

ARTICLE I  
**General Provisions**

**§ 138-1. Title.**

This chapter shall be known as and may be cited as the "Township of Carroll Zoning Ordinance."

**§ 138-2. Authority.**

This chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code," July 31, 1968, as amended.<sup>1</sup>

**§ 138-3. Purpose.**

This chapter is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This chapter is made in accordance with an overall program, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

**§ 138-4. Community development objectives.**

The community development objectives of this chapter are to promote and to foster the community development goals and objectives as contained in the Carroll Township Comprehensive Plan, as amended.

**§ 138-5. Interpretation.**

In interpreting and applying this chapter, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of this chapter shall conform with all regulations. It is not intended to interfere with, abrogate, annul, supersede or cancel any reservations contained in deeds or other agreements, but if the chapter imposes more stringent restrictions upon the

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1. Editor's Note: See 53 P.S. § 10101 et seq.

use of buildings and land than are contained in the deeds or agreements, the provisions of this chapter shall control.

**§ 138-6. Applicability.**

The provisions, regulations, limitations and restrictions of this chapter shall apply to all structures, buildings, uses, signs and land and their accessory structures, buildings, uses and signs. Nothing in this chapter shall require any change in filed plans or existing construction of lawful use.

ARTICLE II  
**Definitions**

**§ 138-7. Definitions and word usage.**

A. The following words are defined in order to facilitate the interpretation of this chapter for administrative purposes and for the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

- (1) Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meaning herein indicated.
- (2) Words used in the present tense include the future tense.
- (3) The singular includes the plural.
- (4) The word "person" includes any individual or group of individuals, a corporation, partnership, or any other similar entity.
- (5) The word "lot" includes the words "plot" or "parcel."
- (6) The term "shall" is always mandatory.
- (7) The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied."
- (8) Any words not included in the following definitions will be defined as described in the latest edition of Websters Abridged Dictionary.

B. As used in this chapter, the following terms shall have the meanings indicated:

**ABANDONMENT** — The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**ACCESS DRIVE** — A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

**ACCESSORY BUILDING or STRUCTURE** — A building or structure subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

**ACCESSORY USE** — A use customarily incidental and subordinate to the principal use of the main building and located on the same lot with such principal use or main building.

**ADULT BOOKSTORE** — An establishment having, as a substantial or significant portion of its stock-in-trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on obscene materials as defined below.

**AGRICULTURAL OPERATION** — An enterprise that is actively engaged in the commercial production and preparation for market of crops,

livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term also includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.**[Added 10-16-2001 by Ord. No. 44]**

**AGRICULTURE** — The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and provided further that the above uses shall not include the business of garbage feeding of hogs, fur farms or the raising of animals such as rats, mice, monkeys and the like for use in medical or other tests or experiments.

**AIR RIGHTS** — The right to use space above ground level.

**AIR TRANSPORTATION** — Establishments engaged in transportation by air, including airports, heliports, and flying fields, as well as terminal services.**[Added 3-6-2012 by Ord. No. 60]**

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

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

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

**AMENDMENT** — A change in use in any district which includes revisions to the zoning text and/or the Official Zoning Map; and the authority for any amendment lies solely with the Township Board of Supervisors.

**AMUSEMENT AND RECREATION AREAS** — Establishments engaged in providing entertainment for a fee and including such activities as dance halls; studios; theatrical productions; bands; orchestras and other musical entertainment; bowling alleys and billiard and pool establishments; commercial facilities, such as arenas, rings, and racetracks; public golf courses; coin-operated devices; amusement parks; membership sports and health clubs; amusement and bathing beaches; swimming pools; riding academies; carnival operations; expositions; game parlors; and horse shows.**[Added 3-6-2012 by Ord. No. 60]**

ANIMAL HOSPITAL — A building where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to hospital use.

ANTENNA — Any system of wires, poles, rods, reflecting discs, or similar devices, used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building.

ANTENNA, SATELLITE DISH — A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

APARTMENT — A dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, studio apartments and kitchenette apartments. Conversion apartments are not included in the classification.

APARTMENT, ACCESSORY — An independent dwelling unit incorporated within an existing single-family detached dwelling without any substantial external modification.

APARTMENT, CONVERSION — An existing dwelling unit that is or was converted to a dwelling for more than one family, without substantially altering the exterior of the building.

APARTMENT, GARDEN — A two-story multifamily dwelling, containing one-story dwelling units.

APARTMENT HOUSE — A building arranged, intended or designed to be occupied by three or more families living independently of each other.

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

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

AREA — The extent of surface contained within the boundaries or extremities of land or building.

AREA, BUILDING — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

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

ART GALLERY — A room or building devoted to the exhibition of works of art. **[Added 3-6-2012 by Ord. No. 60]**

AUTO BODY SHOP — Any structure or any building or part thereof that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

AUTOMOBILE AND/OR MOBILE HOME SALES GARAGE — A structure or building on a lot designed and used primarily for the display or sale of new and used automobiles, trucks, other similar motor vehicles or mobile homes, and where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

AUTOMOBILE AND/OR MOBILE HOME SALES LOT — An open lot used for the outdoor display or sales of new or used automobiles, trucks, other similar motor vehicles or mobile homes and where minor and incidental repair work, other than body and fender, may be done.

AUTOMOBILE GARAGE — A structure or building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks or similar motor vehicles.

AUTOMOBILE SALES — The use of any building, land area, or other premises for the display and sale of new or used automobiles generally, but may include light trucks or vans, trailers or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use. **[Added 3-6-2012 by Ord. No. 60]**

AUTOMOBILE SERVICE STATION — Any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

AUTOMOBILE WRECKING — The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AVERAGE GROSS RESIDENTIAL DENSITY — The number of dwelling units per acre, computed by dividing the number of dwelling units which the applicant proposes to construct by the number of acres in the development which are planned to be devoted to residential and open space uses.

BASEMENT — That portion of a building that is partially or wholly below ground level. This portion is not a completed structure and serves as a substructure or foundation for a building. A basement shall be counted as a story for the purpose of height measurement, if the vertical distance between the ceiling and the average level of

the adjoining ground is more than five feet or is used for business or dwelling purposes, other than a game or recreation room.

**BED-AND-BREAKFAST** — A residential use consisting of one dwelling unit with rooms or suites that are rented to the public for overnight or weekly accommodation for a fee. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units. **[Added 5-3-2016 by Ord. No. 72]**

**BLOCK** — An area bounded by streets.

**BOARDINGHOUSE** — A building arranged or used for the lodging, with or without meals, for compensation, by either transient or permanent residents. This definition includes rooming houses and lodging houses.

**BOARDING STABLE** — A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation. **[Added 3-6-2012 by Ord. No. 60]**

**BUFFER YARD** — See "yard, buffer."

**BUILDING** — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys.

(1) **ATTACHED** — A building which has two or more party walls except for the end units of the building.

(2) **DETACHED** — A building which has no party walls.

(3) **SEMIDETACHED** — A building which has only one party wall.

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

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

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

**BUILDING PERMIT** — Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

**BUILDING, PRINCIPAL** — A building in which is conducted the principal use of the lot on which it is located.

**BUILDING SETBACK LINE** — The line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way.

**BUSINESS SERVICES** — A company or individual that earns income by performing work or offering expertise to individuals or businesses.**[Added 3-6-2012 by Ord. No. 60]**

**CAMPING GROUND** — A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters.

**CARPORT** — A covered space, open on three sides, for the storage of one or more vehicles and accessory to a main or accessory building.

**CARTWAY** — That portion of a street or alley which is improved, designed, or intended for vehicular use, but not including shoulders, curbs, sidewalks or swales.

**CELLAR** — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

**CEMETERY** — Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.**[Added 3-6-2012 by Ord. No. 60]**

**CERTIFICATE OF OCCUPANCY** — The official certification that a premises conforms to provisions of Chapter 51, Building Permits, and may be used or occupied. Such certificate is granted for new construction, and additions to existing structures.**[Added 6-20-2000 by Ord. No. 42]**

**CERTIFICATE OF USE** — The official certification allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of this chapter and other applicable ordinances.**[Amended 6-20-2000 by Ord. No. 42]**

**CHANGE OF USE** — An alteration of a building structure or land by change of use, theretofore existing, to a new use group which imposes other special provisions of law governing building construction, equipment, exits or zoning regulations.

**CHURCH or PLACE OF RELIGIOUS WORSHIP** — An institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.**[Added 3-6-2012 by Ord. No. 60]**



CLEAR-SIGHT TRIANGLE — An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the streets' center lines.

COMMERCIAL MOBILE RADIO SERVICE **[Added 10-16-2001 by Ord. No. 44]** —

- (1) A mobile service that is:
  - (a) Provided for profit, i.e., with the intent of receiving compensation or monetary gain.
  - (b) An interconnected service.
  - (c) Available to the public, or such classes of eligible users as to be effectively available to a substantial portion of the public.
- (2) For the purpose of this chapter, a commercial mobile radio service shall be synonymous with the cellular communications and paging industries and other similar industries that rely on communications towers and antennas for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals.

COMMON OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS ANTENNA — Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas, directional or panel antennas, or microwave structures, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes, television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.**[Added 10-16-2001 by Ord. No. 44]**

COMMUNICATIONS EQUIPMENT BUILDING — An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.**[Added 10-16-2001 by Ord. No. 44]**

COMMUNICATIONS TOWER — A structure other than a building, such as a monopole, self supporting or guyed tower, designed and used to support communications antennas.**[Added 10-16-2001 by Ord. No. 44]**

COMPREHENSIVE PLAN — A comprehensive long-range plan adopted as an official document to guide the growth and development of the Township. The plan includes analyses, recommendations, and proposals for the Township's population, economy, housing, transportation, community facilities, and land uses.

CONDITIONAL USES — Conditional uses shall be allowed or denied by the governing body after recommendations by the Planning Commission, pursuant to express standards and criteria set forth in this chapter.

CONDOMINIUM — Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSERVATION AREA — Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. **[Added 3-6-2012 by Ord. No. 60]**

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

COURT — An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER — A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

COURT, OUTER — A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

COVERAGE — That portion or percentage of the lot area covered by impervious materials.

DAY-CARE CENTER — See definition of "school, nursery."

DEMOLITION PERMIT — A permit issued prior to the razing of a building or structure. **[Added 6-20-2000 by Ord. No. 42]**

DENSITY — The number of families, individuals, dwelling units, or housing structures per unit of land.

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

DEVELOPMENT — Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures,

filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land.

**DISTRIBUTED ELECTRIC GENERATION FACILITY** — A facility that is able to produce less than 1 MW of electricity from any fuel source or through any technology and is used primarily at the site where the electricity is produced. **[Added 6-20-2000 by Ord. No. 42]**

**DISTRIBUTION CENTER** — An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air, or motor vehicle. **[Added 3-6-2012 by Ord. No. 60]**

**DISTRICT, ZONING** — A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Carroll Township Zoning Map. <sup>2</sup>

**DRAINAGE AREA** — The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

**DRAINAGE SYSTEM** — Pipes, swales, natural features and man-made improvements designed to carry drainage.

**DRIVE-IN USE** — An establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**DRIVEWAY** — A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

**DRUGSTORE** — A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where nonmedical products may be sold as well. **[Added 3-6-2012 by Ord. No. 60]**

**DUMP** — A lot or land or part thereof used primarily for disposal by abandonment, dumping, burial, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

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

**DWELLING GROUP** — Any building or portion thereof which is designed or used as living quarters for five or more persons unrelated to each other or the family occupying the dwelling unit. Group quarters

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2. Editor's Note: Said Zoning Map is on file in the Township offices.

shall include, but not be limited to, lodging and boarding houses, nursing homes, and homes for the aged.

DWELLING, MULTIFAMILY — A building, including apartment houses, row houses, or townhouses, used by three or more families living independently of each other and doing their own cooking.

DWELLING, SINGLE-FAMILY ATTACHED (ROW) — A building used for one family and having two party walls in common with other buildings (such as row house or townhouse).

DWELLING, SINGLE-FAMILY DETACHED — A building used by one family, having only one dwelling unit and having two side yards.

DWELLING, SINGLE-FAMILY SEMIDETACHED — A building used by one family, having one side yard, and one party wall in common with another building.

DWELLING, TWO-FAMILY, DETACHED — A building used by two families, having two dwellings units, one located above the other, and having two side yards.

DWELLING, TWO-FAMILY, SEMIDETACHED — A building designed and built to contain four dwelling units, consisting of two sets of dwelling units, each with one dwelling unit above another, arranged side by side and separated by a party wall.

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

EASEMENT — A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

EDUCATIONAL SERVICE — Establishments providing instruction and training in a variety of subjects. **[Added 3-6-2012 by Ord. No. 60]**

ELECTRIC POWER GENERATION FACILITY — A facility that is able to produce more than 1 MW of electricity from any fuel source or through any technology. **[Added 6-20-2000 by Ord. No. 42]**

ELECTRIC SUBSTATION — An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES — Electric public utilities transmission and distribution facilities including substations.

ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township.

ENGINEERING SPECIFICATIONS — The engineering specifications of the Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

ENVIRONMENTAL ASSESSMENT — An analysis of the effect of development proposals and other major actions on natural and socioeconomic features of the existing environment.

EROSION — The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

EXCAVATION — Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

FABRICATION AND ASSEMBLY — The manufacturing from standardized parts of a distinct object differing from the individual components.**[Added 3-6-2012 by Ord. No. 60]**

FACADE — The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY — One or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, or a number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage.**[Amended 12-2-2003 by Ord. No. 51]**

FAMILY CARE FACILITY — A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four to eight residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.**[Amended 12-2-2003 by Ord. No. 51]**

FAMILY DAY-CARE HOME — A residence offering baby-sitting services and child care services for four to six children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare. A family day-care home is a permitted accessory use in any residential district.

