

# **Herrick Township**

**Susquehanna County  
Pennsylvania**

# **ZONING ORDINANCE**

**Prepared by:**

**Herrick Township Planning Commission**

**Draft prepared 5/16/97 with the assistance of:**

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INTRODUCTION

This Zoning Ordinance is enacted under the authority granted to townships in Pennsylvania by the Municipalities Planning Code and governs the use of lands in Herrick Township. The Ordinance itself involves a statement of purposes, definitions of the key terms used in the Ordinance and various regulations and procedures.

The regulations include provisions for the uses of land within a single Agricultural-Rural Residential ("ARR") District established throughout the Township. Some uses are permitted as a matter of right and others which are permitted only after review by local authorities. The allowable uses are detailed on a "Schedule of Development Regulations" contained in Article III. Also contained on the Schedule are listings of development standards (i.e., minimum lot size, maximum height, yard requirements, etc.) which apply to each land use. Overlay zoning districts also apply within certain portions of the ARR District and within these areas modified standards apply.

There are, in addition to the use regulations and general development standards, supplementary standards applicable to certain specific uses and some aspects of all uses. These are labeled "Supplementary Regulations" and are contained in Article IV of the Ordinance.

The remainder of the Ordinance deals with procedures. It details how non-conforming uses/structures (those which are existing prior to the adoption of this Ordinance and do not meet the standards contained herein) are to be treated, how various types of permit applications are to be handled, and how the Zoning Officer is to carry out his or her responsibilities. The Zoning Hearing Board is also established.

Questions regarding the Ordinance can be directed to the Herrick Township Board of Supervisors.

# HERRICK TOWNSHIP ZONING ORDINANCE

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# HERRICK TOWNSHIP ZONING ORDINANCE

## ARTICLE I - GENERAL PROVISIONS

### 101. Title and Short Title.

An Ordinance establishing regulations and restrictions regarding the location and use of lots, land, buildings, and other structures; the height, number of stories, and size or bulk of buildings and structures; and the density of population in Herrick Township, Susquehanna County, Pennsylvania. This Ordinance shall be known as, and may be cited as the "Herrick Township Zoning Ordinance."

### 102. Purpose.

This Ordinance is created for the purpose of promoting and protecting the public health, safety, and general welfare of the residents and visitors of Herrick Township consistent with Section 604 of the Pennsylvania Municipalities Planning Code.

### 103. Community Development Objectives.

The Goals and Objectives for Herrick Township as expressed in the Herrick Township Comprehensive Plan, adopted by the Herrick Township Board of Supervisors, are hereby adopted by reference as the Community Development Goals and Objectives for this Zoning Ordinance.

This Ordinance is also intended

- A. To provide the opportunity for safe, decent, sanitary housing and living environments, with maximum range of choice in type and location for all families and individuals.
- B. To recognize the constraints of the Township's physical environment.
- C. To provide open space to meet future recreation, water supply and other community needs including adequately controlling stormwater runoff.

### 104. Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare of the residents and inhabitants of the Township.

Whenever the language of this Ordinance must be interpreted to determine the extent of regulations upon the use of the property and doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, the provision in question shall be interpreted in favor of the property owner and against any implied extension of the restriction imposed.

# HERRICK TOWNSHIP ZONING ORDINANCE

## ARTICLE II - DEFINITIONS

For the purpose of this Ordinance, the following words, terms and phrases have the meaning herein indicated:

**Accessory Buildings and Structures:** A subordinate building or portion of the main building on a lot, the use of which is customarily incidental to that of the main building, including storage sheds, fences, electronic reception devices, and all swimming pools as herein defined.

**Accessory Use:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal permitted, conditional or special exception use of the land or building and located on the same lot with such use including accessory buildings and structures.

**Addition:** A physical expansion of the living or other usable space of a building or structure.

**Adult Stores and Businesses:** All business as defined and regulated by Herrick Township Ordinance #17 of 1981.

**Alterations:** As applied to a building or structure, means an improvement or rearrangement in the structural parts or in the existing facilities with no enlargement, or moving of the structure from one location or position to another.

**Bed and Breakfast:** See "Boarding or Tourist Home"

**Boarding or Tourist Home:** Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered. Bed and breakfast operations shall be included in this definition.

**Building Height:** The vertical distance measured from the average finished grade of the land surrounding the building to the highest point of the roof for flat roofs, to average height of the roof from eaves to peak for gable and other roofs.

**Campground or Recreational Vehicle (RV) Park:** A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles.

**Clear Sight Triangle:** An area of unobstructed vision for purposes of vehicular safety at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

**Club/Lodge, Private:** An establishment operated for social, athletic, recreational or educational purposes but open only to members and not the general public.

**Conditional Use:** A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and

which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Herrick Township Board of Supervisors after recommendations by the Herrick Township Planning Commission.

**Conservation Subdivision:** A form of development for single-family residences that permits a reduction in lot area and certain development standards provided unit densities permitted under a conventional subdivision development are maintained and the remaining land area is devoted to common open space.

**Cultural Facilities:** Building structures or uses designed and/or operated for purposes of displaying the crafts of artisan, not including movie theaters or adult stores.

**Dwelling:** A structure or portion thereof which is used exclusively for human habitation.

**Dwelling Unit:** One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

**Dwelling, Multi-family:** A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multi-family dwelling" shall include condominium as well as non-condominium housing units including the following construction types:

- A. Residential Conversion to Apartments. Conversion of an existing single-family detached dwelling having been used as such for ten (10) or more years into three (3) to five (5) dwelling units and not exceeding two and one-half (2-1/2) stories in height.
- B. Garden Apartment. Multi-family dwelling originally designed as such; containing three or more dwelling units and not exceeding two and one-half (2-1/2) stories in height, not including townhouses.
- C. Townhouse. Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2-1/2) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and separated from any other unit by one or more common fire resistant walls.
- D. Medium High-rise Apartment. Multi-family dwellings of more than two and one half (2-1/2) stories but not exceeding the height limitations (in feet) of this Ordinance.

**Dwelling, Single-Family:** A dwelling unit detached from any other dwelling unit, accommodating a single family and having two (2) side yards.

**Dwelling, Two-Family:** Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units.

**Family:** Either an individual, or two or more persons related by blood or marriage or adoption, or a group of not more than five persons, living together as a household in a dwelling

unit.

**Farm Stand:** A booth or stall from which produce and farm products are sold to the general public.

**Forestry Enterprises:** Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.

**Gasoline Service Station:** A structure, building, or area of land or any portion thereof that is used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance, which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including the painting and/or body work thereof. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a gasoline service station.

**Health Facilities:** Establishments primarily engaged in providing services for human health maintenance including hospital facilities, nursing and adult homes and medical clinics and offices whether publicly or privately operated.

**Height, Building:** See building height.

**Home-Based Business.** Any occupation or business activity that occurs within structures or on property which has residential uses as the primary land use, and where the occupation or business is clearly incidental to the residential use.

**Hotel:** A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities.

**Impervious Surface(s):** Any material which reduces and prevents the absorption of storm water into previously undeveloped land.

**Junk Yard:** Any land use which involves the following activities:

- A. An area of land, with or without buildings, primarily used for the storage, outside a completely enclosed building, of used materials, excluding incidental storage but including and not limited to discarded wastepaper, rags, metal, glass, building materials, house furnishings, machines, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other disposition of the same, or
- B. Any place where two (2) or more old, abandoned, partially dis-assembled, dilapidated or unlicensed vehicles or parts of vehicles, no longer intended or in condition for operation on the public highways, are stored outside for any purpose for a period of six (6) months or more in a location which is visible from a public highway or an adjacent property. The Herrick Township Zoning Officer shall determine when a vehicle or part thereof shall meet these conditions and it shall be the burden of the landowner in such instance to demonstrate conclusively, within a period of seven (7) days after notice, that a vehicle is operable if he or she shall disagree with the Zoning Officer's determination.



The following land uses shall not be considered junk yards:

- A. Storage areas for officially recognized and operable antique or classic automobiles or other operable special purpose vehicles.
- B. Agricultural equipment which is utilized as part of an active farming operation or contractors' construction equipment which is part of an active contracting business.
- C. Automobile repair businesses or automobile, vehicle and equipment sales operations managed by Commonwealth licensed dealers.

No right to establish or continue a junk yard operation shall be conveyed by the existence of a Pennsylvania license or the presence of any of the above activities on a site.

**Kenel:** The keeping of four (4) or more dogs that are more than six (6) months of age.

**Light Manufacturing:** Industries involving generally unobtrusive processes. These include but are not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, printing operations, wood products industries and the like.

**Livestock Operation:** The fattening or raising of beef cattle, hogs, poultry or other animals for the purposes of obtaining meat, eggs, wool or other farm products for marketing.

**Lot:** Land occupied or to be occupied by a building and its accessory buildings together with such open spaces and other characteristics as are required under this Ordinance as a condition of issuing a zoning permit for a building or use on such land.

