIT - A Zoning Permit issued seasonally and/or annually by the Zoning Officer which authorizes the periodic or seasonal utilization of a use and/or lot in Brady Township.

SIGN - Any object, surface, display, device or structure bearing lettering, pictorial or sculptured matter, designed for visual communication and used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of a government. (See Article 7 for Sign Regulations)

SIGN AREA - The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

SIGN, BUSINESS IDENTIFICATION - A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted on the premises upon which such sign is located and may be affixed to either the ground or a wall of the business.

SIGN, GROUND - A freestanding sign supported vertically by one or more up-rights placed in or on the ground which may be designed to be movable. Such signs may advertise products or items offered for sale or that are directly related to the premises on which they are located, (e.g. business identification signs) or may advertise products or events located elsewhere, (e.g. billboards).

SIGN, WALL - A sign attached to a wall or a part of a wall of a building or structure, not including billboards, which advertise products sold or directly related to the premises on which they are located, (e.g. business identification signs.)

SPECIAL PERMIT - A special approval needed for specific types of development being proposed to be located in any portion of the designated floodplain. (See Section 607 for a listing of the activities requiring special permits and details of such situations.)

STORY - That portion of a building included between the surface of any floor and the surface of the floor or ceiling next above it.

STREET - Any thoroughfare, whether public or private, located in whole or in part within Brady Township. The word road may be used interchangeably with the word street.

STREET LINE - The line determining the limit of the adjoining street or road right-of-way, whether existing or contemplated.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, telecommunications towers, and signs, but excluding fences, poles, playground equipment, mail boxes, lawn ornaments, and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank, that is principally above ground, as well as a mobile or manufactured home.

SUBDIVISION - The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts or parcels or other divisions of land, including changes, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. The term also includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not include either a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or b) any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

SWIMMING POOL - A body of water in an artificial container, whether located in or above ground, having a depth at any point of more than two (2) feet or a surface area of more than 250 square feet, used or intended to be used for swimming by children and/or adults. (See also Section 426)

TAVERN - An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the principal use. (See also BAR)

TEMPORARY PERMIT - A Zoning Permit issued by the Zoning Officer which authorizes the temporary use of a building, structure or land which use is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the Township, or for temporary accessory uses. (i.e. carnivals, circuses, fairs, bazaars)

TOWNSHIP SUPERVISORS - The governing body of Brady Township

TRANSIENT LODGING FACILITIES - A building or group of buildings under single management, containing both rooms and or dwelling units available for temporary rental to transient individuals or families for up to 30 days.

USE - The specific purpose or activity for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include a nonconforming use. (See also Principal and Accessory Uses).

UTILITY SUPPLY FACILITIES - Facilities, buildings and/or structures constructed and maintained by public utility companies, municipal or governmental agencies, or public service corporations, which are necessary for the provision of utility services to the general public. Such facilities shall include, but need not be limited to, electrical substations, water or sewage treatment plants, reservoirs, pump stations, or other similar facilities. For the purposes of this Ordinance however, utility supply facilities shall not include commercial communications transmitting and receiving facilities. (See also Section 422, and COMMUNICATIONS TRANSMITTING AND/OR RECEIVING FACILITIES.)

VARIANCE - A modification of the literal provisions of this Ordinance which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. (See Section 1001 C for additional details and criteria to be utilized when a variance is requested.)

WAREHOUSE - A building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation and those facilities available to the general public. (See also PERSONAL STORAGE WAREHOUSE)

YARD - An open space which lies between the principal building or group of buildings and the nearest lot line as specified in Article 3 of this Ordinance. Such space shall be unoccupied and unobstructed from the ground upward except as may herein be permitted.