FARM — Any parcel of land containing 10 or more acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. Such term includes necessary farm structures within the prescribed limits and the storage of equipment used, but excludes

the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

**FENCE** — Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wiremesh, or masonry, singly or in combination. The structure is erected for one or more of the following purposes: to screen or divide one property from another to assure privacy; to protect the screened or divided property; or to define and mark the property line, when such structure is erected on or within two feet of any front, side or rear lot line. For the purpose of this chapter, a freestanding masonry wall, when located for one of the preceding purposes, is considered to be a fence. Also for the purpose of this chapter, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot lines," "side yard lot lines" and "front yard lot lines." Fences are not synonymous with "garden structures" which are defined elsewhere in this chapter.

**FILL** — Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface.

**FINANCE, INSURANCE AND REAL ESTATE** — Establishments such as banks, and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents, and developers of real estate.**[Added 3-6-2012 by Ord. No. 60]**

**FLOOR AREA** — The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**FLOOR AREA, HABITABLE** — The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than seven feet and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the habitable floor area.

**FLOOR AREA RETAIL, NET** — All that space relegated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer but not to include office space, storage space and other general administrative areas.

FLORIST — An establishment that is primarily engaged in the sale of flowers and ornamental plants.**[Added 3-6-2012 by Ord. No. 60]**

FORESTRY — The growing or harvesting of tree species used for commercial or related purposes. Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services.**[Added 3-6-2012 by Ord. No. 60]**

FREIGHT HANDLING FACILITIES — Terminals with the ability to handle a large variety of goods involving various forms of transportation and providing multimodal shipping capabilities, such as rail to truck and truck to air. They differ from warehouses in that they do not usually store the freight for any period of time, although they may have warehouses associated with them.**[Added 3-6-2012 by Ord. No. 60]**

GARAGE, PRIVATE — An enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation or service is conducted for profit therein.

GARAGE, PUBLIC — Any garage, other than a private garage, which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

GARDEN APARTMENT — See definition of "apartment, garden."

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

GARDEN PRODUCTS — Products that are grown in gardens, including the following produce: vegetables, fruit, grains, plants, plant cuttings, flowers, seeds, nuts and herbs.**[Added 3-6-2012 by Ord. No. 60]**

GARDEN STRUCTURES — Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than three feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, bath houses, private greenhouses and freestanding screens and similar structures. No such structure may be located in any required front yard between the building setback line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

GOVERNING BODY — The Board of Supervisors of Carroll Township, Perry County, Pennsylvania.

GRADE, ESTABLISHED — The elevation of the center line of the streets, as officially established by the municipal authorities.

GRADE, FINISHED — The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GREENHOUSE — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

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

GROUP CARE FACILITY — A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine but fewer than 15 residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP DAY-CARE HOME — The premises in which care is provided at one time for more than six but fewer than 16 older school-age-level children or more than six but fewer than 13 children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises. **[Amended 10-16-2001 by Ord. No. 44]**

HAZARDOUS WASTE —

- (1) Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above [but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. § 1342) or source, special nuclear, or by-product material as defined by U.S.C. § 2014<sup>3</sup>], which because of its quantity, concentration, or physical, chemical or infectious characteristics may:



- (a) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
  - (b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (2) The term "hazardous waste" shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act."<sup>4</sup> "Hazardous waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law."<sup>5</sup>

**HEALTH SERVICES** — Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen and miscellaneous types of medical supplies and services. **[Added 3-6-2012 by Ord. No. 60]**

**HEIGHT OF BUILDING** — See definition of "building, height of."

**HOME OCCUPATION** — Any use customarily conducted entirely within a dwelling and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling, the exterior appearance of the dwelling is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein. **[Amended by Ord. No. 38-A; 10-16-2001 by Ord. No. 44]**

**HOSPITALS** — An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, including, as if an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

**HOTEL** — A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

**IMPERVIOUS MATERIAL** — Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures or materials.

**INCINERATOR** — An approved device in which combustible material, other than garbage, is burned to ashes.

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4. Editor's Note: See 52 P.S. § 30.51 et seq.

5. Editor's Note: See 35 P.S. § 691.1 et seq.

INDUSTRY — The manufacturing, compounding, processing, assembly or treatment of materials, articles, or merchandise.

INFRASTRUCTURE — Facilities and services needed to sustain industry, residential and commercial activities. These facilities and services may include water and sewer lines, streets and roads, communications, and public facilities (e.g., fire houses, parks, etc.).

JUNKYARD — A lot, land, or structure, or part thereof, used primarily for the collecting and sale of waste paper, rags, scrap metal, or discarded material, or for the collection, dismantling and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.**[Amended 10-16-2001 by Ord. No. 44]**

KENNEL — An establishment in which more than six dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold.

LABORATORY — A place equipped for experimental study in a science or for testing and analysis.**[Added 3-6-2012 by Ord. No. 60]**

LAND DEVELOPMENT — Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Exclusion of certain land development as defined above only when such development involves:
  - (a) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;
  - (b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
  - (c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an

amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

**LANDSCAPE PLANTING** — A planting of vegetative materials including trees, scrubs and ground cover.

**LIGHTING** —

- (1) **DIFFUSED** — That form of lighting wherein the light passes from the source through a translucent cover or shade.
- (2) **DIRECT or FLOOD** — That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- (3) **INDIRECT** — That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

**LOADING BERTH/SPACE** — An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

**LODGING PLACE** — A facility in which rental sleeping accommodations are provided and in which meals may be supplied as part of the fee. **[Added 3-6-2012 by Ord. No. 60]**

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

**LOT, CORNER** — A lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than 135° and the radius of the street line is less than 100 feet.

**LOT, DEPTH OF** — The average horizontal distance between the front and rear lot lines.

**LOT, DOUBLE FRONTAGE** — An interior lot having frontage on two streets.

**LOT, INTERIOR** — A lot other than a corner lot.

**LOT LINES** — The lines bounding a lot as defined herein.

LOT, MINIMUM WIDTH — The minimum lot width at the building setback line.

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

LOT OF RECORD — A lot which has been recorded in the office of the Recorder of Deeds of Perry County, Pennsylvania.

LOT, REVERSE FRONTAGE — A lot extending between, and having frontage on, an arterial street and a minor street, and with vehicular access solely from the latter.

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

MAJOR THOROUGHFARE — A street or highway designated as an existing or planned major thoroughfare.

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

MEDIATION — A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MEDICAL CENTER — Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, outpatient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

MEMBERSHIP ORGANIZATION — An association or corporation established for the purpose of providing services on a nonprofit basis to its shareholders or members who own and control. **[Added 3-6-2012 by Ord. No. 60]**

MINERALS — Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas. **[Added 10-16-2001 by Ord. No. 44]**

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being

separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

**MOBILE HOME PARK** — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MOTEL** — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

**MOTION-PICTURE THEATER** — A place where motion pictures are shown to the public for a fee. **[Added 3-6-2012 by Ord. No. 60]**

**MUNICIPALITY** — Carroll Township or Perry County.

**MUNICIPALITY, LOCAL** — Carroll Township.

**MUSEUM** — An institution devoted to the procurement, care, study, and display of objects of lasting interest or value. **[Added 3-6-2012 by Ord. No. 60]**

**NONCONFORMING STRUCTURE** — A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

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

**NURSING OR CONVALESCENT HOME** — A building with sleeping rooms where persons are housed or lodged and furnished with meals,

nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

**OBSCENE MATERIALS** — Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political or scientific value.

**OBSTRUCTION** — Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same down stream to the damage of life and property.

**OFFICE BUILDING** — A building designed or used primarily for office purposes, no part of which is used for manufacturing.

**OFFICE, PROFESSIONAL** — A room or rooms used for the carrying on of a profession to include, but not be limited to, physicians, dentists, architects, engineers, accountants, attorneys, real estate brokers, insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania or similar type.

**OFFICIAL MAP** — A legally adopted map that conclusively shows the location and width of existing and proposed public streets, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closing of same, for the whole of the municipality.

**OFF-STREET PARKING SPACE** — A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

**OPEN SPACE** — The unoccupied space open to the sky on the same lot with the building.

**PARK** — A tract of land, designated and used by the public for active and passive recreation. **[Added 3-6-2012 by Ord. No. 60]**

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

PARKING SPACE — The space within a building, or on a lot or parking lot, for the parking or storage of one automobile.

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

PERMITTED USE — Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON — Any individual or group of individuals, corporations, partnership, or any similar entity.

PERSONAL SERVICES — Businesses primarily engaged in providing services generally to individuals, such as home laundries, portrait photographic studios, and beauty and barber shops.

PLANNING CODE — The Pennsylvania Municipalities Planning Code, Act 247, dated July 31, 1968, as amended. <sup>6</sup>

PLANNING COMMISSION — The Carroll Township Planning Commission, appointed by the governing body in accordance with the Second Class Township Code of Pennsylvania and the Municipalities Planning Code, Act No. 247.

PLAT — The map or plan of a subdivision or land development, whether preliminary or final.

PORCH — A covered area in excess of four feet by five feet or 20 square feet in area at a front, side or rear door.

PREMISES — Any lot, parcel, or tract of land and any building constructed thereon.

PRESERVATION or PROTECTION — When used in connection with natural and historic resources, shall include means to conserve or safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources. **[Added 10-16-2001 by Ord. No. 44]**

PRIME AGRICULTURAL LAND — Land used for agricultural purposes that contain soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey. **[Added 10-16-2001 by Ord. No. 44]**

PRIVATE — Not publicly owned, operated, or controlled.

PRIVATE ROAD — A legally established right-of-way, other than a public street, which provides the primary vehicular and/or pedestrian access to a lot.

PRIVATE WAREHOUSING — A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or group of establishments in a

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6. Editor's Note: See 53 P.S. § 10101 et seq.

particular industrial or economic field.**[Added 3-6-2012 by Ord. No. 60]**

**PROFESSIONAL OCCUPATION** — The practice of a profession by any professional, including but not limited to attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropodist, engineer, surveyor, architect, landscape architect, planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

**PROFESSIONAL OFFICES** — The office of a member of a recognized profession maintained for the conduct of that profession, such as architect, surveyor, real estate, lawyer.**[Added 3-6-2012 by Ord. No. 60]**

**PROPERTY LINE** — A recorded boundary of a plot. Any property line which abuts a street or other public way shall be measured from the edge of the right-of-way.

**PROPRIETARY STORE** — Establishments primarily engaged in retailing nonprescription drugs and medicines, health remedies and first aid products.**[Added 3-6-2012 by Ord. No. 60]**

**PUBLIC** — Owned, operated or controlled by a government agency (federal, state, or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

**PUBLIC GROUNDS** — Includes the following:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- (3) Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING** — A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

**PUBLIC MEETING** — A forum held pursuant to notice under 65 Pa.C.S.A. § 701 et seq., known as the "Sunshine Act."**[Amended 12-2-2003 by Ord. No. 51]**

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

**PUBLIC SEWER AND WATER SYSTEM** — Any system, other than an individual septic tank, tile field, or individual well, that is operated by a



municipality, governmental agency, or a public utility for the collection, treatment and disposal of wastes and the furnishing of potable water.

**PUBLIC SWIMMING POOL** — Any pool, other than a residential pool, which is used, or intended to be used, for swimming, bathing, or wading, and is operated by an owner, lessees, operator, licensee, or concessionaire, regardless of whether a fee is charged for use.

**PUBLIC UTILITY** — Any business activity regulated by a government agency in which the business is required by law to: **[Added 6-20-2000 by Ord. No. 42]**

- (1) Serve all members of the public upon reasonable request;
- (2) Charge just and reasonable rates subject to review by a regulatory body;
- (3) File tariffs specifying all of its charges; and
- (4) Modify or discontinue its service only with the approval of the regulatory agency.

**PUBLIC UTILITY FACILITY** — A facility used by a public utility to provide public utility service other than an electric power generation facility. **[Amended 6-20-2000 by Ord. No. 42]**

**PUBLIC WAREHOUSING** — A building used primarily for the storage of goods and materials and available to the general public for a fee. Public warehouses may include bulk warehouses that include tank storage, commodity warehouses that include grain elevators, refrigerated warehouses, and general merchandise warehouses. **[Added 3-6-2012 by Ord. No. 60]**

**RECREATIONAL VEHICLE** — A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motor power or is mounted or drawn by another vehicle; having a body width of no more than eight feet and a body length of no more than 35 feet when factory equipped for the road, and licensed as such by the commonwealth, to include, but not be limited to, travel trailers, truck campers, camping trailers, and self-propelled motorhomes.

**RECREATIONAL VEHICLE PARK OR CAMPGROUND** — A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, or recreational vehicle or campground lots rented for such use, thereby constituting a land development.

**RECREATION AREA** — A place designed and equipped for the conduct of sports and leisure-time activities. **[Added 3-6-2012 by Ord. No. 60]**

**RECREATION FACILITY, PRIVATE** — A recreation facility operated by a nonprofit organization, and open only to bona fide members and guests of such nonprofit organization.

RECREATION FACILITY, PUBLIC — A recreation facility operated by governmental agency and open to the general public.

RECYCLING FACILITY — An establishment which provides the means for the collection, separation, recovery, and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed of and processed as municipal waste.