**Lot Area:** The total area in square feet or acres of the lot excluding land within any highway right-of-way, unless such lot is created pursuant to Section 6 of the "Pennsylvania Farmland and Forest Land Assessment Act of 1974" in which case the area within the highway right-of-way shall be considered part of the lot area.

**Lot Coverage:** That portion or percentage of the lot area which is covered by buildings, roads, driveways, parking areas, pavement or other impervious surfaces.

**Lot Depth:** The average of the perpendicular depth of a lot along the lot sidelines.

**Lot Width:** The average of the width of a lot at the front building setback line and rear lot line of the property as measured perpendicular from one side lot line to the other and triangular lots being assumed to have a zero width rear lot line.

**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 constructed so that it may be used without a permanent foundation. This is not intended to include modular construction housing.

**Mobile Home Park:** A parcel of land under single ownership which has been so planned and improved for the placement of two (2) or more mobile home lots for non-transient use.

**Motel:** A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals.

**Multi-Family Dwelling:** See Dwelling, Multi-Family.

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

**Off-Site Sewage Disposal:** A sanitary sewage collection system in which sewage is carried from individual lot or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties and employing sub-surface disposal shall not be considered as off-site sewerage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

**Off-Site Water Supply:** A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Protection regulations.

**On-Site Sewage Disposal:** A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil on that lot.

**On-Site Water Supply:** A system for supply and transmitting drinking water to a single dwelling or other use from a source on the same lot.

**Open Space:** All areas of a multi-family, conservation subdivision or other residential development not conveyed to individual owners and not occupied by dwellings or service buildings, which land shall remain open as permanent space for the benefit and enjoyment of residents of the development being proposed or the general public and shall be part of the same parcel and contiguous.

**Permanent Foundation:** A concrete, treated wood, block-wall foundation, or the equivalent, erected on a poured concrete footer. A solid concrete slab or system of concrete piers or the equivalent extending to the frost level will also be considered a permanent foundation.

**Personal Services:** Beauty and barber shops and similar enterprises.

**Principal Use:** A use allowed as a matter of right simply through application to the Zoning Officer and without Township Planning Commission, Board of Supervisors or Zoning Hearing Board review, provided all standards contain herein are met.

**Private Recreational Facilities:** Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which contain

entertainment and amusement devices or attractions including animal farms, zoological parks, tennis and racquetball courts, ski areas, golf courses and the like, but excluding public parks and playgrounds.

**Professional Services:** Medical doctors, dentists, eye doctors, lawyers, accountants, engineers, architects, and similar occupations.

**Recreation Vehicle:** A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick-up trucks with slide-in campers, recreational vehicle homes and motor homes.

**Retail Establishments:** Stores and services operated for the purposes of serving local and visiting clientele, including grocery stores, clothing shops, pharmacies and the like but excluding vehicle and equipment sales operations, car washes, hotels and motels, fast food establishments, lumber yards, shopping centers and other activities broken out as specific uses on the Schedule of Development Regulations.

**Semi-Public-Uses:** A building or structure operated by a non-profit agency or group providing services to the general public which are closely related to government (i.e., fire company, ambulance corps, community center, etc.).

**Setback:** See Yard.

**Special Exception:** A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Special exceptions are allowed or denied by the Herrick Township Zoning Hearing Board after recommendations by the Herrick Township Planning Commission.

**Specialty Shops:** Establishments primarily engaged in providing services involving the care of a person or his or her apparel or specializing in a specific type or class of foods such as a barbershop, beauty shop, bakery, butcher shop, fish store or similar shops.

**Tourist Recreational Facility:** A recreational facility designed to provide overnight accommodations in permanently constructed dwelling units in combination with a variety of generally passive recreational opportunities such as golf, hiking, swimming, etc., not including campgrounds or RV parks.

**Transient Use:** Occupancy of a dwelling by three or more families at separate times over the course of a year; not including persons who may, during such period, be temporarily staying at the location as a guest of the principal occupant.

**Trip End:** A one-way vehicle movement either to or from a subject property or study area.

**Use:** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**Variance:** The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to some regulation which if strictly adhered to would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

**Vehicle and Equipment Sales Operation:** The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than 50% of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

**Yard (Setback):** An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building except accessory structures as permitted herein. Yard areas adjoining highway rights-of-way to which the lot has access shall always be considered front yards and shall be measured from the edge of the highway right-of-way. Other yards shall be measured from property lines.

The above definitions are also supplemented by those contained in other Herrick Township Ordinances. Where there is any conflict between definitions or provisions contained in this Ordinance and other Ordinances, the definitions or provisions contained herein shall apply insofar as they affect regulations which are part of this Zoning Ordinance.

## **HERRICK TOWNSHIP ZONING ORDINANCE**

### **ARTICLE III - BASIC ZONING REGULATIONS**

#### **301. District Designation.**

Herrick Township is hereby designated as a single Agricultural-Rural/Residential Zoning District (ARR).

#### **302. District Regulations.**

District regulations are of two types, use regulations and development standards, both of which shall apply to any proposed new use, the expansion of any existing use or the change in any use of land from one use classification to another, in Herrick Township.

#### **303. Use Regulations.**

**A.** District use regulations are found on the preceding Schedule of Development Regulations.

- (1) Permits for principal uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance. Accessory uses shall be allowed, as a matter of right, to accompany any principal, conditional, special exception, accessory or other legally permitted or existing use in the Township and shall be issued directly by the Zoning Officer.
- (2) Conditional uses and special exception uses shall be specifically subject to the additional review procedures and criteria contained in Section 608 of this Ordinance and these provisions shall be strictly followed in regard to landscaping and other site design features that may be necessary to appropriately condition an approval of the application.
- (3) Principal uses, conditional uses and special exception uses shall be limited to one such use per lot or parcel. Two or more such uses per lot or parcel shall be governed by Section 404.A.

**B.** Whenever a proposed use is neither specifically permitted nor denied by this Ordinance, the Zoning Officer shall refer the application to the Zoning Hearing Board who shall, pursuant to public notice, determine the classification of the proposed use as a principal permitted, conditional, special exception or accessory use based upon the proposed use's similarity to other uses which are specifically identified by this Ordinance.

#### **304. Development Standards.**

The Schedule of Development Regulations also establishes minimum standards for lot area; lot depth, average lot width and front, side and rear setbacks; and establishes maximum standards for building height and lot coverage. The Supplementary Regulations contained in Article IV and the Conditional Use Criteria contained in Section 608 may establish additional criteria for specific uses.

## RMD - Recreational Mixed Density Overlay District

**Overlay District Designation:** The attached map of the Recreational Mixed Density Overlay District for Herrick Township is hereby adopted by reference as part of the Herrick Township Zoning Ordinance. The area defined thereon as RMD district shall be an overlay district within which all the standards of the Agricultural-Rural/Residential District shall apply except as modified herein.

**District Intent:** The intent of the overlay district is to restrict the range of uses and thereby to protect the recreational-residential character of certain portions of the Agricultural-Rural/Residential Zone (ARR) where higher density residential uses predate the Ordinance and are possible because of the availability of off-site sewage disposal and off-site water supply facilities.

**Use Restrictions:** Conditional uses within the RMD overlay district shall be restricted to the following:

- |                                     |   |
|-------------------------------------|---|
| 1. Multi-family dwellings           | 5. Conservation subdivisions              |
| 2. Hotels and motels                | 6. Restaurants                            |
| 3. Bed and breakfast establishments | 7. Private clubs and lodges               |
| 4. Personal services                | 8. Non-commercial recreational facilities |

Principal permitted, special exception and accessory uses shall be as provided for in the ARR District Schedule of Development Regulations.