- a. Yard, Front - An open space which lies between the principal building or group of buildings and the front lot lines, unoccupied and unobstructed from the ground upward.
- b. Yard, Rear - An open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.
- c. Yard, Side - An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

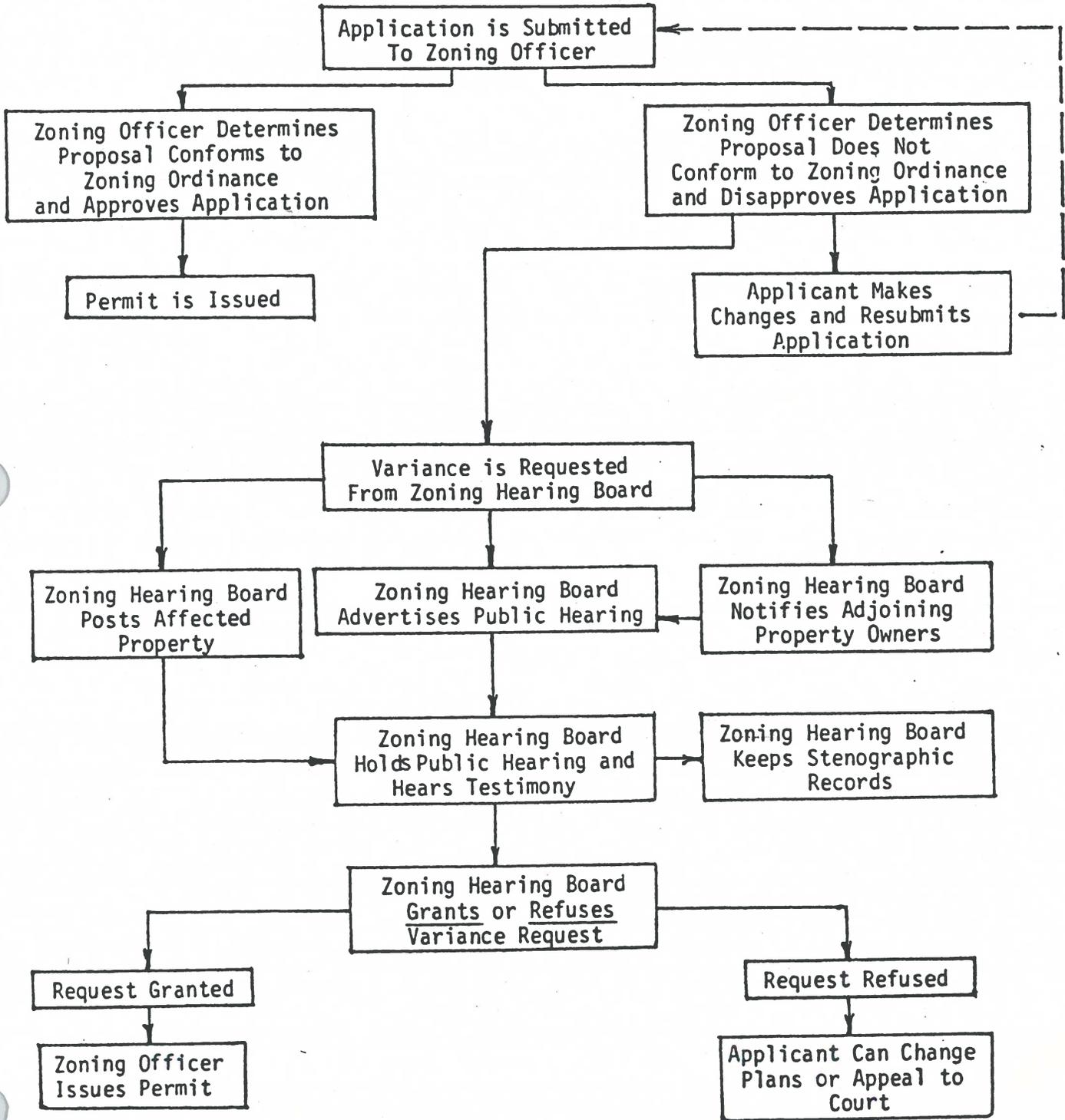
ZONING HEARING BOARD - The zoning Hearing Board of Brady Township.

ZONING MAP - The official Zoning Map of Brady Township, together with all notations, references and amendments which may subsequently be adopted. Said map is made a part of this Ordinance in Section 202 A.

ZONING OFFICER - The administrative officer charged with the duty of enforcing the provisions of this Ordinance. Said officer shall be identified by properly valid identification.