RESIDENTIAL SWIMMING POOL — Any pool, portable or permanent, which is used or intended to be used noncommercially for swimming, bathing or wading. See Article XII, § 138-94R.

RESTAURANT — An establishment where food and drink are prepared, served and consumed primarily within the principal building. **[Added 3-6-2012 by Ord. No. 60]**

RETAIL SALES — Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. **[Added 3-6-2012 by Ord. No. 60]**

RIDING ACADEMY — An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; generally, the right of one to pass over the property of another.

RIGHT-OF-WAY, STREET — A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

ROADSIDE STAND — A structure designed or used for the display or sale of neighborhood agricultural products or other goods produced on the premises upon which such a stand is located.

RUNOFF — The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SALVAGE YARD — Any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling salvage. The term shall not include:

- (1) A scrap metal processing facility;
- (2) Any tract or lot adjacent to a manufacturing or processing business where salvage is stored on an interim basis pending the final disposition of the same in the normal operation of such business;
- (3) Lots maintained by a dealer (as defined by the State Vehicle Code<sup>7</sup>);

- (4) Salvage, all of which is stored or accumulated inside a wholly self-enclosed building or other structure.

SATELLITE DISH — See definition of "antenna, satellite dish."

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

SCHOOL, NURSERY (DAY-CARE CENTERS) — A facility, not in a private residence, enrolling four or more children no more than five years of age and where tuition, fees, or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

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

SEASONAL DWELLING UNIT — A dwelling unit that lacks one or more of the basic amenities required for all-year or all-weather occupancy.**[Added 3-6-2012 by Ord. No. 60]**

SEDIMENTATION — The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

SHOPPING CENTER — A group of three or more stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit.**[Amended 12-2-2003 by Ord. No. 51]**

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

SIGN — Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

SIGN, ADVERTISING — A sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

SIGN, BUSINESS — A sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.

**SIGN, DIRECTLY ILLUMINATED** — Any sign which is illuminated by an artificial light source that is within the sign or attached to the sign face and beaming outward from it. **[Added 3-6-2012 by Ord. No. 60]**

**SIGN, IDENTIFICATION** — A sign or name plate, indicating the name of noncommercial buildings or occupants thereof, or describing the use of such buildings; or when displayed at a residence, indicating a home occupation legally existing thereat.

**SIGN, ILLUMINATED** — Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes. **[Added 3-6-2012 by Ord. No. 60]**

**SIGN, INDIRECTLY ILLUMINATED** — Any sign which does not produce artificial light from within itself but which is opaque and back-lighted or illuminated by spotlights or floodlights not a part of or attached to the sign itself. **[Added 3-6-2012 by Ord. No. 60]**

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

**SIGN, OFF-PREMISES ADVERTISING** — A sign, including billboards, intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

**SIGN, REAL ESTATE** — A sign relating to the property upon which it is located, offering such property for sale or lease, announcing improvements or changes in connection therewith, warnings, or other similar notices concerning such property.

**SIGN, SERVICE** — A sign which is incidental to a use lawfully occupying the property upon which the sign is located which sign is necessary to provide information to the public such as direction to parking lots, location of rest rooms, or other such pertinent facts.

**SIGN, TEMPORARY** — Any sign, banner, cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a period not exceeding chapter requirements.

**SIGN, WALL** — A sign painted on or affixed to and paralleling the outside wall of a building, and extending not more than 12 inches from such wall.

**SITE DEVELOPMENT PLAN** — A scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-way, easements, parking facilities, open space, public facilities and utilities, setbacks, height of buildings and structures, and other such data necessary for municipal officials to determine compliance with this chapter.

**SOCIAL SERVICES** — Establishments providing assistance and aid to those persons requiring counseling for psychological problems, employment, learning disabilities, and physical disabilities. **[Added 3-6-2012 by Ord. No. 60]**

**SOLAR ACCESS** — A property owner's right to have the sunlight shine on his land.

**SOLAR SKYSPACE** — The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

**SOLAR SKYSPACE EASEMENT** — A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

**SPECIAL EXCEPTION** — The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with standards and criteria established by the governing body. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and this chapter.

**STABLE, PRIVATE** — An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition, or sale.

**STABLE, PUBLIC** — A building in which any horse is kept for remuneration, hire, exhibition, or sale.

**STORAGE FACILITY** — A structure intended for lease for the sole purpose of storing household goods, motor vehicles, or recreational equipment.

**STORY** — That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is not floor above it, then the space between such floor and the ceiling next above it.

**STORY, HALF** — A story under a gabled, hipped, or gambreled roof, the wall plates of which on at least two opposite exterior walls are not over three feet above the finished floor of such story.

**STREET** — Includes street, avenue, boulevard, road, highway, freeway, parkway, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**STREET, CUL-DE-SAC** — A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

**STREET GRADE** — The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other

streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

**STREET LINE** — The dividing line between the street and the lot, also known as the "right-of-way line."

**STREET WIDTH** — The distance between street lines measured at right angles to the center line of the street.

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

**STRUCTURE, NONCONFORMING** — A structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reasons of annexation. Such nonconforming structures include but are not limited to nonconforming signs.

**STRUCTURE, TEMPORARY** — A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**SUBDIVISION** — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease partition by the court for distribution to heirs on devise, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings, shall be exempted. (See "land development.") **[Amended 6-20-2000 by Ord. No. 42]**

**SUBSTANTIALLY COMPLETED** — Where, in the judgment of the Municipal Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 509<sup>b</sup>) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**SURFACE DRAINAGE PLAN** — A plan showing all present and proposed grades and facilities for stormwater management.

**SWALE** — A low lying stretch of land characterized as a depression used to carry surface water runoff.

SWIMMING POOL — A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

TOWNSHIP — Carroll Township, Perry County, Pennsylvania.

TRANSFORMER SUBSTATION — An electric substation containing an assemblage of equipment for the purpose other than generation or utilization, through which electrical energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public.

TRASH TRANSFER FACILITY — Transfer facilities may include separation of different types of waste and aggregation of smaller shipments with larger ones. It may also include compaction to reduce the bulk of the waste. They are usually necessary because garbage trucks that pick up from houses are unsuitable for long, over-the-road hauls to distant landfills. These facilities shall operate under strict compliance with local, state and county regulations.**[Added 10-16-2001 by Ord. No. 44]**

TRUCK TERMINAL — An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.**[Added 3-6-2012 by Ord. No. 60]**

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

UNIT — A part of the property, structure, or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to a common element or common elements leading to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property structure or building.**[Amended by Ord. No. 38-A]**

USE — The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, NONCONFORMING — See definition of "nonconforming use."

USE, PRINCIPAL — The primary or predominant use of any lot.

USE, TEMPORARY — A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**VARIANCE** — The permission granted by the Zoning Hearing Board for an adjustment to some regulation which if strictly adhered to would result in an unnecessary physical hardship, where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the chapter.

**VEGETATIVE COVER** — Shall consist of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute.

**WATERCOURSE** — A stream of water, river, brook, creek or a channel or ditch for water whether natural or man-made.

**WHOLESALE TRADE** — Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. **[Added 3-6-2012 by Ord. No. 60]**

**WIND ENERGY CONVERSION SYSTEM (WECS)** — A device which converts wind energy to mechanical or electrical energy.

**WIND ROTOR** — The blades, plus hub to which the blades are attached, that are used to capture wind for purpose of energy conversion. The wind rotor is used generally on a pole or tower and along with other generating and electrical storage equipment forms a wind energy conversion system.

**YARD** — An unoccupied space, outside the building setback lines, other than a court, open to the sky, on the same lot with a building or structure.

**YARD, BUFFER** — A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this chapter, and on which is placed (planted) year-round shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall, as provided for in this chapter.

**YARD, EXTERIOR** — An open, unoccupied space between the buildings of a dwelling group or its accessory building and the project boundary or street line.

**YARD, FRONT** — An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the building front setback line projected to the side lines of the lot. The depth of the front yard shall be measured between the front building setback line and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

**YARD, INTERIOR** — An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side, or rear yard.



**YARD, REAR** — An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear building setback line projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear building setback line. A building shall not extend into the required rear yard.

**YARD, SIDE** — An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

**ZONING** — The demarcation of the municipality into zones or areas, and the application of this chapter to establish regulations to govern the use of the land including the control of location, bulk, height, shape, use and coverage of structures within each zone in accordance with the purposes as given in Section 604 of the Planning Code.<sup>9</sup>

**ZONING HEARING BOARD** — A group of three Township residents appointed by the governing body as required by the Pennsylvania Municipalities Planning Code, Act No. 247.

**ZONING MAP** — The map setting forth the boundaries of the zoning districts of the Township which shall be part of this chapter.

**ZONING OFFICER** — The duly constituted municipal official designated to administer and enforce this chapter. The Zoning Officer shall administer this chapter in accordance with its literal terms.

**ZONING PERMIT** — A statement signed by the Zoning Officer indicating an application for permission to construct, alter, erect a building, structure or to use land is approved and in accordance with the provisions of this chapter.

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9. Editor's Note: See 53 P.S. § 10604.



ARTICLE III  
**Zoning Districts and Map**

**§ 138-8. Designation of districts.**

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

- CF    Conservation/Forest District
- R-A   Residential-Agricultural District
- R-1   Residential District
- R-2   Residential District
- V     Village District
- C     Commercial District
- I     Industrial District

**§ 138-9. Zoning Map; overlays.**

- A. The boundaries of the CF, R-A, R-1, R-2, V, C, and I Districts shall be as shown upon the map attached to and made a part of this chapter,<sup>10</sup> which shall be designated "Zoning Map." The said map and all the notations, reference and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described herein.
- B. The boundaries of the FP Districts shall serve as overlays to the underlying districts as shown on the Official Zoning Map, and as specifically described on the Flood Insurance Rate Map prepared for the Township by the Federal Emergency Management Agency (FEMA) dated September 4, 1987. That map and all notations, reference and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described herein.

**§ 138-10. Boundaries between CF, R-A, R-1, R-2, V, C and I Districts.**

- A. The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, or such lines extended, or lines parallel thereto.
- B. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.
- C. Where district boundaries are not clearly fixed by the above methods they shall be determined by the use of the scale of the Zoning Map.

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**10. Editor's Note: The Zoning Map is on file in the Township offices.**

**§ 138-11. Interpretation of boundaries.**

When a CF, R-A, R-1, R-2, V, C, and I District boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than 100 feet beyond the district boundary line.

ARTICLE IV  
**CF Conservation/Forest District**

**§ 138-12. Intended purpose.**

These district regulations are designed to protect areas in the Township for the preservation and conservation of the natural environment and permit and encourage the retention of forested and open land; floodplain areas of streams, creeks and drainageways; and nonintensive land uses located to constitute a harmonious and appropriate part of the physical development of the Township.

**§ 138-13. Permitted uses.**

Permitted uses are as follows:

- A. Public conservation areas and structures for the conservation of open land, water, soil, wildlife resources, and historical preservation.
- B. Single-family detached dwelling units, including seasonal cottages, and hunting and fishing cabins.
- C. Churches or similar places of worship and cemeteries.
- D. Public or private preschool, primary, and secondary educational facilities, and related school uses.
- E. Municipal buildings and facilities, including water pumping stations, reservoirs and similar structures.
- F. Public park and recreation facility. **[Amended 3-6-2012 by Ord. No. 60]**
- G. Semipublic and private recreational areas.
- H. Agriculture, forestry, gardening, and nurseries. **[Amended 3-6-2012 by Ord. No. 60]**
- I. Production of forest products; forest industries.
- J. Radio and television towers.
- K. Electric and telephone public utility transmission and distribution facilities, including substations as provided for in § 138-94T. **[Amended 6-20-2000 by Ord. No. 42]**
- L. Customary accessory uses and building incidental to any permitted uses in accordance with Article XII. **[Amended by Ord. No. 38-A]**
- M. Farm animals in accordance with Article XII, § 138-94I. **[Amended by Ord. No. 38-A; 10-16-2001 by Ord. No. 44]**
- N. Home occupations in accordance with Article XII of this chapter. **[Amended by Ord. No. 38-A; 12-2-2003 by Ord. No. 51]**

**§ 138-14. Building height.**

The height of a principal building shall be not greater than 30 feet. No accessory building shall exceed 24 feet in height.

**§ 138-15. Lot size and density.**

The minimum lot size shall be five acres. Density of residential units shall be five acres per unit.

**§ 138-16. Lot width. [Amended 10-16-2001 by Ord. No. 44]**

The lot width at the required front building line shall be not less than 275 feet on an interior lot and the same on each side facing a street on a corner lot. The minimum lot width for lots located on a cul-de-sac turnaround shall be no less than 275 feet measured at the right-of-way line.

**§ 138-17. Yard requirements.**

Each lot shall have front, side and rear yards of not less than the depth and width indicated below:

- A. Front yard depth: 50 feet.
- B. Side yards (two), width: 20 feet each, on interior lot. On a corner lot, the side yard abutting the street shall be not less than 30 feet in width.
- C. Rear yard depth: 50 feet.

**§ 138-18. Buffer yard.**

All nonresidential uses shall provide an additional one-hundred-eighty-foot buffer area to all side and rear yards abutting a residential use and/or residential district. Continuation of the nonresidential use shall be in accordance with Article XII of this chapter.

**§ 138-19. Coverage.**

The coverage shall be no more than 20%.

**§ 138-20. Minimum off-street parking requirements.**

Off-street parking shall be provided in accordance with the provisions of Article XIV of this chapter.

**§ 138-21. Sign requirements.**

Signs shall be provided in accordance with the provisions of Article XI of this chapter.