**Development Standards:** The following development standards shall apply to all uses within the RMD overlay district portion of the ARR district:

Minimum Lot Area	10,000 square feet*
Minimum Average Lot Width	75 feet
Minimum Lot Depth	100 feet
Minimum Front Setback	20 feet
Minimum Side Setback (One side only)	6 feet
Minimum Side Setback (Both sides combined)	Total of 18 feet
Minimum Rear Setback	9 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	50% or 2,500 sq. ft. (Whichever is less)

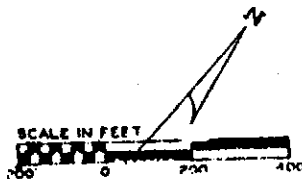
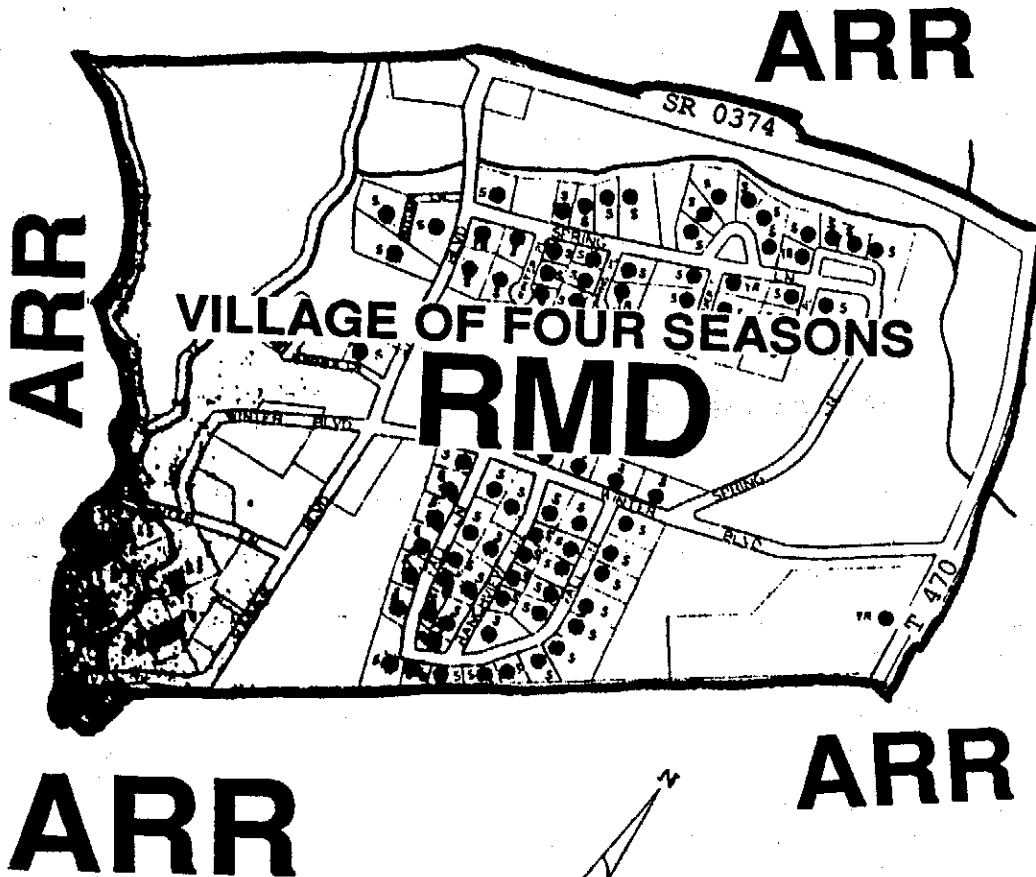
Setback reduction provisions (Section 404.D) shall not be applicable in RMD overlay districts.

\* Provided at least 55,340 sq. ft. of additional permanent open space is created for each 10,000 sq. ft. lot created, not including surface water, such that the overall density of all new development shall not exceed one dwelling unit per 65,340 sq. ft..

# Herrick Township Official Zoning Map

## RMD - Recreational Mixed Density Overlay District

**Note:** All of Herrick Township is classified as ARR - Agricultural / Rural Residential District and below is provided a map of the RMD - Recreational Mixed Density Overlay District which is intended to overlay such ARR District as Indicated.



**Herrick Township  
Zoning Ordinance**  
Adopted \_\_\_\_\_  
Herrick Township Board of Supervisors

## MDS - Medium Density Single-Family Overlay District

**Overlay District Designation:** The attached map of the Medium Density Single-Family Overlay District for Herrick Township is hereby adopted by reference as part of the Herrick Township Zoning Ordinance. The area defined thereon as MDS district shall be an overlay district within which all the standards of the Agricultural-Rural/Residential District shall apply except as modified herein.

**District Intent:** The intent of the overlay district is to restrict the range of uses and thereby to protect the single-family second home development character of certain portions of the Agricultural-Rural/Residential Zone (ARR) where medium density residential uses predate the Ordinance and are possible because of the availability of off-site sewage disposal and off-site water supply facilities.

**Use Restrictions:** Conditional uses within the MDS overlay district shall be restricted to the following:

1. Conservation subdivisions
2. Home-based businesses
3. Non-commercial recreational facilities
4. Personal services

Principal permitted uses shall be limited to single-family dwellings with off-site sewage disposal and off-site water supply facilities and special exception and accessory uses shall be as provided for in the ARR District Schedule of Development Regulations.

**Development Standards:** The following development standards shall apply to all uses within the MDS overlay district portion of the ARR district:

Minimum Lot Area	20,000 square feet*
Minimum Average Lot Width	100 feet
Minimum Lot Depth	150 feet
Minimum Front Setback	40 feet
Minimum Side Setback (One side only)	10 feet
Minimum Side Setback (Both sides combined)	Total of 30 feet
Minimum Rear Setback	15 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	25% or 5,000 sq. ft. (Whichever is less)

Setback reduction provisions (Section 404.D) shall not be applicable in MDS overlay districts.

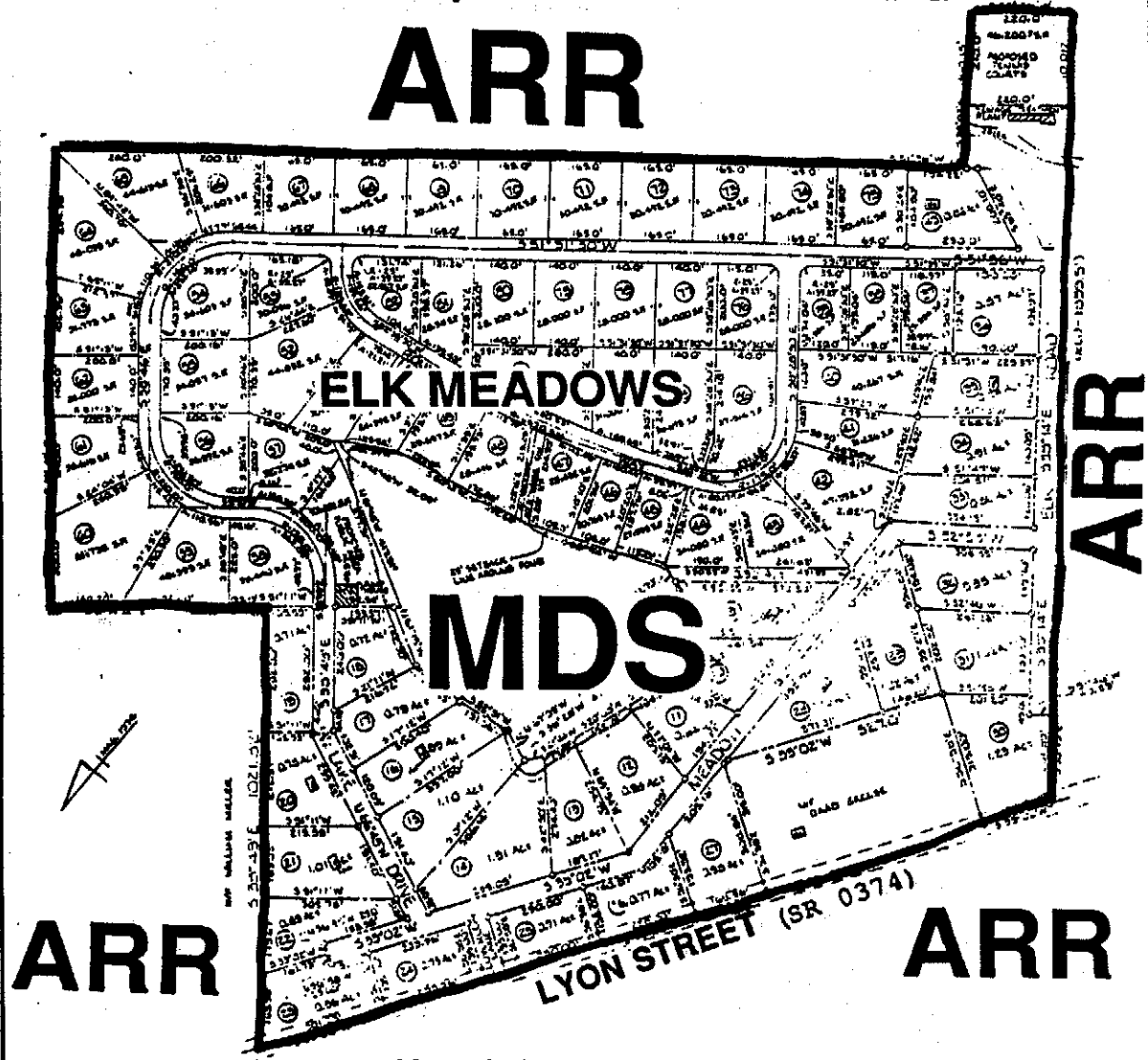
\* Provided at least 45,340 sq. ft. of additional permanent open space is created for each 20,000 sq. ft. lot created, not including surface water, such that the overall density of all new development shall not exceed one dwelling unit per 65,340 sq. ft..



# Herrick Township Official Zoning Map

## MDS - Medium Density Single-Family Overlay District

Note: All of Herrick Township is classified as ARR - Agricultural / Rural Residential District and below is provided a map of the MDS - Medium Density Single-Family Overlay District which is intended to overlay such ARR District as indicated.