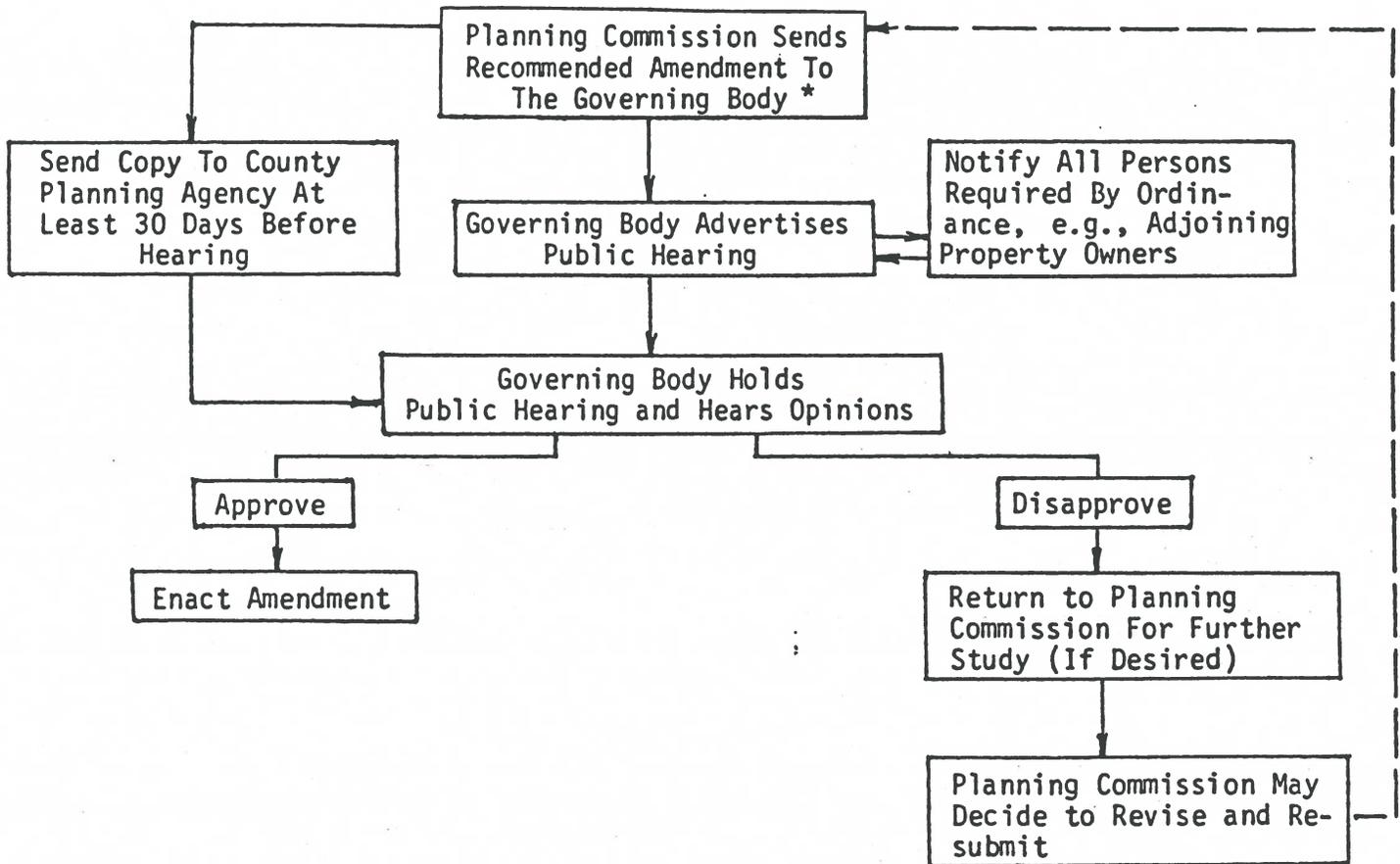
ZONING PERMIT - A permit required by this Ordinance which states that the purpose for which a building, structure, or land is to be used is in conformity with the use regulations, the dimensional requirements, and all other applicable provisions of this Ordinance.