**§ 138-22. Environmental assessment. [Amended by Ord. No. 38-A; 6-20-2000 by Ord. No. 42]**

- A. Limited environmental assessment (LEA). An LEA shall be required for all subdivision of land not classified as a minor subdivision as set forth in § 120-14 of Chapter 120, Subdivision and Land Development, and all residential land development plans proposing between three and 19 units.
- B. Environmental assessment (EA). An EA shall be required for all subdivision of land into 20 or more residential lots and/or units other than as provided for under Subsection A above, and all subdivision and land development plans for nonresidential uses regardless of their size and number of lots.
- C. The appropriate environmental study shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the environmental study is to monitor the impact of development on the existing natural and socioeconomic environment of Carroll Township and shall be in accordance with Article XII, § 138-109.

**§ 138-23. Special exceptions. [Added 10-16-2001 by Ord. No. 44]**

The following uses may be permitted by the Zoning Hearing Board by special exception in accordance with Article XVII:

- A. Commercial mobile radio service.





## ARTICLE V

**R-A Residential-Agricultural District****§ 138-24. Intended purpose.**

The R-A Residential-Agricultural Districts are composed of agricultural areas and low-density residential areas in the Township with limited or no public service systems. The regulations for these districts are designed to protect and stabilize these essential characteristics and promote and encourage a safe and healthful environment for family life. To these ends, development is restricted to agricultural and related land uses and low-density residential uses.

**§ 138-25. Permitted uses.**

Permitted uses are as follows:

- A. Single-family detached dwelling units.
- B. Churches or similar places of worship and cemeteries.
- C. Public or private preschool, primary, and secondary educational facilities and related school uses.
- D. Public park and recreation areas.
- E. Municipal and public buildings.
- F. Country clubs and golf courses as per Article XII.
- G. Raising of crops, fruits and vegetables and tilling of the soil.
- H. Storage and packing of fruits and vegetables raised on the premises.
- I. Commercial roadside stand for the sale of garden products. **[Amended 3-6-2012 by Ord. No. 60]**
- J. Keeping and raising of fowl or poultry, rabbits, fish, and frogs hatched or raised on the premises in accordance with Article XII, § 138-94I. **[Amended by Ord. No. 38-A]**
- K. Raising and grazing of horses, cattle, sheep and goats, including the supplementary feeding of such animals, provided the raising or grazing is not a part of, nor conducted in conjunction with, a livestock slaughterhouse or animal by-products business, in accordance with Article XII, § 138-94I. **[Amended 10-16-2001 by Ord. No. 44]**
- L. Keeping and raising of hogs in accordance with Article XII, § 138-94I, provided there shall be no feeding of any market or house refuse, garbage, or offal, other than that produced on the premises, and no slaughterhouse or animal by-products business. **[Amended by Ord. No. 38-A]**

- M. Processing, storage, and sale of milk and milk products produced on the premises.
- N. Retail nurseries and garden stores and florists.
- O. Dog kennels, public and private stables, and riding academies.
- P. Veterinary services and animal hospitals.
- Q. Air transportation (airport and heliports).<sup>11</sup>
- R. Home occupations in accordance with Article XII of this chapter.  
**[Amended 12-2-2003 by Ord. No. 51]**
- S. Customary accessory uses and building incidental to any permitted uses in accordance with Article XII.

**§ 138-26. Building height.**

The height of a principal building shall be not greater than 30 feet. No accessory building shall exceed 24 feet in height except that buildings devoted for farm use shall be exempt from height restrictions. The height requirement is measured from the highest point of the adjacent existing ground.

**§ 138-27. Lot size and density.**

The minimum lot size shall be 1 1/2 acres. Density of residential units shall be 1 1/2 acres per unit.

**§ 138-28. Lot width. [Amended 10-16-2001 by Ord. No. 44]**

The lot width at the required front building line shall be not less than 150 feet on an interior lot and the same on each side facing a street on a corner lot. The minimum lot width for lots located on a cul-de-sac turnaround shall be no less than 150 feet measured at the right-of-way line.

**§ 138-29. Minimum lot depth.**

The minimum lot depth shall be 150 feet.

**§ 138-30. Yard requirements.**

Each lot shall have front, side and rear yards of not less than the depth and width indicated below:

- A. Front yard depth: 30 feet.

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11. Editor's Note: Original Subsections R through W, permitting hardware, grocery, drug-, gift and antique stores, general automotive repair and health services, which immediately followed this subsection, were repealed 10-16-2001 by Ord. No. 44.

- B. Side yards for uses in § 138-25A through M: width, 20 feet each, on interior lot. On a corner lot, the side yard abutting the street shall be not less than 30 feet in width.
- C. Rear yard depth: 35 feet.<sup>12</sup>

**§ 138-31. Buffer yard. [Amended 3-6-2012 by Ord. No. 60]**

All nonresidential uses, excluding agricultural uses, shall provide an additional one-hundred-eighty-foot buffer area to all side and rear yards abutting a residential use and/or residential district. Continuation of the nonresidential uses into the buffer yard shall be in accord with Article XII of this chapter.<sup>13</sup>

**§ 138-32. Building coverage.**

Building coverage shall be no more than 20%.

**§ 138-33. Minimum off-street parking requirements.**

Off-street parking shall be provided in accordance with the provisions of Article XIV of this chapter.

**§ 138-34. Sign requirements.**

Signs shall be provided in accordance with the provisions of Article XI of this chapter.

**§ 138-35. Environmental assessment. [Amended by Ord. No. 38-A; 6-20-2000 by Ord. No. 42]**

- A. Limited environmental assessment (LEA). An LEA shall be required for all subdivision of land not classified as a minor subdivision as set forth in § 120-14 of Chapter 120, Subdivision and Land Development, and all residential land development plans proposing between three and 19 units.
- B. Environmental assessment (EA). An EA shall be required for all subdivision of land into 20 or more residential lots and/or units other than as provided for under Subsection A above, and all subdivision and land development plans for nonresidential uses regardless of their size and number of lots.
- C. The appropriate environmental study shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the environmental study is to monitor the impact of development on the

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12. Editor's Note: Original Subsection D, regarding side and rear yard depth for certain uses, which immediately followed this subsection, was repealed 10-16-2001 by Ord. No. 44.

13. Editor's Note: Original Section 509, Maximum floor area, as amended by Ord. No. 38-A, which immediately followed this section, was repealed 10-16-2001 by Ord. No. 44.

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existing natural and socioeconomic environment of Carroll Township and shall be in accordance with Article XII, § 138-109.

ARTICLE VI  
**R-1 Residential District**

**§ 138-36. Intended purpose.**

The R-1 Residential Districts are designed to accommodate and protect the amenities of certain areas in the Township where the development pattern has already been established with single-family residential dwellings of a low-density character and to stabilize these areas as a development feature of the Township.

**§ 138-37. Permitted uses.**

Permitted uses are as follows:

- A. Single-family detached dwelling units.
- B. Churches and similar places of worship.
- C. Public or private preschool, primary, and secondary educational facilities and related school uses.
- D. Public park and recreation areas.
- E. Municipal and public buildings.
- F. Hospitals.
- G. Public utility facilities, provided that they do not include material storage, storage for trucks, repair facilities, or housing quarters for repair crews as provided for in § 138-94T. **[Amended 6-20-2000 by Ord. No. 42; 3-6-2012 by Ord. No. 60]**
- H. Customary accessory uses and buildings incidental to any permitted use in accordance with Article XII of this chapter.
- I. Home occupations in accordance with Article XII of this chapter.
- J. Farm animals in accordance with Article XII, § 138-94I. **[Amended by Ord. No. 38-A; 10-16-2001 by Ord. No. 44]**

**§ 138-38. Building height.**

The height of a principal building shall be not greater than 30 feet. No accessory building shall exceed 24 feet in height except that buildings devoted for farm use shall be exempt from height restrictions. The height requirement is measured from the highest point of the adjacent existing ground.

**§ 138-39. Lot area.**

The minimum lot area per dwelling unit shall be not less than 1.5 acres unless the lots are served by public sewer, in which case the minimum lot size shall not be less than 15,000 square feet.

**§ 138-40. Lot width.**

The lot width at the required front building line shall be not less than 150 feet on an interior lot and the same on each side facing a street on a corner lot, with the following provisions:

- A. Lots served by public sewer shall have a required front building line lot width of 100 feet.
- B. The lot width at any point shall be not less than the following percentages of the width at the front building line:

**Width at Front****Building Line**

<b>(feet)</b>	<b>Percentage of Width</b>
100 - 200	75%
200 - 350	50%
351 - 500	30%
500 plus	25%

- C. The minimum lot width for lots located on a cul-de-sac turnaround shall be no less than 150 feet measured at the right-of-way line. **[Added 10-16-2001 by Ord. No. 44]**

**§ 138-41. Yard requirements.**

Each lot shall have front, side and rear yards of not less than the depth and width indicated below:

- A. Front yard depth: 30 feet.
- B. Side yards (two), width: 15 feet each, on interior lot. On a corner lot, the side yard abutting the street shall be not less than 30 feet in width.
- C. Rear yard depth: 30 feet.

**§ 138-42. Building coverage.**

Building coverage shall be no more than 30%.

**§ 138-43. Buffer yard. [Added 10-16-2001 by Ord. No. 44]**

All nonresidential uses shall provide an additional one-hundred-eighty-foot buffer area to all side and rear yards abutting a residential use and/or

residential district. Continuation of the nonresidential uses into the buffer yard shall be in accordance with Article XII of this chapter.

**§ 138-44. Minimum off-street parking requirements.**

Off-street parking shall be provided in accordance with the provisions of Article XIV of this chapter.

**§ 138-45. Sign requirements.**

Signs shall be provided in accordance with the provisions of Article XI of this chapter.

**§ 138-46. Environmental assessment. [Amended by Ord. No. 38-A; 6-20-2000 by Ord. No. 42]**

- A. Limited environmental assessment (LEA). An LEA shall be required for all subdivision of land not classified as a minor subdivision as set forth in § 120-14 of Chapter 120, Subdivision and Land Development, and all residential land development plans proposing between three and 19 units.
- B. Environmental assessment (EA). An EA shall be required for all subdivision of land into 20 or more residential lots and/or units other than as provided for under Subsection A above, and all subdivision and land development plans for nonresidential uses regardless of their size and number of lots.
- C. The appropriate environmental study shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the environmental study is to monitor the impact of development on the existing natural and socioeconomic environment of Carroll Township and shall be in accordance with Article XII, § 138-109.





ARTICLE VII  
**R-2 Residential District**

**§ 138-47. Intended purpose.**

The R-2 Residential Districts are designed to accommodate high-density development in areas of the Township where supportive infrastructure (transportation, public water, and public sewer facilities) exists or will exist at the time of development. The R-2 District will further the range of housing types available in the Township.

**§ 138-48. Permitted uses. [Amended by Ord. No. 38-A; 6-20-2000 by Ord. No. 42]**

Permitted uses are as follows:

- A. Single-family detached dwelling units.
- B. Single-family semidetached dwelling units.
- C. Single-family attached dwelling units.
- D. Two-family detached dwelling units.
- E. Multifamily dwellings in accordance with Article XII of this chapter.  
**[Amended 3-6-2012 by Ord. No. 60]**
- F. Churches, and similar places of worship.
- G. Public or private preschool, primary and secondary educational facilities and related school uses.
- H. Public park and recreation areas.
- I. Municipal and public buildings.
- J. Hospitals and health services.<sup>14</sup>
- K. Health services.
- L. Public utility facilities, provided that they do not include material storage, truck storage, repair facilities, or housing quarters for repair crews as provided for in § 138-94T. **[Amended 3-6-2012 by Ord. No. 60]**
- M. Customary accessory uses, and buildings incidental to any permitted use in accordance with Article XII of this chapter.
- N. Mobile home parks in accordance with Article XII of this chapter.

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**14. Editor's Note: Original Subsections K through O, permitting hardware, grocery, drug-, gift and antique stores and general automotive repair, which immediately followed this subsection, were deleted 10-16-2001 by Ord. No. 44.**

- O. Farm animals in accordance with Article XII, § 138-94I. **[Amended 10-16-2001 by Ord. No. 44]**
- P. Home occupations in accordance with Article XII of this chapter.

**§ 138-49. Building height.**

The height of a principal building shall be not greater than 30 feet. No accessory building shall exceed one story or 24 feet in height, except that buildings devoted for farm use shall be exempt from height restrictions. This height requirement is measured from the highest point of the adjacent existing ground.

**§ 138-50. (Reserved)<sup>15</sup>**

**§ 138-51. Lot area, width, yard setback and coverage.**

The lot area, lot width, yard setback, and coverage requirements shall be not less than the dimensions shown on the following tables:

- A. Table 138-51A<sup>16</sup> assumes public sewer are not available at the time of development.
- B. All mobile home parks and multiple-family residential uses shall comply with the regulations as set forth on Table 138-51B.<sup>17</sup>
- C. Buildings or structures not intended for occupancy or residency within a land development shall be separated from one another by a distance not less than 25 feet. All other buildings shall be 40 feet. **[Amended 2-3-1998 by Ord. No. 38-C]**

**§ 138-52. Minimum off-street parking requirements.**

Off-street parking shall be provided in accordance with the provisions of Article XIV of this chapter.

**§ 138-53. Sign requirements.**

Signs shall be provided in accordance with the provisions of Article XI of this chapter.