Herrick Township  
Zoning Ordinance

Adopted \_\_\_\_\_  
Herrick Township Board of Supervisors

## LDS - Lakeside Development Overlay District

**Overlay District Designation:** The attached map of the Lakeside Development Overlay District for Herrick Township is hereby adopted by reference as part of the Herrick Township Zoning Ordinance. The area defined thereon as LDS district shall be an overlay district within which all the standards of the Agricultural-Rural/Residential District shall apply except as modified herein.

**District Intent:** The intent of the overlay district is to restrict the range of uses and thereby to protect the recreational and second home development character of certain portions of the Agricultural-Rural/Residential Zone (ARR) while recognizing that the development pattern and existing lot sizes do not permit meeting the same standards as apply elsewhere in the ARR District.

**Use Restrictions:** Conditional uses within the LDS overlay district shall be restricted to the following:

1. Conservation subdivisions
2. Home-based businesses
3. Non-commercial recreational facilities

Principal permitted uses shall be limited to single-family dwellings and special exception and accessory uses shall be as provided for in the ARR District Schedule of Development Regulations.

**Development Standards:** The following development standards shall apply to all uses within the LDS overlay district portion of the ARR district:

Minimum Lot Area	40,000 square feet*
Minimum Average Lot Width	75 feet
Minimum Lot Depth	100 feet
Minimum Setback From High Water Mark of Lake	75 feet
Minimum Front Setback	20 feet
Minimum Side Setback (One side only)	9 feet
Minimum Side Setback (Both sides combined)	Total of 27 feet
Minimum Rear Setback	9 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	50% or 2,500 sq. ft. (Whichever is less)

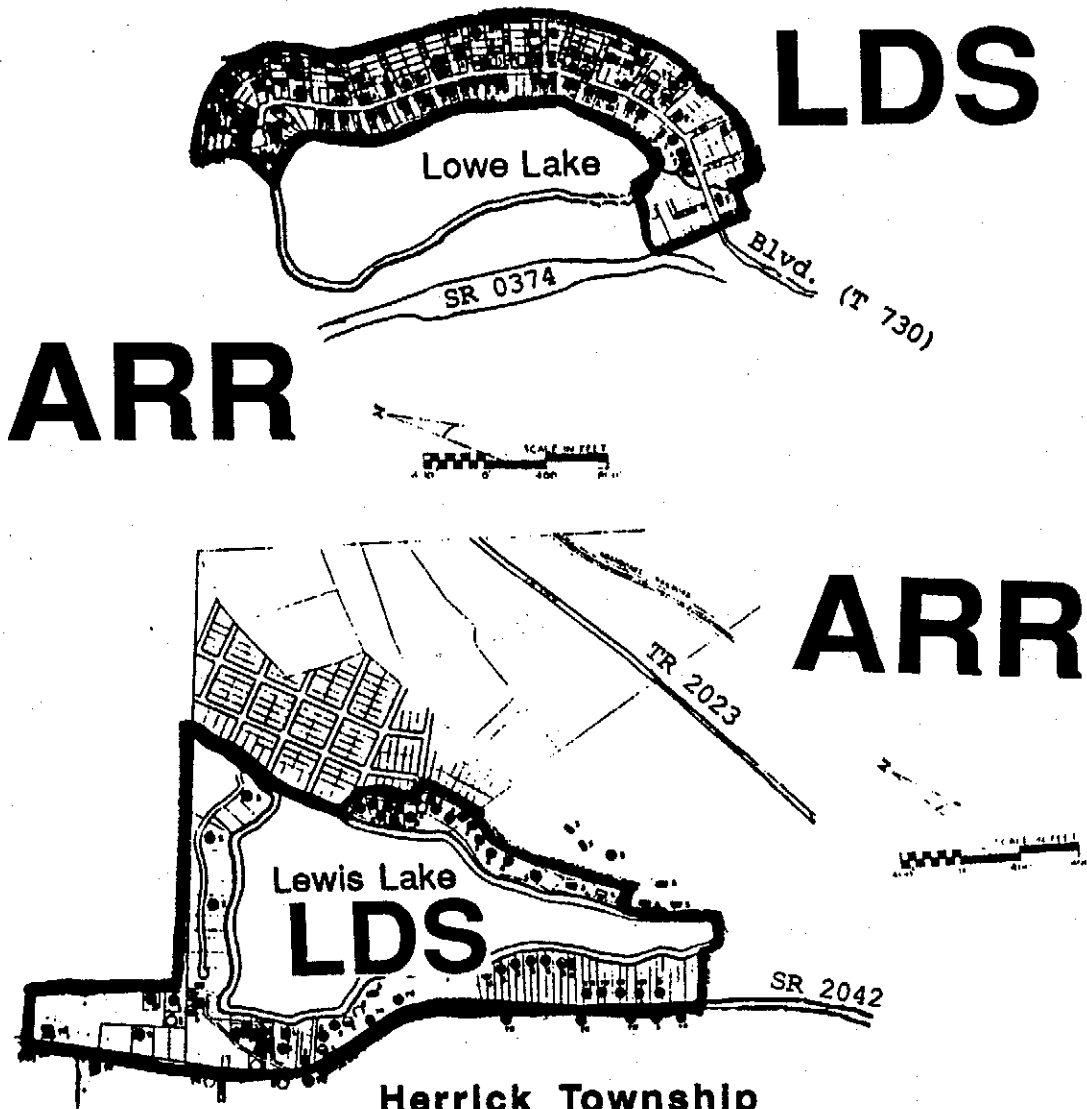
Setback reduction provisions (Section 404.D) shall not be applicable in LDS overlay districts.

\* Provided at least 47,120 sq. ft. of additional permanent open space is created for each 40,000 sq. ft. lot created, not including surface water, such that the overall density of all new development shall not exceed one dwelling unit per 87,120 sq. ft..

# Herrick Township Official Zoning Map

## LDS - Lakeside Development Overlay District

Note: All of Herrick Township is classified as ARR - Agricultural / Rural Residential District and below is provided a map of the LDS - Lakeside Development Overlay District which is intended to overlay such ARR District as indicated.



**Herrick Township  
Zoning Ordinance**

Adopted \_\_\_\_\_  
Herrick Township Board of Supervisors

## HERRICK TOWNSHIP ZONING ORDINANCE

### ARTICLE IV - SUPPLEMENTARY REGULATIONS

#### 401. Accessory Structures and Uses.

All accessory structures shall conform to the minimum yard regulations established in Article III except as permitted below.

- A. Structures accessory to residential buildings which are not attached to a principal structure and do not exceed fifteen (15) feet in height and one-hundred (100) square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that they conform to the following:
- (1) Distance from Side Lot Line - Not less than fifteen (15) feet shall be maintained unless the setback applicable to a principal use is less than fifteen (15) feet, in which case that setback is applicable.
  - (2) Distance from Rear Lot line - Not less than fifteen (15) feet shall be maintained unless the setback applicable to a principal use is less than fifteen (15) feet, in which case that setback is applicable.
  - (3) All unattached structures shall remain unattached.
- B. Unattached accessory structures to non-residential buildings which are greater than 100 square feet in size or greater than 15 feet in height shall comply with setback requirements for the principal structure.
- C. Private outdoor swimming pools are permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests, and provided that the pool, deck or other appurtenances are not located closer than fifteen (15) feet to any property line.

#### 402. Conservation Subdivisions.

Developments which provide for single-family dwelling units wherein dwelling units are grouped in sections in order to maximize the amount of common open space and to preserve the natural settings, shall be designated as conservation subdivisions.

- A. Conservation subdivisions shall include at least five (5) lots and 10 acres of land and the Planning Commission (of Herrick Township if the Township shall have adopted a Subdivision and Land Development Ordinance and otherwise of Susquehanna County) shall have the authority to require an alternative Sketch Plan, for any subdivision of ten (10) lots or more, depicting how the property might be developed using this technique. If this alternative Sketch Plan is determined to provide a superior design in accord with the purposes of this Ordinance and the same density can be achieved the Planning Commission may than require use of this technique.

Commission may than require use of this technique.