APPENDIX A
VARIANCE PROCEDURE



APPENDIX B

PROCEDURE FOR AMENDING THE ZONING ORDINANCE

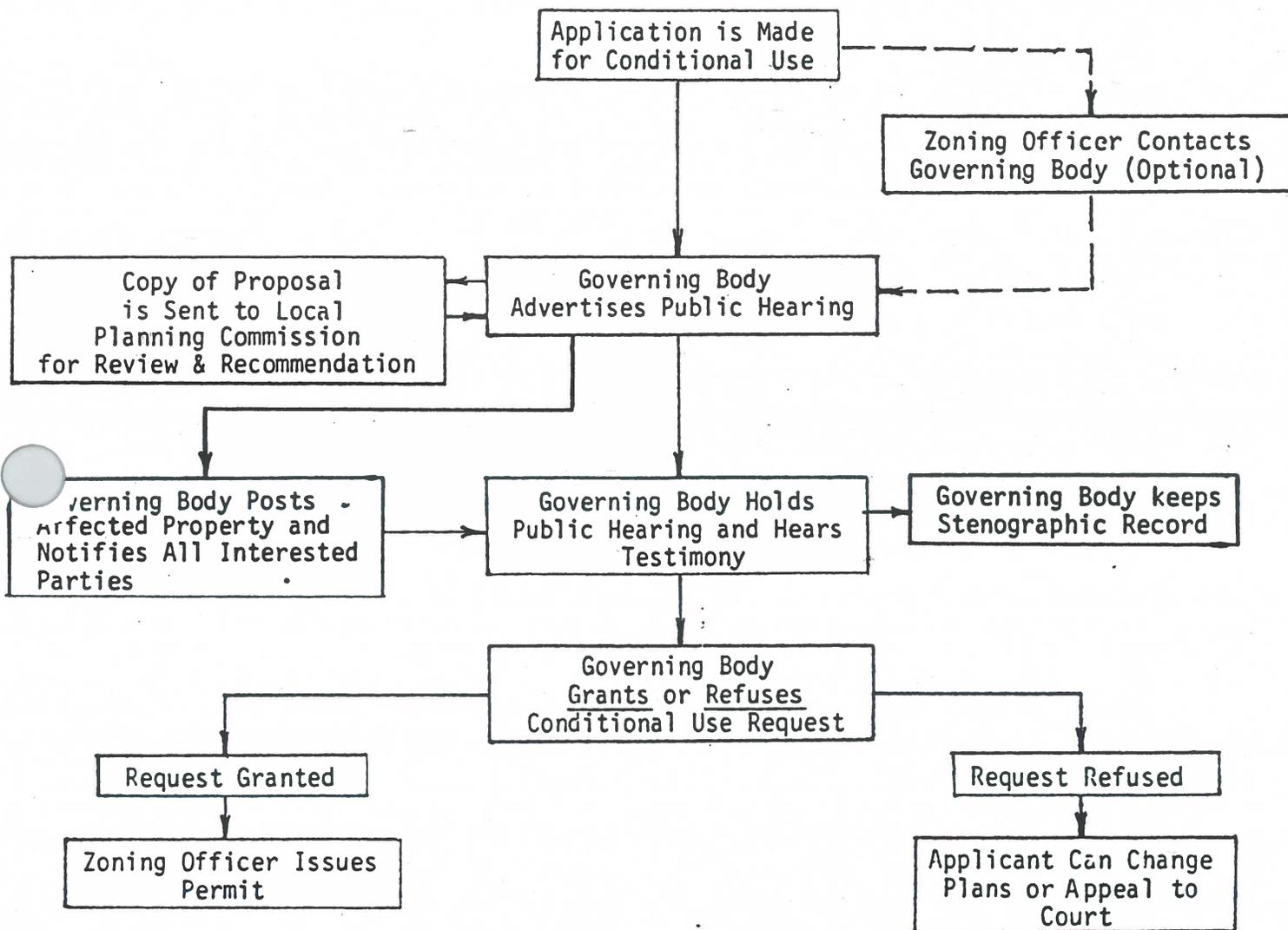


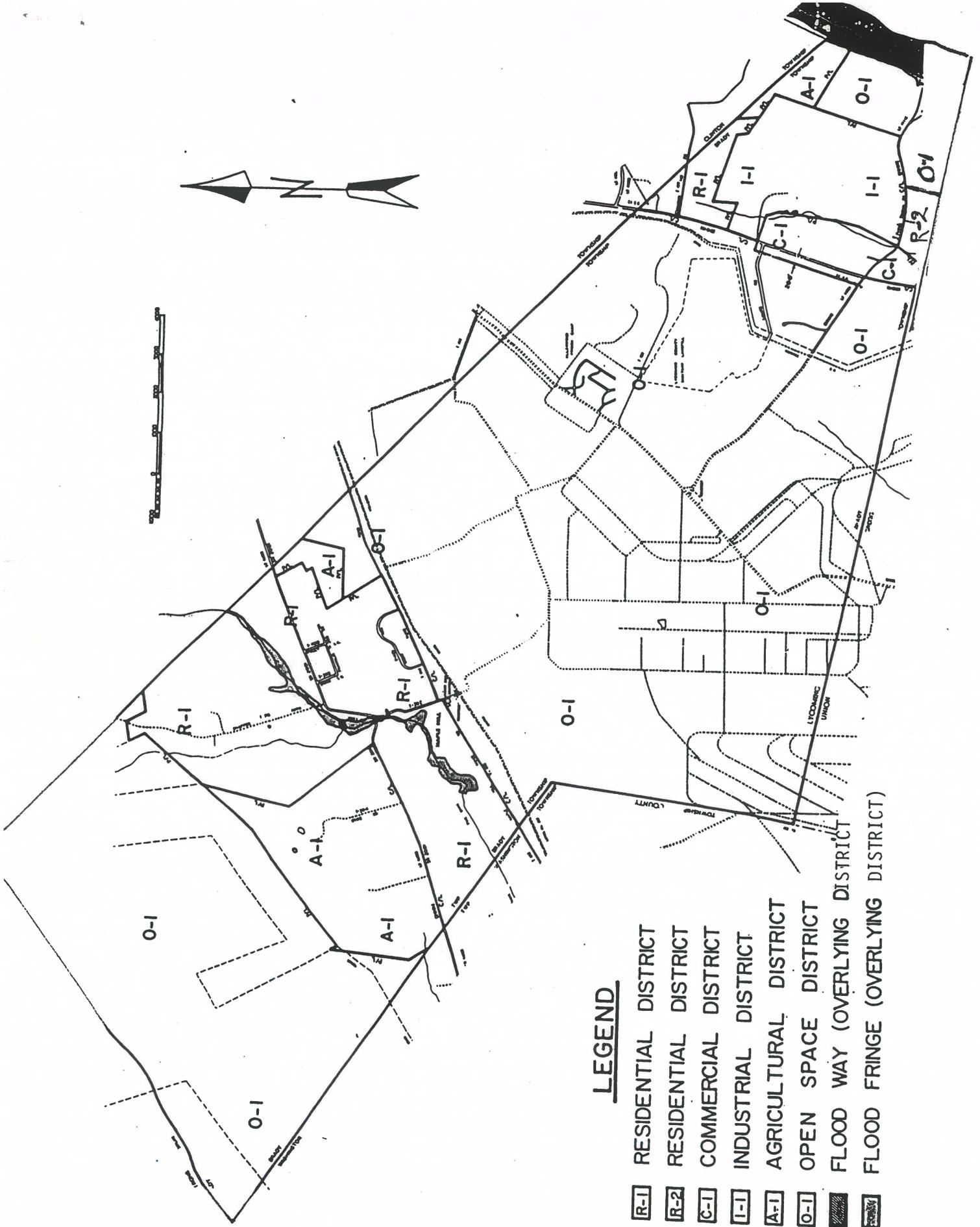
NOTE: See Section 609, Act 247.

* If the Amendment is prepared by someone other than the Planning Commission, the Governing Body must send the proposed Amendment to the Planning Commission for their consideration at least 30 days prior to the date of the public hearing. The process then resumes as outlined above.

APPENDIX C

CONDITIONAL USE PROCEDURE





LEGEND

- [R-1]** RESIDENTIAL DISTRICT
- [R-2]** RESIDENTIAL DISTRICT
- [C-1]** COMMERCIAL DISTRICT
- [I-1]** INDUSTRIAL DISTRICT
- [A-1]** AGRICULTURAL DISTRICT
- [O-1]** OPEN SPACE DISTRICT
-  FLOOD WAY (OVERLYING DISTRICT)
-  FLOOD FRINGE (OVERLYING DISTRICT)