**§ 138-54. Environmental study. [Amended by Ord. No. 38-A; 6-20-2000 by Ord. No. 42]**

- A. Limited environmental assessment (LEA) (permitted uses in § 138-48A, B, C, D and E). An LEA shall be required for all subdivision of land not classified as a minor subdivision as set forth in § 120-14 of Chapter

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15. Editor's Note: Former § 138-50, Maximum floor area, added 6-20-1995 by Ord. No. 38-B, was repealed 5-3-2016 by Ord. No. 72.

16. Editor's Note: Table 138-51A is included at the end of this chapter.

17. Editor's Note: Table 138-51B is included at the end of this chapter.

120, Subdivision and Land Development, and all residential land development plans proposing between 3 and 19 units.

- B. Environmental assessment (EA). An EA shall be required for all subdivision of land into 20 or more residential lots and/or units other than as provided for under Subsection A above, and all subdivision and land development plans for nonresidential uses regardless of their size and number of lots.
- C. The appropriate environmental study shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the environmental study is to monitor the impact of development on the existing natural and socioeconomic environment of Carroll Township and shall be in accordance with Article XII, § 138-109.



ARTICLE VIII  
**V Village District**

**§ 138-55. Intended purpose.**

The purpose of this district is to provide a mixture of uses to maintain the village atmosphere in the Shermans Dale area of Carroll Township; to preserve the residential uses; and to limit commercial, industrial, and office uses to those which are compatible with the village atmosphere of the district.

**§ 138-56. Permitted uses.**

Permitted uses are as follows:

A. Residential uses.

- (1) Single-family detached dwelling units.
- (2) Single-family semidetached dwelling units.
- (3) Single-family attached dwelling units.
- (4) Two-family detached dwelling units.
- (5) Multifamily dwellings.
- (6) Home occupations in accordance with Article XII of this chapter.  
**[Amended 5-3-2016 by Ord. No. 72]**

B. Public/semipublic uses.

- (1) Churches and similar places of worship.
- (2) Public or private preschool, primary, and secondary educational facilities and related school uses.
- (3) Public parks and recreation areas.
- (4) Municipal and public buildings.

C. Conditional uses.

- (1) The following uses shall be allowed as conditional uses by the Board of Supervisors subject to meeting the following standards and criteria and to the review by the Carroll Township Planning Commission:
  - (a) All commercial uses shall abut a minor arterial street (PA Route 34, Old State Road, or PA Route 850). **[Amended 6-20-1995 by Ord. No. 38-B]**
  - (b) Conditional uses shall not equal more than 50% of the property being considered. In the event the property is subdivided, the

50% shall be based on the entire property prior to subdivision that originally established the 50%.

(2) Commercial uses shall be limited to the following:

- (a) Garden supplies.
  - (b) General merchandise stores.
  - (c) Food stores.
  - (d) Automobile service stations when erected and conducted as follows: **[Amended by Ord. No. 38-A; 3-6-2012 by Ord. No. 60]**
    - [1] No repair work is performed out-of-doors.
    - [2] Pumps, lubricating, and other devices are located at least 25 feet from any street line or highway right-of-way.
    - [3] All fuel, oil, or similar substances are stored at least 25 feet from any street or lot line.
  - (e) Apparel and accessory stores.
  - (f) Furniture and home furnishing stores.
  - (g) Restaurants.
  - (h) Drugstores and proprietary stores.
  - (i) Retail sales. **[Amended 3-6-2012 by Ord. No. 60]**
  - (j) Private amusement and recreation areas.<sup>18</sup> **[Amended 3-6-2012 by Ord. No. 60]**
- (3) Professional/business offices and services. **[Amended 3-6-2012 by Ord. No. 60]**
- (a) Business services.
  - (b) Educational services.
  - (c) Finance, insurance and real estate.
  - (d) Health services.
  - (e) Miscellaneous repair services.
  - (f) Museum and art galleries.
  - (g) Personal services.
  - (h) Private amusement and recreation areas.

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**18. Editor's Note: Former Subsection C(2)(k), listing private amusement and recreation services, was repealed 3-6-2012 by Ord. No. 60. See now Subsection C(2)(j).**

(i) Professional offices.

- D. Customary accessory uses and buildings incidental to any permitted use in accordance with Article XII. **[Amended by Ord. No. 38-A]**
- E. Farm animals in accordance with Article XII, § 138-94I. **[Amended by Ord. No. 38-A; 10-16-2001 by Ord. No. 44]**

**§ 138-57. Building height and floor area. [Amended 5-3-2016 by Ord. No. 72]**

- A. The height of principal building shall not be greater than 30 feet. No accessory building shall exceed one story or 24 feet in height, except that the buildings devoted for farm use shall be exempt from height restrictions. This height requirement is measured from the highest point of the adjacent existing ground.
- B. The floor area of any structure housing a commercial use shall not exceed 3,500 square feet.

**§ 138-58. Yard requirements.**

Each lot shall have front, side and rear yards of not less than the depth and width indicated below:

- A. Front yard depth: 20 feet.
- B. Side yards (two), width: 10 feet each.
- C. Rear yard depth: 20 feet.

**§ 138-59. Area, width and coverage regulations. [Amended 6-20-2000 by Ord. No. 42; 10-16-2001 by Ord. No. 44]**

The lot area per dwelling unit and lot width at the required front building line, with the exception of lots located on a cul-de-sac turnaround, shall be not less than, and the coverage shall be no greater than, indicated on Tables 138-51A and 138-51B.<sup>19</sup>

**§ 138-60. Off-street parking requirements.**

Off-street parking shall be provided in accordance with the provisions of Article XIV of this chapter.

**§ 138-61. Sign requirements.**

Signs shall be provided in accordance with the provisions of Article XI of this chapter.

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19. Editor's Note: Tables 138-51A and B are included at the end of this chapter.

**§ 138-62. Environmental study. [Amended by Ord. No. 38-A;  
6-20-2000 by Ord. No. 42]**

- A. Limited environmental assessment (LEA) [permitted uses in § 138-56A(1), (2), (3), (4) and (5)]. An LEA shall be required for all subdivision of land not classified as a minor subdivision as set forth in § 120-14 of Chapter 120, Subdivision and Land Development, and all residential land development plans proposing between three and 19 units.
- B. Environmental assessment (EA). An EA shall be required for all subdivision of land into 20 or more residential lots and/or units other than as provided for under Subsection A above, and all subdivision and land development plans for nonresidential uses regardless of their size and number of lots.
- C. The appropriate environmental study shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the environmental study is to monitor the impact of development on the existing natural and socioeconomic environment of Carroll Township and shall be in accordance with Article XII, § 138-109.



ARTICLE IX  
**C Commercial District**

**§ 138-63. Intended purpose.**

These districts are designed to provide adequate and accessible commercial services to the Township.

**§ 138-64. Permitted uses. [Amended by Ord. No. 38-A; 10-16-2001 by Ord. No. 44; 3-2-2004 by Ord. No. 54; 3-6-2012 by Ord. No. 60]**

A. Permitted uses are as follows:

- (1) Building materials and garden supplies store.
- (2) General merchandise stores.
- (3) Food stores.
- (4) Automotive dealers and automotive service stations.
- (5) Apparel and accessory stores.
- (6) Furniture and home furnishings retail stores.
- (7) Restaurants.
- (8) Drugstores and proprietary stores.
- (9) Used merchandise stores.
- (10) Miscellaneous shopping goods.
- (11) Retail stores.
- (12) Finance, insurance and real estate.
- (13) Hotels, motels, and other lodging places.
- (14) Personal services.
- (15) Business services.
- (16) Automotive rentals, without drivers.
- (17) Automotive body shops.
- (18) Automotive services.
- (19) Miscellaneous repair services.
- (20) Motion-picture production and services.
- (21) Motion-picture distribution and services.
- (22) Motion-picture theaters, excluding drive-ins.

- (23) Health services.
- (24) Legal services.
- (25) Educational services.
- (26) Social services.
- (27) Museums and art galleries.
- (28) Membership organizations.
- (29) Miscellaneous services.
- (30) Wholesale and retail business or storage in connection with and/or compatible to permitted uses.
- (31) Residence facilities only incidental to and accessory to any permitted use for occupancy by caretakers, watchmen, guards or firefighters only.
- (32) Customary accessory uses and buildings incidental to any permitted use in accordance with Article XII.
- (33) Single-family detached dwelling units.
- (34) Private amusement and recreation services.
- (35) Multiple-family dwellings in accordance with Tables 138-51A and B and Article XII.
- (36) Farm animals in accordance with Article XII, § 138-94I.
- (37) Mobile home sales.
- (38) Churches and similar places of worship.

**§ 138-65. Building height.**

The height of a principal building shall be not greater than 30 feet; and no accessory building shall exceed one story or 24 feet in height.

**§ 138-66. Lot size.**

The size of the lot for all users shall be not less than 1.5 acres. Lots served by public sewer shall have a minimum lot size of 15,000 feet.

**§ 138-67. Lot width.**

The lot width at the front building line shall be not less than 125 feet on an interior lot and the same on each side facing a street on a corner lot. Lots served by public sewer shall have a minimum lot width of 75 feet.

**§ 138-68. Yard requirements.**

Each lot shall have front, side and rear yards of not less than the depth and width indicated below:

- A. Front yard depth: 35 feet.
- B. Side yards (two), width: 20 feet each, on interior lot. On a corner lot, the side yard abutting the street shall be not less than 35 feet in width. No side yard shall be required where adjoining property owners shall mutually agree in writing. However, in no case shall party walls be permitted between properties or lots of separate ownership. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet.
- C. Rear yard depth: 35 feet.

**§ 138-69. Building coverage.**

Building coverage shall be no more than 50%.

**§ 138-70. Minimum off-street parking requirements.**

Off-street parking shall be provided in accordance with the provisions of Article XIV of this chapter.

**§ 138-71. Sign requirements.**

Signs shall be provided in accordance with the provisions of Article XI of this chapter.

**§ 138-72. Environmental study. [Amended by Ord. No. 38-A; 6-20-2000 by Ord. No. 42]**

- A. Limited environmental assessment (LEA) (single-family detached dwelling unit, and multiple-family dwellings in accordance with Tables 138-51A and B and Article XII). An LEA shall be required for all subdivision of land not classified as a minor subdivision as set forth in § 120-14 of Chapter 120, Subdivision and Land Development, and all residential land development plans proposing between three and 19 units.
- B. Environmental assessment (EA). An EA shall be required for all subdivision of land into 20 or more residential lots and/or units other than as provided for under Subsection A above, and all subdivision and land development plans for nonresidential uses regardless their size and number of lots.
- C. The appropriate environmental study shall be submitted to the Township Engineer and Planning Commission for review and

recommendation to the Board of Supervisors. The intent of the environmental study is to monitor the impact of development on the existing natural and socioeconomic environment of Carroll Township and shall be in accordance with Article XII, § 138-109.

ARTICLE X  
**I Industrial District**

**§ 138-73. Intended purpose.**

The purpose of these district regulations are to provide for a broad range of industrial uses to supplement existing activities and to provide new employment opportunities, while preserving the integrity of the adjacent land uses.

**§ 138-74. Permitted uses. [Amended by Ord. No. 38-A; 6-20-2000 by Ord. No. 42]**

Permitted uses are as follows:

- A. Agriculture and forestry. **[Amended 3-6-2012 by Ord. No. 60]**
- B. Agricultural operations, nurseries, greenhouses, kennels, boarding stables, animal hospitals.
- C. A single-family dwelling only when accessory and incidental to one or more of the permitted uses.
- D. Municipal buildings and uses.
- E. Farm animals in accordance with Article XII, § 138-94I. **[Amended 10-16-2001 by Ord. No. 44]**
- F. Recycling facility.
- G. Salvage yards, auto-body shops, tire retreading or recapping, welding shops and similar activities. **[Amended 3-6-2012 by Ord. No. 60]**
- H. Bottling works.
- I. Bookbinding.
- J. Machine shops.
- K. Metal fabrication and forging.
- L. Manufacture of metal dies and taps.
- M. Distribution centers. **[Amended 3-6-2012 by Ord. No. 60]**
- N. Wholesale trades, public warehousing and private warehousing. **[Amended 3-6-2012 by Ord. No. 60]**
- O. Carpenter, cabinet making, furniture repair and upholstery, electrician, tinsmith, plumbing, and metal working shops.
- P. The manufacturing, compounding, processing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, pharmaceutical, and food products, except vinegar, yeast, and the rendering of refining of fat and oils.

- Q. The manufacturing of pottery and figurines or other similar ceramic products, using only clay and kilns fired only by electricity or gas.
- R. Printing and newspaper publishing.
- S. Freight and trucking terminals.
- T. Laboratories.
- U. Public utility facilities and communications buildings and structures as provided for in § 138-94. **[Amended 3-6-2012 by Ord. No. 60]**
- V. Storage facilities. **[Amended 3-6-2012 by Ord. No. 60]**
- W. Customary accessory uses and buildings incidental to any permitted use in accordance with Article XII.

**§ 138-75. Special exceptions. [Added 6-20-2000 by Ord. No. 42]**

The following uses may be permitted by the Zoning Hearing Board by special exception in accordance with Article XVII:

- A. Electric power generation facilities in accordance with § 138-94U.
- B. Commercial mobile radio service. **[Added 10-16-2001 by Ord. No. 44]**

**§ 138-76. Building height.**

The height of a principal building shall not be greater than 30 feet and no accessory building shall exceed one story or 24 feet in height.

**§ 138-77. Lot area.**

- A. The lot area for all nonresidential uses shall be not less than two acres. **[Amended 10-16-2001 by Ord. No. 44]**
- B. The minimum lot area for an accessory single-family dwelling using on-lot septic and/or well shall be not less than 1.5 acres.
- C. The minimum lot area for an accessory single-family dwelling with public sewer shall be not less than 15,000 square feet.