- B.** The maximum permitted number of dwelling units shall be determined by deducting from the total tract area:
- (1) All areas within the rights-of-way of any existing or proposed streets; and
  - (2) All areas occupied by public utility easements; and
  - (3) All wetlands, floodplains, slopes of 15% or more, water bodies and other undevelopable areas.
- C.** The net remaining tract area after making the deductions required above shall be divided by the minimum lot size applicable and rounded down to the nearest whole number to yield the dwelling units permitted.
- D.** Only single-family detached and two family dwellings shall be employed in this concept. All other dwelling types shall be considered multi-family dwellings and be subject to the applicable standards of this Ordinance.
- E.** Development standards for lot size, lot width and lot depth may be reduced, provided no dwelling structure (single-family or two-family) is located on less than 43,560 square feet of land where on-site sewer and water facilities are to be provided or 21,780 square feet of land where off-site sewer and water facilities are to be provided; and further provided the total density (in individual dwelling units) for the tract shall not exceed that which would result from a conventional subdivisional plan, as determined from the basic Sketch Plan submission.
- F.** No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features requiring common ownership protection. No less than 50% of the total land area of the conservation subdivision shall be dedicated to permanent open space and at least 50% of such open space shall be usable for active recreational activities and not include wetlands, floodplain, slopes over 15% in grade or other undevelopable areas.
- G.** The open space resulting from conservation subdivision design shall be permanently protected through a conservation easement and generally titled to a property owner's association (POA) prior to the sale of any lots or dwelling units by the subdivision. Membership shall be mandatory for each property owner within the subdivision and successive owners with voting of one vote per lot or unit and the subdivider's control, therefore, passing to the individual lot/unit owners on sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the POA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the POA's cost and the POA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The POA must also have the ability to adjust the assessment to meet changing needs.

#### **403. Multi-family Dwellings.**

- A.** Multi-family dwelling projects are permitted as conditional uses subject to the provisions of this Ordinance and shall be considered major subdivisions and land developments subject to the jurisdiction of the Susquehanna County Subdivision Regulations, and shall be processed concurrently with the subdivision approval procedures set forth in said Ordinance. The developer shall submit all information required by the County Subdivision Ordinance and the following additional information:
- (1) An application for multi-family dwelling conditional use by a letter or brief from the developer indicating how the development will specifically meet the conditional use criteria contained in Section 608 of this Ordinance.
  - (2) A proposed plot plan showing all necessary information to include, but not limited to, the location of all buildings and improvements including roads, parking areas, setbacks, planting strips, signs, storm drainage facilities, water supply and distribution system, sewage treatment and collection systems and the specific areas provided as open space in connection with the requirements of this Ordinance. Building layouts, floor plans and profiles indicating building dimensions, numbers, and sizes of units, common ownership or use areas (apart from the open space referenced below), lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in Herrick Township.
  - (3) Proposed covenants and restrictions for a proposed agreement either with the Township or a property owner's association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the open space required by this Ordinance to the prospective dwelling owners or occupant. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Township that the ownership and/or use of the open space is exclusive to the owners or occupants of the dwelling units and that the ownership and responsibility for the open space and other development improvements is clearly established.
  - (4) No building permit shall be issued to the applicant until all conditions attached to the approval of any Preliminary Subdivision Plan, including DER approval of the "Planning Module", shall have been satisfied and nothing herein shall be construed as permitting the issuance of a building permit prior to Preliminary approval. If the Preliminary Plan shall be rejected, no conditional use, building or zoning permit shall be granted.
  - (5) Following Preliminary Plan approval, the developer shall provide for the installation of required or proposed improvements including, but not limited to, streets, parking areas, storm drainage facilities, recreational facilities and lighting. Building improvements shall also be completed or guaranteed prior to the applicant's request for Final Approval. No Certificate of Use shall, however, be issued until such time as (1) Final Plan approval shall have been granted in

accordance with the procedures and informational requirements of the Susquehanna Subdivision and Land Development Ordinance, and (2) buildings have been completed and inspected by the Zoning Officer.

- (6) No person shall sell, transfer, lease or agree or enter into an agreement to sell or lease any land and/or building or interests in the individual dwelling units to be created, or erect any building thereon except in accord with the provisions of this Section, unless approval has been granted and the Plan has been recorded in the Office of the Susquehanna County Recorder of Deeds.
- B. A minimum of ten (10) acres shall be required for multi-family dwelling project and all land proposed for the multi-family project shall be contiguous.
- C. Multi-family dwelling projects may be developed at a density of one (1) unit per one and one-half (1.5) acres. Density shall be calculated by taking the total acreage of the development, including all areas to be devoted to open space, deducting the following acreages:
- (1) Land contained within public rights-of-way,
  - (2) Land contained within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty (50) feet),
  - (3) Land contained within the boundaries of easements previously granted to public utility corporations providing electric or telephone service; and any petroleum products pipeline rights-of-way,
- and then applying the density formula.
- D. All areas of a multi-family development not conveyed to individual owners; and not occupied by buildings and required or proposed improvements shall remain as permanent open space for the benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the same parcel and contiguous and shall be subject to the following regulations:
- (1) Open space shall be maintained as open space and may not be separately sold, used to meet open space requirements for other developments, subdivided or developed.
  - (2) Open space shall be preserved and maintained as follows, either by:
    - a. Dedication to a property owners association which assumes full responsibility for maintenance of the open space. Or by:
    - b. Deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance and protect the rights of owners or occupants of dwelling units to use and enjoy, in perpetuity, the open space.

- E. The following design criteria shall apply to multi-family developments:
- (1) There shall be no more than ten (10) dwellings in each multi-family building.
  - (2) No structure shall be constructed within fifty (50) feet of an access road to or through the development or within ten (10) feet of any parking area.
  - (3) No multi-family development shall be served by more than one access to any public highway, unless topographic or other physical features dictate the use of more than one access for safety reasons.
  - (4) Parking shall comply with the parking provisions of this Ordinance. In addition to the two spaces per unit required by Section 406.1, there shall also be provided one-half (1/2) additional space for each unit. Each parking area shall have a defined entrance and exit. No more than sixty (60) parking spaces shall be provided in one lot, with not more than fifteen (15) in a continuous row without being separated by landscaping. All off-street parking shall be adequately lighted and designed to direct light away from residences.
  - (5) All multi-family structures shall be separated by a distance at least equal to the height of the highest adjoining structure.
  - (6) No multi-family dwelling or any improvement or other structure associated with the development shall be located within one hundred (100) feet of the property lines of any adjacent parcels and seventy-five (75) feet from any public right-of-way.
  - (7) Where a property line is not adequately wooded, a permanent evergreen planting strip of fifty (50) feet in width shall be required to buffer adjoining property owners and ensure privacy and provisions shall be made for maintenance and, if necessary, replacement of such screening in the advent of plant mortality or damage. A landscaping plan incorporating these criteria shall be prepared by the developer for approval by the Township and shall also address species to be used, caliper requirements and planting schedules.
- F. All multi-family developments shall be served with community sewage facilities and water supplies. A reserve area suitable for a replacement absorption area equal in size to the required area shall be provided and identified on the plan.
- G. Non-residential uses shall not be permitted in a multi-family development. This, however, shall not preclude such ancillary facilities as laundry areas, service buildings, recreational facilities and the like. Where a developer proposes to construct multi-family units on property on which there are existing or proposed non-residential uses, there shall be a minimum setback of the multi-family structures from such uses of two hundred (200) feet and the parcels shall be clearly segregated.
- H. Conversions of motels, hotels or other existing structures to multi-family dwelling use regardless of whether such conversions involve structural alterations, shall be considered subdivisions and, moreover, be subject to the provisions of this Section 403.



If the proposed project does involve structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer to the effect that the existing building is structurally sound and that the proposed conversion will not impair structural soundness.

**404. Special Lot Provisions.**

- A. Two or more principal buildings and/or uses (not including home-based businesses or accessory uses) located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building or use if each were on a separate zone parcel.
- B. Each setback of a corner lot which abuts a street shall be equal in size to the front setback.
- C. On any portion of a lot that lies within the triangular area described below, nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two-and-one-half (2.5) feet and ten (10) feet above the grade. The triangular area shall be formed by a point on each street center located seventy-five (75) feet from the intersection of the street center line and third line connecting the two points.
- D. Front, side and rear setback on non-conforming lots of record may be reduced in size in proportion to the size of the lot relative to the normal lot size standard provided no setback is reduced to less than 50% of the setback normally required.

**405. Commercial and Industrial Standards.**

Wherever a commercial or manufacturing or other non-residential use is proposed the following performance standards shall apply (NOTE - This section shall not apply to agricultural uses):

- A. Where a commercial or manufacturing use is contiguous to an existing residential use the minimum side and rear yards shall be increased by fifty (50) percent and a buffer consisting of a solid fence of wood and/or a dense evergreen planting not less than six (6) feet high shall be maintained. All such buffers shall be subject to landscape planning and other requirements as set forth in Section 403.E(7) for multi-family dwellings.
- B. All activities involving, and all manufacturing, production or storage of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer. Minimum front, side and rear yards shall be increased to two-hundred fifty (250) feet.
- C. No activities shall be permitted which emit dangerous radioactivity, or electrical

disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable Federal regulations shall apply.

- D. The outdoor day-night average sound level (DNL) in decibels at the property line shall not exceed sixty-five (65) decibels. The Zoning Officer in the investigation of a violation shall initially estimate DNL using the "Walk-Away Test" as described in the U.S. Department of Housing and Urban Development's 1979 Noise Assessment Guidelines. Should the test indicate a DNL exceeding 65 decibels the Officer shall notify the owner and any aggrieved party of his findings and the potential violation. He shall also recommend appropriate abatement measures. Should a subsequent investigation still indicate a problem the Officer shall determine such average sound level by taking no less than three measurements with a decibel meter, all of which shall occur within 72 hours but no less than 15 minutes apart.
- E. No vibration shall be permitted which is detectable without instruments at the property line.
- F. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be visible at the property line shall be permitted. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance.
- G. No emission shall be permitted from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.
- H. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted.
- I. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.
- J. All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer.
- K. New quarrying and other extraction industries shall be located no closer than five-hundred (500) feet to any existing residential use and hours of operation of such enterprises shall be limited to 7:00 AM to 7:00 PM.
- L. The Zoning Officer shall ensure these standards are complied with prior to issuing a Certificate of Use for the use.

**406. Off Street Parking and Access.**

- A.** Off-street parking, loading and unloading facilities shall be provided as necessary in connection with every use. Single-family and two-family residential uses shall be provided with two (2) off-street parking spaces per dwelling unit. Parking needs with respect to all other uses shall be determined in conjunction with project review under conditional use or special exception procedures, as may be applicable. The amount of parking required shall be based on the following factors:
- (1) Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Planning Commission may require the developer or applicant to gather and submit such data in support of its proposed parking provisions.
  - (2) The characteristics of the proposed customers, residents, occupants or visitors to a given facility. Housing for the elderly would, for example, require fewer spaces per dwelling unit than time-shared recreational units, though the number of dwelling units might be the same.
  - (3) The expected occupancy rates, traffic levels and numbers of employees in connection with any enterprise and the degree to which these directly relate to parking requirements.
  - (4) Recommendations, if any, from other public agencies or information sources which suggest, based on experience, the appropriate amount of parking in connection with a given use.
  - (5) The likelihood that parking will be shared with adjoining facilities, the impact of daily peak visitation or use periods on demand and the hours of operation as compared to other neighborhood activities.
- B.** Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages, carports, and driveways which will be used for parking and not in the public right-of-way may be considered parking spaces.
- C.** Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.
- D.** All parking areas which are designed to accommodate ten (10) or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control. No more than fifteen (15) parking spaces shall be allowed in a continuous row uninterrupted by landscaping and no parking areas shall be designed such that a vehicle would be required to directly back out onto or back into from a public highway or through road. Traffic flows through a parking area shall be minimized and limited to connections from one lot to another and to the public highway or through road.

- E. In addition to the off-street parking space required above, any building erected, converted or enlarged for commercial, office building, manufacturing, wholesale, institutional or similar uses, shall provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be sixty (60) feet in depth, twelve (12) feet in width, with an overhead clearance of fourteen (14) feet. In no case where a building is erected, converted or enlarged for commercial, manufacturing, or business purposes shall the public rights-of-way be used for loading or unloading of materials.
- F. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with the following provisions:
- (1) Access drives shall not open upon any Township public right-of-way within (80) feet of the nearest right-of-way line of any intersecting public street or highway or where the sight distance in either direction would be less than two-hundred (200) feet. Access drives onto state highways shall be subject to Pennsylvania Department of Transportation standards.
  - (2) There shall be no more than one entrance and one exit to any business or parking area on any one highway. Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits. In no case shall one entrance and exit be located within 80 feet of any other on the same property or adjoining property along the same public right-of-way. Non-conforming lots, however, shall be exempt from this requirement.
- G. All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least twenty (20) feet in depth.

#### **407. Water and Sewer.**

All uses shall be provided with an adequate water supply, as demonstrated by evidence to be provided by the applicant, and with a sewage disposal system meeting the needs of the proposed use and meeting the requirements of the Township and the Pennsylvania Department of Environmental Protection. Unless otherwise specified in this Ordinance any sewage treatment plan facilities or subsurface absorption areas for off-site sewage disposal systems shall be a minimum of fifty (50) feet from any public road right-of-way or exterior development property line and shall not be placed on individual building lots. Evidence of legal rights-of-way for any sewage line not located on the development property shall be provided by the applicant.

#### **408. Adult Stores and Business.**

Adult stores and illicit businesses shall be considered conditional uses and shall further be governed by Herrick Township Ordinance #17 of 1981.

**409. Agricultural Dwellings and Uses.**

- A.** A total of two dwelling units are permitted in association with agricultural uses provided:
- (1) Such dwelling units are not rented or otherwise used for non-agricultural, income producing purposes, and
  - (2) The occupants of such dwellings are members of the immediate family (mother/father; sister/brother; daughter/son) owning the agricultural use or are employed on the premises, and
  - (3) All setbacks are maintained and no dwelling shall be located less than twenty-five (25) feet from any other dwelling or agricultural structure, and
  - (4) Adequate water and sewage pursuant to Section 407 are provided.
- B.** Intensive livestock operations wherein large numbers of animals are raised in close confinement shall be processed as conditional uses and be subject to setbacks sufficient to adequately buffer the use from adjacent properties. This shall apply to any farm operation wherein more than 250 hogs, 500 sheep, 500 rabbits, 5,000 fowl, 500 beef or dairy animals or 200 of any other animal are raised for fur, meat, eggs, milk or re-sale in any form.

**410. Mobile Home Parks**

Mobile home parks shall be considered conditional uses and shall be developed in accord with the Susquehanna County Subdivision and Land Development Ordinance.

**411. Home-Based Businesses**

- A.** Home-based businesses, including businesses which rely upon attraction of the general public (e.g. retail sales) are permitted in the ARR District, provided they do not detract from the residential character, appearance, or make-up of the neighborhood in which the business is located. Because of the need these types of businesses may have for advertising and display, and the unpredictability of traffic generation, owners of such businesses must be very cautious about how they operate their business to ensure they do not adversely impact the surrounding neighborhood. The following factors shall be used to determine if a home-based business will comply with or is in violation of this ordinance. The determination can be made on any one, or a combination, of these factors and shall be made by the Board of Supervisors using the conditional use and violation procedures provided herein.
- (1) Extent of the business - whether or not the residential use is still the primary use of the property. Factors that shall be used to determine the primary use of the property shall include, but are not limited to, the area of the property used for the business and the amount of time the business is operated on a daily basis.
  - (2) Appearance from an adjacent street - whether or not the use of the property as a

business is distinguishable from an adjacent street. Except for a non-illuminated, permanent identification sign no larger than two (2) square feet in size attached to the principle structure, there shall be nothing that occurs on the property that can be observed from adjacent streets that make it readily apparent that a business is being operated on the premises. In cases where the principal structure is obscured from the street, or the structure is setback more than fifty (50) feet from the edge of the right-of-way, a non-illuminated ground sign not to exceed four (4) square feet may be used. Factors for evaluating this standard shall be that the residential dwelling not be altered to change its residential appearance, and no activity related to the conduct of the home-based business shall be permitted to occur in such a manner as to be obtrusive to the neighborhood, attract attention to the business or adversely impact the residential character of the neighborhood.

- (3) Impact on the neighborhood - whether or not the business activity is causing a nuisance to surrounding property owners; is adversely impacting the peace, health, or safety of neighborhood residents; and/or is causing a deviation from the residential character of the neighborhood. Factors for evaluating this standard shall be:
- (a) Traffic - whether or not the business is generating traffic that is excessive and/or detrimental to the neighborhood. A home-based business will be allowed to generate a maximum of twenty-five (25) vehicle trips ends per day, based on estimates provided by the Institute of Transportation Engineers. However, based on the characteristics of a specific neighborhood, these amounts may be lowered or raised, at the discretion of the Board of Supervisors. The factors which shall be used for such a determination include, but are not limited to, pertinent characteristics of the neighborhood such as width of properties, width of the streets, hills, curves, and the number of children present.
  - (b) Parking - whether or not parking problems are resulting from the business use. Factors which shall be used to evaluate this criteria include, but are not limited to the following: 1) the businesses shall accommodate parking associated with their business on their property, or along the frontage of their property on the street; 2) parking on the property shall be on a surface equal to the paving surface of any existing driveway unless there is no surface other than the ground, in which case a gravel surface shall be provided; and 3) parking on the street may go beyond the property boundaries to accommodate special gatherings, or for the drop-off or pick-up of customers or products, if such parking does not exceed 15 minutes in duration.
  - (c) Nuisance - whether or not the business activity is causing a nuisance to surrounding property owners or is deviating from the residential character or appearance of the neighborhood.