**§ 138-78. Lot width.**

- A. The minimum lot width for all nonresidential uses at the front building line shall be 125 feet on an interior lot and the same on each side facing a street on a corner lot.
- B. The minimum lot width for an accessory single-family dwelling use having on-lot septic and/or well shall be not less than 125 feet.
- C. The minimum lot width for an accessory single-family dwelling use having public sewer shall be not less than 75 feet.

**§ 138-79. Yard requirements.**

Each lot shall have front, side and rear yards of not less than the depth and width indicated below:

- A. Front yard depth: 50 feet.
- B. Side yard width: 20 feet each side of a principal building, provided that when adjoining property owners shall mutually agree in writing, no side yard shall be required where two or more uses abut side to side. However, in no case shall party walls be permitted between properties or lots of separate ownership. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet.
- C. Rear yard depth: 50 feet.

**§ 138-80. Buffer yards.**

A buffer yard shall be provided between residential and nonresidential uses in accordance with Article XII of this chapter.

**§ 138-81. Building coverage.**

- A. Building coverage shall be no more than 50%.
- B. At least 15% of the total lot area shall be maintained with vegetative material.

**§ 138-82. Minimum off-street parking requirements.**

Off-street parking shall be provided in accordance with the provisions of Article XIV of this chapter.

**§ 138-83. Sign requirements.**

Signs shall be provided in accordance with the provisions of Article XI of the chapter.

**§ 138-84. Environmental study. [Amended 6-20-2000 by Ord. No. 42]**

- A. An environmental assessment (EA) shall be required for all subdivision and land development plans for uses permitted under § 138-74A through E and customary accessory uses and buildings incidental to said uses.
- B. An environmental impact statement (EIS) shall be required for all subdivision and land development plans for uses permitted under

§§ 138-74F through V and 138-75A, and customary accessory uses and buildings incidental to said uses.

- C. The appropriate environmental study shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the environmental study is to monitor the impact of development on the existing natural and socioeconomic environment of Carroll Township and shall be in accordance with Article XII, § 138-109.



ARTICLE XI  
**Signs**

**§ 138-85. Intended purpose.**

Signs may be erected and maintained only when in compliance with the provisions of this article and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

**§ 138-86. Signs in Conservation/Forest, Residential Agricultural and Residential Districts.**

- A. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided:
- (1) The area of one side of the sign shall not exceed six square feet.
  - (2) Not more than one sign is placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event one such sign may be erected on each frontage.
  - (3) Signs shall be removed within seven days of final sale or rental.
- B. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other person interested in such sale or development, may be erected and maintained, provided:
- (1) The area of one side of the sign shall not exceed 32 square feet.  
**[Amended 3-6-2012 by Ord. No. 60]**
  - (2) Not more than one sign is placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event one such sign may be erected on each frontage.
- C. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:
- (1) The area of one side of the sign shall not exceed six square feet, and shall not exceed four feet in length.
  - (2) Not more than one such sign is erected on each 500 feet of street frontage, with a maximum of five such signs.

- D. Signs bearing the word "sold" or the word "rented," with the name of the person effecting the sale or rental, provided the conditions in § 138-86A hereof are complied with.
- E. Signs of mechanics, painters, and other artisans during the period such persons are performing work on the premises on which such signs are erected, provided:
  - (1) The area of one side of any such sign shall not exceed 12 square feet.
  - (2) Such signs are removed promptly upon completion of the work.
- F. Signs indicating the private nature of a driveway, or trespassing signs, provided that the area of one side of any such sign shall not exceed two square feet.
- G. Signs of schools, churches, sanitariums, or other institutions of a similar nature provided:
  - (1) The area of one side of any such sign shall not exceed 20 square feet.
  - (2) Not more than one sign is placed on property in single and separate ownership, unless such property fronts upon more than one street, in which event one such sign may be erected on each frontage.
- H. Identification signs for authorized home occupations, provided:
  - (1) Such signs shall be placed only on the property for which the home occupation has been authorized.
  - (2) The area of one side on any such sign shall not exceed four square feet.
  - (3) Not more than one such sign shall be placed on any property.
  - (4) Such signs may be illuminated if such lighting is shielded or indirect; however neon signs shall not be permitted.
- I. On- and/or off-premises signs necessary for the direction, regulation and control of traffic; street name signs; legal notices; warnings at railroad crossings; and other official signs which are similarly authorized or erected by a duly constituted governmental body. Such signs may be illuminated only as necessary or customary for traffic control or safety.
- J. Public utility signs required in connection with the identification, operation, or protection of public utility, provided the area of one side of any such sign shall not exceed eight square feet.
- K. Signs indicating direction may be erected along streets to direct vehicles or pedestrians to premises or businesses not located on such

streets, but the access to which is from such streets. The following regulations shall apply:

- (1) Directional signs shall be ground signs with a maximum area of six square feet on a single-faced or 12 square feet on a double-faced sign.
  - (2) The content of directional signs shall be limited to the name of the establishment and direction and distance information.
  - (3) Directional signs shall not be located more than 500 feet from an entrance or other street leading to the advertiser and shall be located in advance of such street or entrance and on the same side of the road as the advertiser's premises.
- L. Business identification signs. One business identification sign may be permitted for each property with an approved business or a preexisting nonconforming business with the following standards: **[Added 10-16-2001 by Ord. No. 44]**
- (1) One wall sign not to exceed 32 square feet in area; or
  - (2) One freestanding sign not to exceed 32 square feet in area.

**§ 138-87. Signs in Village District.**

- A. All signs permitted in the Conservation/Forest, Agricultural, and Residential Districts (§ 138-86) may be erected and maintained.
- B. Business identification signs.
- (1) One business identification sign may be permitted for each property on the Village District with the following standard:
    - (a) One wall sign to a property, provided it is attached more than 12 inches therefrom, is not less than 10 feet above the sidewalk and occupies not more than 10% of the total area of the front of the principal building. It shall not project above the roof line or parapet wall; or
    - (b) One projecting sign to the building front beyond a vertical plane not to exceed three square feet.
  - (2) One freestanding sign not to exceed 32 square feet in area. **[Added 6-20-2000 by Ord. No. 42]**
  - (3) Identification signs for home occupations. **[Added 6-20-2000 by Ord. No. 42; amended 10-16-2001 by Ord. No. 44]**
    - (a) Such signs shall be placed on the property for which the home occupation has been authorized.
    - (b) The area of one side on any such sign shall not exceed 20 square feet.

- (c) Not more than one such sign shall be placed on any property.
  - (d) Such signs may be illuminated if such lighting is shielded or indirect; however neon signs shall not be permitted.
- C. Nonilluminated and indirectly illuminated business signs are permitted, provided no objectionable glare or illumination are created on adjacent uses. Directly illuminated signs are not permitted within the Village District.
- D. Temporary nonilluminated signs advertising exhibits, shows or events may be erected, subject to the following requirements: **[Amended 3-6-2012 by Ord. No. 60]**
- (1) Signs shall not exceed 32 square feet in area.
  - (2) Signs shall not be posted earlier than two weeks before the occurrence of the event to which they relate and shall be removed within one week after the date of the exhibit, show or event.
  - (3) Street banners are prohibited, except in the case of civic or charitable nonprofit organizations. When permitted, such banners are exempted from the size restrictions of Subsection D(1) above but must fully comply with time limits for display set forth in Subsection D(2) above.

**§ 138-88. Signs in Commercial and Industrial Districts.**

- A. Any sign authorized in Conservation/Forest, Agricultural, and Residential Districts shall be permitted in the Commercial and Industrial Districts.
- B. Business identification signs. One of the following types of signs may be permitted for commercial and industrial properties within the Commercial and Industrial Districts:
- (1) One wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than 12 inches therefrom, is not less than 10 feet above the sidewalk and occupies not more than 20% of the total area of the front of the principal building. It shall not project more than three feet above the roof line or parapet wall.
  - (2) One projecting sign, provided it shall not project beyond a vertical plane five feet inside the lot from the street line.
  - (3) One freestanding sign not to exceed 100 square feet in area. It shall not extend beyond a vertical plane five feet inside the lot from the street line and shall not exceed a height of 35 feet.
- C. Shopping centers (for the purpose of this chapter, a "shopping center" is defined as a group of three or more stores on a single parcel of ground) may have the following displays as provided:

- (1) One of the following types of signs may be permitted for each use in the shopping center, provided the type of sign is the same for each use.
  - (a) One wall sign to a property, provided it is attached more than 12 inches therefrom, is not less than 10 feet above the sidewalk and occupies not more than 10% of the total area of the front of the principal building. It shall not project above the roof line or parapet wall; or
  - (b) One projecting sign to the building front beyond a vertical plane not to exceed three square feet.
- (2) In addition, one ground sign identifying the shopping center and uses may be erected on each street frontage. The area of one side of any sign shall not exceed 75 square feet, and the location and orientation of such a sign shall be designated on, or in connection with, the required land development plan.

**§ 138-89. Billboards (off-premises advertising signs).**

Off-premises advertising signs shall be permitted in the Township and are subject to the following:

- A. Off-premises advertising shall be located only in the following districts: R-2 Residential District, C Commercial District and I Industrial District, where such areas are located along a major arterial street as defined in the Carroll Township Comprehensive Plan. For the purposes of this chapter, those streets are PA Route 34 and portions of PA Route 850. **[Amended 3-6-2012 by Ord. No. 60]**
- B. Advertising signs shall not be placed closer than 300 feet to a dwelling which is located on the same side of the street as the sign nor closer than 2,500 feet to another billboard.
- C. Such sign shall be placed no closer than 50 feet from any street right-of-way and may not exceed 300 square feet in area.

**§ 138-90. Special signs.**

In addition to the sign regulations set forth in §§ 138-86 through 138-89 above, the following signs shall be permitted:

- A. Temporary signs advertising home garage sales, yard sales, and the like, as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:
  - (1) The sign may be erected only on the property on which the sale is going to be held.
  - (2) The area of one side of any such sign shall not exceed four square feet.

- (3) Only one such sign may be erected on any one piece of property, unless such property fronts on two streets, in which case one sign is authorized on each street frontage.
  - (4) The sign shall be installed no earlier than one week prior to the sale and shall be removed within one day after the activity. In no case shall such signs be permitted to remain on the property in excess of 10 days.
- B. Temporary signs advertising public auctions or sales, as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:
  - (1) Such signs shall be subject to the same provisions as in Subsection A.
  - (2) Such signs may be erected no earlier than one month prior to the date of the sale and shall be removed no later than two days after the sale or auction.
- C. Temporary political signs advertising political parties or candidates for election may be erected, provided:
  - (1) The area of any one side of such sign shall not exceed six square feet.
  - (2) Such sign shall not be erected earlier than 30 days prior to the election to which they pertain and shall be removed no later than seven days after the date of the election.
- D. Holiday decorations displayed for recognized holidays shall be exempted from the provisions of this chapter except as they may cause glare, interfere with traffic safety or in any other way become a public safety hazard.

**§ 138-91. Signs prohibited in all districts. [Amended 10-16-2001 by Ord. No. 44]**

The following signs shall not be permitted, erected, constructed or maintained in any zoning district. Such signs which are prohibited shall be removed or brought into conformity with the provisions of this part within three years after this chapter is enacted.

- A. Signs which incorporate in any manner any flashing or moving illumination, or with illumination which varies in intensity or color, and signs which have any visible revolving parts or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsation or by actions of normal wind currents. Hanging signs which simply swing in the wind and clock, time or temperature signs and barber poles shall not be considered as a prohibited sign as long as it complies with the other provisions of this article.

- B. Light sources which cast light on signs shall be shielded by opaque material so that the bulbs, floodlights or tubes are not visible off the property on which the signs are located.
- C. Signs advertising activities that are illegal under federal, state or local laws, regulations or ordinances as applied to the location of a particular sign or the location of such activities.
- D. Signs which by reason of size, location, movement, content, coloring or manner of illumination obstruct the vision of drivers either when leaving or entering a public street from another street or driveway, and/or obstruct or detract from the visibility or effectiveness of any traffic control device or traffic sign on a public street.
- E. Signs which make use of words such as "stop," "look," "one-way," "danger," "yield," "go slow," "caution," or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic or which imitate an official traffic sign or signal.
- F. Signs which advertise an activity, business, product or service no longer produced or conducted. In such case, such sign shall be removed within 30 days after the same is no longer produced or conducted,
- G. Signs which are placed or located within the public right-of-way, except as provided elsewhere in this chapter.
- H. Signs painted on, pasted or attached to or supported by utility poles, trees, fences, a stone cliff or other natural object.
- I. Signs which consist of pennants, spinners, banners, streamers or search lights, except for occasions such as grand openings and then only with permission of the Building Inspector for a use limited to a period of 15 days.
- J. String lights other than temporary holiday decorations or special events or function of public service, charitable, religious, educational, and civic organizations which are unshielded from off the premises on which they are located.
- K. Signs which obstruct free ingress to or egress from a fire escape, door, window or other exitway.
- L. Signs which are structurally unsafe or in a state of disrepair.

**§ 138-92. General regulations.**

The following regulations shall apply to all sign uses:

- A. Computation of sign area.
  - (1) The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with

the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.