**412. Reserved.**

**413. Junk Yards.**

- A. No new junk yard shall be created except in conformance with the standards herein.
- B. The following land uses shall be exempt from these requirements provided they do not include any activity which would otherwise constitute a junk yard:
  - (1) Storage areas for officially recognized and operable antique or classic automobiles or other operable special purpose vehicles.
  - (2) Agricultural equipment which is utilized as part of an active farming operation or contractors' construction equipment which is part of an active contracting business, including metal and parts stockpiles used in these respective operations.
  - (3) Automobile repair businesses or automobile, vehicle and equipment sales operations managed by Commonwealth licensed dealers.
- C. No right to establish or continue a junk yard operation shall be conveyed by the existence of a Commonwealth license or the presence of any of the above activities on a site.
- D. If a junk yard is to be located adjacent to a federal aid primary highway, it shall comply with all regulations of the Federal Highway Administration and the Pennsylvania Department of Transportation and provide evidence of the same to the Township.
- E. Junk yards shall be located no closer than five-hundred (500) feet to an existing public right-of-way or five-hundred (500) feet to any adjoining property. They shall also not occupy more than twenty-five (25%) of any lot and shall be limited to a maximum of two-hundred (200) inoperable vehicles on site at any one time.
- F. Junk yards shall be permitted only as Conditional Uses.
- G. All new junk yards must erect and maintain a solid fence six (6) feet in height along the side and rear boundaries of the property and/or dense evergreen screening of a height adequate to discourage the entrance of children or others into the area and to contain, within such fence, all materials in which the owner or operator deals, as well as to screen the activity from public view.
- H. No junk yard or portion of a junk yard shall be located on a slope exceeding twelve percent (12%) in grade or so situated as to be unscreenable (visible from an adjacent public highway or residence located above or below the level of the junk yard).
- I. No junk yard shall be used as a dumping area for refuse or as a place for the burning or disposal of trash.
- J. All dismantling operations shall take place inside an enclosed structure and any parts of vehicles or equipment shall similarly be stored inside an enclosed structure. All vehicles awaiting dismantling or retained for sale or use intact shall be stored in

Improved parking areas specifically designated for this purpose.



## **HERRICK TOWNSHIP ZONING ORDINANCE**

### **ARTICLE V - NON-CONFORMING USES AND STRUCTURES**

It is the purpose of this Section to limit the injurious impact of non-conforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that alterations, continuations and extensions of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this zoning ordinance, when failure to allow such alteration, continuation or extensions would itself lead to neighborhood or district deterioration. It is further the purpose of this Section to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to alter, continue or extend a non-conforming use. The following are regulations which shall apply to the alteration, continuation or extension of non-conforming uses:

#### **501. Definition.**

A non-conforming building or use shall be a building, structure or use legally existing at the effective date of this Ordinance, or any amendment thereto; or a building, structure or use, planned and under construction in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto, and completed within a one-year period after the effective date of this Ordinance or amendment thereto; and which does not conform with the applicable use regulations. A building, structure or use allowed by variance where it is non-conforming with any regulations of this Ordinance shall also be considered a non-conforming use.

#### **502. Normal Maintenance and Repair Activities.**

Normal maintenance and repair activities, such as painting, replacing a roof, etc., are permitted, as well as alterations and interior renovations that do not structurally alter the building or area or result in increased use of the building or area, or a different nature of use than that existing at the present time, or otherwise create more incompatibility with the surrounding permitted uses.

#### **503. Changes and Additions.**

All changes and additions to non-conforming uses, excepting those identified above, shall be considered conditional uses, and permits for alterations, changes in use or additions shall be granted only after a determination by the Township that the criteria in Section 608 and the following conditions have been, or will be, satisfied.

- A. There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility, as on a lot in a non-conforming use, excepting those types of uses outlined in Section 503.B below.
- B. Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a sawmill, farm machinery sales operation or similar operation), the use may only be expanded if a solid

fence of wood and/or a dense evergreen screen, not less than six (6) feet in height, is present on all sides of the immediate areas in use. Such screening shall be subject to the landscaping planning and other requirements of Section 403.E(7) pertaining to multi-family dwellings. Stored material shall not exceed the height of the screening material.

- C. No addition, change or expansion of a non-conforming use shall further violate setback and/or height regulations of the district in which it is located.
- D. There shall be no increase in the amount of storm water runoff for the site over what was existing as of the date of the enactment of this Ordinance. The U.S.D.A. Soil Conservation Service may be relied on to recommend appropriate measures to control storm water runoff which may be attached as conditions of approval by the Township.
- E. In no case will a change, addition or expansion of a non-conforming use be allowed which would result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. If the total number of parking spaces for the site is to be increased more than 25% over those available as of the date of this Ordinance, the Township may require vegetative screening of the parking area from nearby residential areas.
- F. The use may only be expanded or extended onto another property of record if; that property is immediately adjacent to the lot on which the original structure or use was located as of the effective date of this Ordinance or amendments hereto; the owner has clearly exhausted the alternatives available for expansion on the existing property; and the use is not one which has been altogether prohibited as a new use under this Ordinance.

**504. Re-establishment.**

A non-conforming use may be re-established within a period of eighteen (18) months after it has been discontinued or vacated.

**505. Restoration or Reconstruction.**

If any non-conforming use or structure is damaged or destroyed, it may be restored or reconstructed to no more than its original form provided the application for the permit to do so is made within eighteen (18) months of the date of the damage.

**506. Single-Family Dwelling on a Non-Conforming Lot.**

A single family dwelling may be erected on any existing lot of record, providing a sewage permit may properly be issued and pursuant to Section 404.D.

**507. Certification of Non-Conformance.**

In order to administer this Ordinance, the Zoning Officer shall prepare a complete list of all non-conforming uses, buildings and lots in existence as of the effective date of this Ordinance or amendments thereto. He shall also issue, upon request, a Certificate of Non-Conformance to any

property owner who so requests.

## HERRICK TOWNSHIP ZONING ORDINANCE

### ARTICLE VI - ADMINISTRATION

#### 601. Zoning Officer.

It shall be the duty of a Zoning Officer, to be appointed by the Township Board of Supervisors, to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issues permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the Township Supervisors may require. Permits for construction and uses which are conditional uses shall be issued only upon written order of the Planning Agency and the Township Supervisors. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.

#### 602. Permits.

- A. Requirements of Permits. A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof (including accessory buildings of 100 square feet or more in size); prior to the use or change in use of a building or land; and prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No Zoning Permit shall be required in cases of normal maintenance activities, minor repairs or alterations which do not structurally change a building or structure, nor in the case of accessory uses which do not involve new structures or structural changes to existing buildings.
- B. Applications for Permits. All applications for permits shall be accompanied by a plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. All applications with the accompanying plans and documents shall become a public record after a permit is issued or denied. Applications for uses which also necessitate approvals under the Susquehanna County Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A Zoning Permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance.
- C. Issuance of Permits. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this Ordinance as well as with all the provisions of other applicable regulations. A permit issued hereunder shall become void twelve (12) months after the issuance date.

- D. Temporary Permit. A temporary permit may be authorized by the Board of Supervisors for a non-conforming structure or use which it deems necessary to promote the proper development of the community, provided that such non-conforming structure or use shall be completely removed upon expiration of the permit for a specified period of time not to exceed one (1) year and may be renewed annually for a aggregate period not exceeding three (3) years.

**603. Fees.**

- A. The Board of Supervisors shall establish by resolution a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, special permits, variances and other matter pertaining to this Ordinance.
- B. Said schedule of fees shall be posted in the office of the Zoning Officer.
- C. Permits, special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.

**604. Inspection.**

- A. Inspection by the Zoning Officer. It shall be the duty of the Zoning Officer to make the following minimum number of inspection on property for which a permit has been issued:
- (1) At the beginning of construction: A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building. If the actual construction does not conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
  - (2) At the completion of construction: A record shall be made indicating the time and date of the inspection; as well as the findings of the Zoning Officer in regard to the issuance of a Certificate of Use.

**605. Certificate of Use.**

- A. A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance; or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.
- B. No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered or changed in use shall be occupied or used, until a Certificate of Use shall have been issued therefore by the Zoning Officer.

- C. A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for co-incident with the application for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance.
- D. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used or such land or building changed in use, and such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.
- E. A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.
- F. A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

**606. Violations.**

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance. When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, occupant and/or contractor, such violation shall be discontinued immediately.

**607. Penalties and Remedies.**

- A. It shall be unlawful to erect, construct, reconstruct, alter and maintain or use any building or structure or to use any land in violation of any provisions of this Ordinance or amendment thereto. Any person, partnership or corporation who or which shall violate any of the provisions of any zoning ordinances enacted under this act or prior enabling laws shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (\$500) dollars. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment of not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of the zoning ordinance shall be paid over to the Township.
- B. If any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance the Township Supervisors or, with the approval of the Township Supervisors, an officer of

the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, or land, or to prevent, restrain, correct, or abate such building, structure, or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.

**608. Conditional Uses.**

- A. Uses specified as conditional uses under District Regulation shall be permitted only after review by the Herrick Township Planning Commission and approval by the Herrick Township Board of Supervisors pursuant to the express standards and criteria set forth below:
- (1) The proposed use shall be in harmony with purposes, goals, objectives and standards of the Herrick Township Comprehensive Plan, this Ordinance and all other ordinances of Herrick Township.
  - (2) The topographical and physical characteristics of the site relative to the development of the proposed use shall be evaluated for the effect on surrounding properties, the community, the environment and the public health, safety and general welfare.
  - (3) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the Comprehensive Plan, this Ordinance, or any other plan, program, map or ordinance of Herrick Township or other government agencies having jurisdiction to guide growth and development.
  - (4) The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities and services of the Township, whether such services are provided by the Township or some other agency. The applicant shall be wholly responsible for providing such improvements, facilities, utilities or services as may be required to adequately serve the proposed use when the same are not available or adequate to service the proposed use when the same are not available or adequate to service the proposed use in the proposed location. As part of the application and as a condition to approval of the proposed conditional use permit, the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of Herrick Township or other government agencies having jurisdiction. The permit approval shall be so conditioned.
  - (5) No application for issuance of a conditional use permit shall be approved unless the Planning Commission and the Board of Supervisors shall find that, in addition to complying with each of the standards enumerated above, any of the application standards contained in other portions of this Ordinance shall be met in instances

where the standards contained herein do not adequately protect the general health safety and welfare of parties effected, the Township shall be obligated to impose such conditions in issuance of a permit. Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans, increased setbacks, special measures addressing sales period activities and other measures which can be effectuated to remove any potential adverse influence the use may have on adjoining uses, the community, the environment or the public health, safety and general welfare.

- B. Certain types of uses shall require the application of additional review criteria as provided by Article IV and V.
- C. Upon determining that an application for a specific use could only be granted as a conditional use under the terms of this Ordinance, the Zoning Officer shall forward a copy of said application, along with the required supporting data, to the Herrick Township Planning Commission. The Planning Commission shall review the application within thirty (30) days following its next regular meeting, and may hold a public hearing to receive comment on the proposed use. The hearing shall be advertised once in a newspaper of general circulation no less than seven (7) days prior to the hearing.
- D. The Planning Commission shall report its findings, together with a recommendation indicating whether the criteria listed above and any applicable performance standards have been met. Upon receipt of the conditional use application and the recommendation of the Planning Commission, the Township Board of Supervisors shall decide to grant or deny the application, such decision being made solely with respect to the above mentioned criteria. If the application is granted, the Board of Supervisors shall direct the Zoning Officer, in writing, to issue a permit for the same. If the application is denied, the applicant shall be notified within fifteen (15) days of the action in person or by certified mail and the reason for the action.

#### **609. Zoning Hearing Board.**

- A. The Township Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members of such powers and authority as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended. The duties of the Zoning Hearing Board shall be limited to the following:
  - (1) The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.
  - (2) The Board shall hear challenges to the validity of a Zoning Ordinance or map excepting cases where there has been an alleged defect in the process of enactment or adoption and where a landowner, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest.
  - (3) The Board shall hear requests for variances where it is alleged that the



provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant.

- (4) The Board shall hear and decide requests for special exceptions pursuant to the criteria also applying to conditional uses and set forth in Section 608.
- (5) The Board shall hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development.

- B. The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.
- C. In all its actions, the Zoning Hearing Board shall follow procedures as provided in Article IX and X of the Pennsylvania Municipalities Planning Code.

**610. Appeals.**

- A. An appeal of this Ordinance, appeal of the decision of the Zoning Officer, request for special exception or request for variance shall be made in writing to the Chairman of the Zoning Hearing Board and shall state:
  - (1) The name and address of the applicant.
  - (2) The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
  - (3) A brief description and location of real estate to be affected by such proposed change.
  - (4) A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
  - (5) A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed, and reasons why it should be granted.
  - (6) Any reasonably accurate description of the present improvements, and the additions 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 real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.
- B. If the Zoning Hearing Board find the appeal or request outside its scope of jurisdiction, it shall return the application for the same to the Zoning Officer for proper processing. Appeals shall otherwise be processed in conformance with the requirements of Article X

of the Pennsylvania Municipalities Planning Code.

**611. Variances.**

A. The Zoning Hearing Board shall have the right to authorize such variances from this Ordinance as are permitted under the Pennsylvania Municipalities Planning Code. The Board may grant a variance provided the following findings are made where relevant in a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provision 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 applicant.
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, not to be detrimental to the public welfare; and
- (5) That the variance, if authorized, will represent the minimum variance, that will afford relief and will represent the least modification possible of the regulation in issue.

B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Article VI of the Pennsylvania Municipal Planning Code and the Zoning Ordinance.

**612. Amendments.**

A. The Township Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code.

B. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that this challenge and proposed amendment be heard and decided on as provided in Section 1004 of the Pennsylvania Municipalities Planning Code.

**613. Validity.**

If any sections of this Ordinance shall be found to be invalid, the other sections of this Ordinance shall not be affected thereby.

**614. Separability.**

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect nor impair any remaining part of this Ordinance, it being the intent of the Township that such reminder shall be and shall remain in full force and effect.

HERRICK TOWNSHIP ZONING ORDINANCE

ARTICLE VII - ENACTMENT

This Herrick Township Zoning Ordinance is hereby enacted into law this 5<sup>th</sup> day of May, 1997, pursuant to the authority granted under the Pennsylvania Municipalities Planning Code, to be effective five (5) days hereafter.

Herrick Township Board of Supervisors

B. West Ross  
Supervisor

Charles J. ...  
Supervisor

David ...  
Supervisor

ATTEST:

Nancy Hawatice  
Secretary

I hereby certify that the foregoing ordinance was advertised in the Forest City News on April 16 and 23, 1997, a newspaper of general circulation in the municipality, and was duly enacted at a regular meeting of the Herrick Township Supervisors on May 5, 1997.

Nancy Hawatice, Secretary

I hereby certify this to be a correct and true original of this ordinance.

Nancy Hawatice, Secretary

# SCHEDULE OF DEVELOPMENT REGULATIONS

Interest	Principal Uses (4)	Conditional Uses (4)	Special Exceptions (4)	Accessory Uses (4)
<b>Rural Agricultural - Rural Residential District:</b> This district is intended to provide for: 1) the health, safety and general welfare of the residents of Herrick Township, including preservation of its unique farm and recreational character; 2) to provide for a wide range of land uses to be allowed throughout the Township; and 3) to provide for the orderly development of all such land uses in the Township in ways which are designed to be compatible with each other.	1) Single family dwellings 2) Two-family dwellings 3) Agricultural uses	1) Multi-family dwellings 2) Conservation subdivisions 3) Mobile home parks 4) Retail sales establishments 5) Wholesale sales establishments 6) Industrial and manufacturing uses 7) Nursing and group homes, clinics and other health institutions 8) Campgrounds/RV parks 9) Kennels 10) Excavating and quarrying 11) Vehicle service stations including sales, repairing and washing 12) Junkyards 13) Hotels and Motels 14) Drive in retail establishments 15) Restaurants 16) Warehouses and distribution centers 17) Truck and bus terminals 18) Outdoor and indoor commercial recreation 19) Animal Hospitals 20) Financial institutions 21) Funeral homes 22) Personal services 23) Neighborhood retail sales 24) Professional offices 25) Private clubs and lodges 26) Boarding or tourist homes 27) Bed and breakfast establishments 28) Home-based businesses 29) Adult stores	1) Public and private schools 2) Municipal buildings 3) Civic buildings	1) Swimming pools 2) Garages 3) Carports 4) Tool or storage sheds 5) Farm stands 6) Decks and porches 7) other uses customarily accessory to permitted principal, conditional, special exception and accessory uses.
<b>DEVELOPMENT STANDARDS</b>				
	<b>One &amp; Two Family Dwellings (1)(5)</b> 2 acres/unde	<b>Commercial &amp; Non-Residential (2)(5)</b> 2 acres	<b>Industrial Wholesale &amp; Distribution (2)(5)</b> 5 acres	<b>Hotels &amp; Motels (2)(5)</b> 3 acres
Minimum Lot Area Minimum Average Lot Width Minimum Lot Depth Minimum Front Setback Minimum Side Setback Minimum Rear Setback Maximum Building Height Maximum Lot Coverage	200 ft. 200 ft. 50 ft. 30 ft. 30 ft. 35 ft. (3) 15%	200 ft. 200 ft. 50 ft. 50 ft. (Also see Section 405.A) 35 ft. (3)	300 ft. 300 ft. 150 ft. 100 ft. 100 ft. 40 ft. (3)	250 ft. 250 ft. 100 ft. 75 ft. 75 ft. 35 ft. (3)
				2 acres exempt exempt 50 ft. 30 ft. 30 ft. (3) exempt

**NOTES:**

- (1) Multi-family standards found in Section 403.
- (2) Section 608 may require more restrictive standards.
- (3) Height limitation shall not apply to agricultural buildings (except dwellings), flagpoles, church spires, water towers, windmills, chimneys or antennas.
- (4) Uses not listed above shall be classified by the zoning hearing Board as either principal, conditional, special exception or accessory uses, based on their similarity with listed uses in these categories. This shall not, however, be a basis for permitting any use otherwise prohibited.
- (5) No principal structures shall be located within 75 feet of the high water mark of any lake, pond, stream or wetland.