- (2) Where the sign consists of individual letters or symbols attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
  - (3) In computing square foot area of a double-face sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign area.
- B. Sign must be constructed of durable materials, maintained in good condition, and not, allowed to become dilapidated.
  - C. Signs projecting beyond the property lines shall be not less than 10 feet above the public sidewalk areas.
  - D. Signs shall not project above the height limit permitted in any district in which they are located.
  - E. All signs erected within the right-of-way of a state highway shall be in accordance with the regulations of the Pennsylvania Department of Transportation.
  - F. Except for home occupations and permitted business identification signs, a permit shall not be required for the erection, alteration or maintenance of any signs permitted in the CF Conservation Forest, R-A Residential-Agricultural District, R-1 Residential District, and R-2 Residential District. **[Amended 10-16-2001 by Ord. No. 44]**
  - G. A permit shall be required for the erection, structural alteration or reconstruction of billboards or advertising signboards. **[Amended 10-16-2001 by Ord. No. 44]**
  - H. All signs shall be removed when the circumstances leading to their erection no longer applies.
  - I. All nonconforming signs, or advertising sign boards, including poster panels, bulletins, and the like, shall be made to conform to all pertinent regulations or be removed within three years after the effective date of this chapter, except that business identification signs on legal nonconforming uses may be continued and maintained as a part of the legal nonconforming use.



ARTICLE XII  
**Supplemental Regulations**

**§ 138-93. Intended purpose.**

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this chapter.

**§ 138-94. Use regulations.**

- A. Animals and poultry. In districts where permitted, operations involving the use of buildings and land for farming, nurseries and greenhouses, dog kennels, animal hospitals, stock raising, dairying and poultry shall be subject to the following safeguards and regulations:

- (1) Buildings in which animals or poultry are kept shall not hereafter be erected within 200 feet from any residential lot line with the exception that one building of less than 600 square feet that conforms to the required yard requirements of the property's zoning district may be erected or used to house animals or poultry.  
**[Amended 3-6-2012 by Ord. No. 60]**

- (2) Storage of manure or odor- or dust-producing substances shall not be permitted within 200 feet from any residential lot line.

- B. Private antennas, radio and television. Radio and television antennas, including but not limited to satellite dish antennas, may be installed, erected and maintained within all zoning districts of Carroll Township, as set forth in this section. All antennas shall be subject to the following: **[Amended 10-16-2001 by Ord. No. 44]**

- (1) Approval of antennas.

- (a) All antennas shall be subject to the review and approval of the Zoning Officer.

- (b) The following antennas shall be reviewed and approved by the Zoning Officer, if in accordance with development standards as set forth in this section:

- [1] All roof-mounted antennas where the boom or any active element of the antenna array is longer than 12 feet.

- [2] All ground-mounted antennas 30 feet or less in height.

- (c) Ground-mounted antennas, as defined in Subsection B(2)(e) of this section, exceeding 30 feet in height may be permitted, if a special exception permit is granted in accordance with this section, provided that no antenna shall exceed 75 feet in height.

- (2) Development standards. All antennas shall be located, designed, constructed, treated, and maintained in accordance with the following standards:
- (a) Antennas shall be installed and maintained in compliance with this chapter.
  - (b) Antennas which are roof-mounted shall not extend higher than 12 feet above the highest point of the roof section where mounted, except a single vertical pole antenna may extend to 20 feet above the peak of the roof. Roof-mounted dish antennas shall be constructed of a wire mesh material or its equivalent and shall not exceed eight feet in diameter.
  - (c) No more than one ground-mounted antenna shall be permitted on each lot.
  - (d) Antennas shall be erected or maintained to the rear of the main building, except in those instances when the subject property abuts a cul-de-sac or is a corner lot where the side yard is larger than the rear yard in which case the antenna may be located in any required setback area. No portion of an antenna array shall extend beyond the property lines or into any front yard or easement areas. Guy wires shall not be anchored within any front yard or easement areas, but may be attached to the building.
  - (e) Antennas may be roof- or ground-mounted, freestanding or supported by guy wires, buildings or other structures in compliance with the manufacturer's structural specifications. Ground-mounted antennas shall be any antenna with its base mounted directly in the ground, even if such antenna is supported or attached to the wall of a building. Fixed-guyed antenna towers shall be fascia-mounted or "guyed according to approved standards. Wire antennas that are not self-supporting shall be supported by objects within the property lines, but not within any front yard areas.
  - (f) The antenna including guy wires, supporting structures and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. Antennas shall be screened through the addition of architectural features and/or landscaping that harmonize with the elements and characteristics of the property. Screening material shall be of a height necessary to conceal the antenna without reception being obstructed. Screening shall not exceed six feet in height. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish or reflective.
  - (g) Antennas shall meet all manufacturer's specifications. The mast or tower shall be of noncombustible and corrosive-

resistant material. The miscellaneous hardware, such as brackets, turnbuckles, clips and similar type equipment subject to rust or corrosion, shall be protected with a zinc or cadmium coating by a galvanizing or similar process after forming. These finishes are selected to guard against corrosion and to protect the elements against electrolytic action due to the use of adjoining dissimilar metals.

- (h) Whenever it is necessary to install an antenna near power lines, or where damage would be caused by its falling, a separate safety wire must be attached to the antenna mast or tower and secured in a direction away from the hazard. Antennas and guy wires must be kept at least 24 inches clear of telephone or electric wires.
  - (i) Every antenna must be adequately grounded for protection against a direct strike of lightning, with an adequate ground wire. Ground wires shall be of the type approved for grounding masts and lightning arresters, and shall be installed in a mechanical manner with as few bends as possible, maintaining a clearance of at least two inches from combustible materials. Lightning arresters, approved by the Underwriters Laboratories, Inc, shall be used. Both sides of the line must be adequately protected with proper arresters to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arresters must be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arresters by grounding the exterior metal sheath.
  - (j) All cable wires leading to antennas and adjacent to or crossing driveways shall be no less than 12 feet.
- (3) Application for approval. Prior to installing any antenna listed in Subsection B(1)(b) and B(1)(c), an application shall be submitted to and approved by the Zoning Officer. The application shall be accompanied by construction drawings showing the following:
- (a) Method of installation.
  - (b) The manufacturer's specifications, if any.
  - (c) A sketch showing the location of the antenna, property and setback lines and all structures.
- (4) Special exception permit.
- (a) When a special exception permit is required by this section, the application shall include, in addition to all other required contents, the following:

- [1] A site plan showing adjacent properties, possible views, and all screening features.
  - [2] Affected exterior elevations and architectural features and the texture and color of all materials to be used.
  - [3] A map and list showing adjoining property owners by name and address, as shown on the last tax assessment record, within a distance of 300 feet along adjacent streets and 100 feet from other boundaries of the subject property.
  - [4] A statement of proposed measures to mitigate radio frequency/and television interference shall be included in case such interference should result from the operation of an amateur radio station.
- (b) The application will be processed in accordance with the above requirements and may be approved only if the above criteria and criteria set forth in Article XVII herein are met. The antenna shall not exceed 75 feet in height and shall have minimum setbacks as follows: **[Amended 12-2-2003 by Ord. No. 51]**
- [1] Side yard: 10 feet.
  - [2] Rear yard: 15 feet.
- (c) Conditions of approval may be imposed to mitigate any negative impacts from installation of the antenna.
- (d) The antenna shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant and shall be so conditioned, provided, however, that if sale or transfer of ownership occurs, then upon application to the Township, the permit may be extended by the Zoning Officer.
- (5) Enforcement.
- (a) All antennas shall be maintained in good condition and in accordance with all requirements of this section.
  - (b) All antennas shall be subject to periodic reinspection. No addition, changes, or modifications shall be made to an antenna, unless the addition, change, or modification is in conformity with the special exception permit.
  - (c) Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any special exception permit shall constitute grounds for the revocation of the permit by the Zoning Officer.

The remedies provided for herein shall be cumulative with all other remedies provided in this chapter.

- C. Apartment (conversion). Where permitted, any building existing at the effective date of this chapter may be converted to a dwelling for more than one family, provided that:
- (1) The lot area per dwelling unit shall conform to the regulations for the district in which it is located. The minimum habitable floor area of such converted dwelling unit shall be provided in accordance with this article.
  - (2) There is no exterior evidence of change in the building except as required by state or local building or housing codes or regulations.
  - (3) Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
  - (4) Parking shall be provided in accordance with the provisions of Article XIV.
  - (5) The plans for the conversion of said building shall be submitted to the Zoning Officer.
- D. Automobile service stations and other drive-in type uses. Such uses, where permitted, shall comply with the following:
- (1) No street entrance or exit for vehicles and no portion or equipment of such service station or other drive-in uses shall be located:
    - (a) Within 500 feet of a street entrance or exit of a public school, public park, or public playground, conducted for and attended by children, and of any hospital, nursing home, library, or church. **[Amended 6-20-1995 by Ord. No. 38-B]**
    - (b) Within 100 feet of a lot in a residential district as established in this chapter.
  - (2) No equipment for the service of motor vehicles shall be closer than 25 feet to any property line or street line.
  - (3) Canopies shall be located no less than 10 feet from the right-of-way line.
  - (4) No two driveways leading from a public street to such service station or other drive-in use shall be within 25 feet of each other at their intersection with the curb or street line.
  - (5) Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.
- E. Churches, schools, and other public buildings. In districts where permitted, these uses shall meet the following requirements:

- (1) The lot area shall be determined on the basis of building size, yard requirements listed below, and parking requirements but in no case shall the lot area be less than 20,000 square feet.
  - (2) Lot coverage shall not be greater than 40% of lot area.
  - (3) Width regulations. The lot width at the front building setback line shall be based on the building size and yard requirements, but in no case shall the lot width be less than 100 feet in width.
  - (4) Yard regulations. Each lot shall have yards not less than the following depths or widths:
    - (a) Front yard depth: 30 feet.
    - (b) Side yard (two in number), width: not less than 20 feet on an interior lot. On a corner lot the side yard abutting the street shall be not less than 30 feet in width.
    - (c) Rear yard depth: 30 feet.
  - (5) A buffer yard/screen planting of no less than 10 feet in depth shall be maintained along all property lines, and shall be placed in accordance with § 138-98 contained in this article.
  - (6) Off-street parking. Parking shall be provided in accordance with the provisions of Article XIV herein.
- F. Clubs, lodges, and fraternal organization. Where permitted, these and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members, provided that no permanent sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located. A planted buffer no less than five feet in depth shall be maintained along all property lines abutting a residential use.
- G. Commercial greenhouses and nurseries. Where permitted, these uses may be established subject to the following:
- (1) A minimum lot area of 20,000 square feet shall be provided in addition to the lot area required for other uses located on the same property. However, in no case shall the lot be less than the minimum lot area permitted in the district in which it is located.
  - (2) No structure may be located closer than 40 feet to a side or rear property line, unless greater setbacks are required in the district in which it is located.
  - (3) A buffer yard/screen planting of no less than five feet in depth shall be maintained along all property lines abutting a residential use.

- (4) Greenhouse heating plants which are not contained within the structure they serve may be located to the side or rear of any main building, but not in the required side or rear yard, provided that the heating plant is not hazardous to others and does not create noise, dirt or heat flows of objectionable amounts or intensities.
  - (5) A greenhouse operated for noncommercial purposes shall be considered as an accessory structure and shall comply with all applicable district provisions.
- H. Conditional use criteria. The following general standards shall be used as guidelines by the Planning Commission and governing body in acting upon applications for conditional uses. In passing upon such applications the Commission and/or governing body shall determine:
- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (2) That the conditional use will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
  - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - (4) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and to facilitate the circulation and movement of pedestrian and vehicular traffic.
  - (5) That adequate utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal, access roads and other necessary facilities have been or are being provided.
  - (6) That the intended purpose of the proposed use is not inconsistent with the planning policies of this Township as contained in the Carroll Township Comprehensive Plan and this chapter.
  - (7) In granting a conditional use, the governing body may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter and of the Municipalities Planning Code.
- I. Farm animals. **[Amended by Ord. No. 38-A; 10-16-2001 by Ord. No. 44]**
- (1) Such animals are permitted in all districts subject to the following guidelines:

- (a) All activities shall be in compliance with Pennsylvania's Nutrient Management Act.
- (b) The property owner or property lessee with written permission of the property owner owns such animals.
- (c) The maximum number of animals permitted on a property shall not exceed the following:

<b>Type of Animal</b>	<b>Animals per Acre</b>	<b>Maximum not to exceed</b>
Swine		55 per property
Nursery Pig	55	
Finishing Pig	13	
Gestating Sow	5	
Sow and Litter	4	
Boar	4	
Beef		150 per property
Calf	6	
Finishing	2	
Cow	2	
Veal		150 per property
Calf	8	
Poultry		500 per property
Layer	500	
Pullets	500	
Broiler	500	
Roaster		500 per property
Male/Female	500	
Turkey - Tom	141	
Dairy		150 per property
Holstein/Brown	2	
Swiss Cow		
Ayrshire/Guernsey	2	
Cow		
Jersey Cow	2	150 per property
Sheep		150 per property
Lamb	40	
Ewe	13	
Ram	11	



<b>Type of Animal</b>	<b>Animals per Acre</b>	<b>Maximum not to exceed</b>
Goat		150 per property
Kid	44	
Doe	16	
Buck	11	
Horse		50 per property
Foal	6	
Yearling	2	
Draft	1	
Non-Draft	2	

- (d) In the CF Conservation/Forest, R-A Residential-Agricultural, R-1 Residential, R-2 Residential, V Village, C Commercial, and I Industrial Districts the total property area minus 1.5 acres shall be used to determine the number of acres on which to base the animal density calculation.
- (e) In determining the number of multiple types of animals permitted on a property, but not to exceed the maximum in Subsection I(1)(c) above, shall be two animal equivalent units (AEU) per acre of land. For the purpose of this chapter, one animal equivalent unit equals 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. In determining live weight of livestock, the standard weight in pounds during production range developed by the State Conservation Commission shall be used.
- (f) The open area shall be enclosed with a fence of suitable construction to provide for safe and adequate confinement of all such animals. The pasture area shall not be permitted to encroach on any street right-of-way.
- (g) The storage of manure and location of animal shelter(s) shall be located within the pasture area and no closer than 200 feet from any property line.
- (h) If any animal type is proposed and is not included in Subsection I(1)(c), the standard weight in pounds during production range table developed by the State Conservation Commission shall be used and the number of animals permitted shall be determined by the formula in Subsection I(1)(e). If the type of animal is not listed in the standard weight in pounds during production range table developed by the State Conservation Commission, the Pennsylvania Department

of Agriculture shall be consulted to assist in determining the standard weight in pounds.

- J. Farming/gardening. The tilling of the soil, raising of crops and gardening shall be permitted in any district.
- K. Garden apartments. Where permitted all garden apartments shall comply with the following:
- (1) There shall be not more than 12 dwelling units per building.
  - (2) No garden apartment building shall be in excess of two stories in height.
  - (3) Lot area per dwelling unit shall not be less than the area required by the applicable district regulations when served by both public water and sanitary sewers.
  - (4) All applicable provisions of this chapter.
- L. Golf courses and country clubs. Where permitted, the following standards shall also apply:
- (1) A minimum of 100 acres shall be provided.
  - (2) No building or structure shall be located closer than 75 feet from a side or rear lot line.
  - (3) At least 70% of the lot area shall be maintained with a vegetative cover.
- M. Home occupation. Where permitted, home occupations may be established subject to the following conditions:
- (1) The home occupation shall be carried on completely within the dwelling unit. **[Amended 10-16-2001 by Ord. No. 44]**
  - (2) Not more than one person other than the occupants of the dwelling unit shall be employed by the home occupation. **[Amended by Ord. No. 38-A; 10-16-2001 by Ord. No. 44]**
  - (3) Not more than 25% of the floor area of the dwelling unit shall be devoted to a home occupation. **[Amended 10-16-2001 by Ord. No. 44]**
  - (4) Articles sold or offered for sale shall be limited to those produced on the premises or to articles which are clearly incidental to the home occupation and directly related thereto, such as hair care products by a barber or beautician. If the gross sales of articles not produced on the premises exceed 25% of the gross receipts from the home occupation and sales of articles produced on the premises, such sales shall not be deemed to be incidental to the home occupation, and shall not be permitted.

- (5) There shall be no exterior display or sign (except as permitted in the regulation of signs in this chapter), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building.
  - (6) No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
  - (7) A home occupation may include, but is not limited to art studios; dressmaking or millinery; barbershop; beauty parlor; teaching, music or dance instruction limited to a single pupil at a time; real estate or insurance office; the professional office of a dentist, physician, lawyer, engineer, planner, accountant, architect; or any other activities of a similar nature.
  - (8) A home occupation shall, under no circumstances, be interpreted to include a commercial stable or a dog kennel.
  - (9) Prior to the establishment of a home occupation and pursuant to § 138-139A of this chapter, a zoning permit shall be issued by the Zoning Officer. The zoning permit shall ensure the home occupation is being established pursuant to the conditions as set forth in this chapter. **[Added 6-20-2000 by Ord. No. 42]**
  - (10) Prior to establishing a home occupation and issuance of a zoning permit, the applicant shall provide proof to the Township that the existing septic system is suitable to handle any increased loading to the system that is generated from the proposed home occupation. **[Added 10-16-2001 by Ord. No. 44]**
- N. Mobile homes (other than in mobile home parks). A mobile home shall be permitted to be used as a single-family detached dwelling in all residential districts subject to the following:
- (1) Only one mobile home is permitted on a lot and each such manufactured home lot shall conform to residential standards for dwellings in the district in which it is located.
  - (2) A mobile home shall meet the minimum habitable floor area requirements of a single-family detached dwelling as well as standards set forth by any Commonwealth of Pennsylvania agency.
  - (3) The wheels and axles shall be removed and the home shall be installed on and securely fastened to a frost-free foundation or footer; in no event shall it be erected on jacks, loose blocks or other temporary materials.
  - (4) An enclosure of compatible design and material shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

- O. Mobile home parks. Mobile home parks shall be allowed by the Board of Supervisors in districts where permitted as set forth in Article VI, Mobile Home Park Regulations, of Chapter 120, Subdivision and Land Development. In addition, the Board of Supervisors may require the completion of an environmental assessment (EA) by a qualified environmental scientist, licensed engineer, or landscape architect, to provide an analysis of the impact of the proposed project on the natural and socio-economical environment. The EA will be written in narrative form with significant graphics to assist in developing an understanding of the proposed project, its impact on the existing and future environment, and mitigation measures to reduce adverse impact.
- P. Motels/hotels. In districts where permitted, motels/hotels shall be subject to the following safeguards and regulations:
- (1) Where one or more buildings are proposed, as a land development, a plat shall be prepared and submitted in accordance with the requirements of Chapter 120, Subdivision and Land Development.
  - (2) Motels/hotels shall be connected to a public sanitary sewer and water supply where feasible or a sanitary sewerage collection and treatment system and water supply approved by the Department of Environmental Protection.
  - (3) Front, side and rear yards of the motel/hotel shall be permanently landscaped and maintained in good condition.
  - (4) Off-street parking and loading spaces for other facilities developed as part of the motel/hotel premises shall be provided as required by Article XIV of this chapter.
  - (5) Every unit shall be provided with running hot and cold water and separate toilet facilities.
  - (6) Motel/hotel buildings or parts thereof shall be placed no closer than 30 feet to any lot line.
  - (7) The space between motel/hotel buildings shall be not less than 20 feet and the space between the fronts or rears of units shall be not less than the dimensions required for courts, where such are formed by the arrangement of units.
- Q. Municipal uses. In any district, a building may be erected, altered or extended and land may be developed which is arranged, intended or designed for municipal uses, including municipal recreation uses.
- R. Private swimming pools. Private pools may be erected as an accessory use in any district, provided they comply with the following:
- (1) The pool is used solely for the enjoyment of the occupants of the principal building use of the property on which it is located, including guests.

- (2) The pool structure, including perimeter walkway, shall not be located closer than 10 feet from any side or rear property line; nor closer to any street than the minimum building setback line permitted for the district in which it is located.
  - (3) All permanent swimming pools hereafter constructed, shall be enclosed by a permanent fence of durable material at least four feet in height and shall be so constructed as not to have openings, mesh or gaps larger than four square inches in any direction, and if a picket fence is erected or maintained the horizontal dimension shall not exceed four inches. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved locking devices and shall be locked at all times when the swimming pool is not in use.
  - (4) A dwelling or accessory building may be considered as part of the fence required under this section, however, the height requirements for a fence shall not apply to the building.
  - (5) The provisions regulating fencing shall not apply to pools having sides extending four feet above grade, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to make it readily inaccessible when not in use.
  - (6) All materials used in the construction of private pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operated in such a manner as to be clean and sanitary at all times.
  - (7) Private pools shall not be connected to a sanitary sewerage system and all waters from the pool shall be discharged in such a manner that another person's property is not damaged or affected by the discharge of the said water. Water may be discharged from a swimming pool into a street, if proper drainage facilities are available and with the permission of the governing body.
  - (8) Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures.
- S. Prohibited uses. The following uses are prohibited in all districts throughout the Township:
- (1) The commercial incineration, trash transfer facility, reduction or storage of garbage, offal, animals, fish, or refuse, unless by the authority of or under the supervision of the Township. **[Amended 10-16-2001 by Ord. No. 44]**
  - (2) Dumps and dumping of any kind, unless by the authority of or under the supervision of the Township.<sup>20</sup>

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20. Editor's Note: Original Subsection S3, regarding businesses providing obscene materials or entertainment, which immediately followed this subsection, was deleted 12-2-2003 by Ord. No. 51. See also Ch. 43, Adult Bookstores.

(3) Massage parlor. The operation of any massage parlor in which any of the following activities are carried on:

(a) The treatment of any person, except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of treatments. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police. The requirements of this provision shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath, or registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium.

(b) The massage of, or physical contact with, the sexual or genital parts of one person by any other person.

(4) Head shops or any other businesses which involve, in whole or in part, the sale, lease, trade, gift, or display for sale of any and all types of drug paraphernalia.

(5) Any use or activity prohibited by Section 5903 of the Pennsylvania Crimes Code, 18 Pa.C.S.A. § 5903, as amended and supplemented.

T. Public utility facilities. Facilities of a public utility that are used to provide public utility service shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations: **[Amended 6-20-2000 by Ord. No. 42]**

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

(2) Height restrictions shall be as required by the district regulations.

(3) Unhoused equipment shall be enclosed within a chain link fence six feet in height topped with barbed wire.

(4) Housed equipment. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the district in which the facility is located.

(5) Screen planting in residential and commercial districts shall be completed in accordance with § 138-98 of this article.

(6) The external design of the building shall be in conformity with the buildings in the district.

U. Electric power generation. Electric power generation facilities and distributed electric generation facilities, where permitted, shall meet the following requirements: **[Amended 6-20-2000 by Ord. No. 42]**

(1) Solar collectors and solar-related equipment.

- (a) Solar collectors and solar-related equipment shall be permitted in any district as an appurtenance to a building or as a detached accessory structure.
- (b) A statement that a solar energy collection system is to be installed on a lot shall be filed with the Township Zoning Officer on the date the zoning permit for the solar system is issued, with the date of installation being the date of recordation. The solar facility must be completed and the Zoning Officer notified of completion, within one calendar year from the date of permit issuance.

(2) Wind energy conversion systems. Windmills, windwheels, or wind energy conversion systems (WECS) shall not be permitted in the Village District but shall be permitted in all other districts, subject to the following conditions:

- (a) The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and located a minimum distance of the tower height plus 10 feet from any occupied dwelling, and shall not be more than 110 feet in height.
- (b) The minimum distance between the tower and any property line shall be not less than twice the height of the tower.
- (c) The minimum distance between grade and the lowest point of the rotor blade shall be 20 feet.
- (d) All electric lines/utility wires shall be buried underground.
- (e) Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a six-foot fence. The supporting structure shall also be enclosed by a six-foot fence, unless the base of the tower is not climbable for a distance of 12 feet.
- (f) When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed 140 square feet in area nor eight feet in height and must be located at the base of the supporting structure.
- (g) In permitted residential districts, only one windmill, windwheel or WECS shall be permitted per lot.
- (h) The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless

installed and operated in conformity with all applicable distributed generation or system interconnection requirements.

- (i) The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within 60 days. The Building Permit Officer prior to the dismantling of the structure shall issue a demolition permit.
- (j) The applicant shall demonstrate that any noise from the wind generating unit shall not exceed 65 dBA measured at the property line.
  - [1] A "decibel" shall mean a unit for measuring the relative intensity of sounds. More specifically, a unit for expressing the ratio of two amounts of acoustic signal power equal to 10 times the common logarithm of this ratio.
  - [2] "A" weighted sound level shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of 20 micro-pascals using the "A" weighted network (scale) at slow response. The unit of measurement shall be defined as dBA.
- (3) Other distributed electric generation facilities. Distributed generation facilities that are consistent with those described in § 138-94 U(1) or (2), and accessory to residential uses may be permitted by the Zoning Officer upon a determination that the use is consistent with the intent of § 138-94U(1) and (2) to support the use of renewable distributed generation that is clean and safe and does not unduly limit the use of adjoining parcels.
- (4) Electric power generation facilities. Electric power generation facilities shall be permitted as a special exception in an Industrial District upon application to the Zoning Officer and a determination by the Zoning Hearing Board that approval of the application is consistent with the requirements and intent of this chapter. A special exception for an electric power generation facility shall be approved upon demonstration that the impact of the use, including proposed mitigation measures, will not be detrimental to public health and safety, the environment, the general welfare or the use and enjoyment of other land uses in the area. The application shall be in compliance with the planning policies of the Township as contained in the Carroll Township Comprehensive Plan and all requirements of this chapter, including Article X and § 138-109C (environmental impact statement), except as modified by this section. The documentation requirements in this section may be included as supplementary information in the environmental study required pursuant to § 138-109. An application for an electric



power generation facility shall demonstrate that the proposed facility is located, designed, constructed, maintained and operated in accordance with the following standards: **[Amended 10-16-2001 by Ord. No. 46]**

- (a) The total rated capacity of an electric power generation facility shall not exceed 250 MW.
- (b) The proposed facility will comply with all applicable federal, state, county or river basin permits and requirements concerning air, water, waste, and environmental impact(s) of the proposed development. Receipt and the continued compliance with the terms of all such permits and regulations shall be a condition of zoning approval.
- (c) The proposed facility and use will avoid, or, if not avoidable, minimize any negative impact of the proposed facility on the air, water, land, or land use beyond the boundary of the site on which the facility is located.
- (d) The application shall include a description, discussion and documentation of potential impacts such as noise, vibration, light, glare, odor, heat, emissions, dust, toxic materials, electrical interference, radiation, groundwater or surface water quality and quantity, wildlife and habitat or other impacts. In the event that any such impacts may exist, the application shall include:
  - [1] A site plan, map(s) and a detailed description of the surrounding area in which any such impact may be experienced.
  - [2] The name and address, as shown on the most recent tax assessment record, of such possibly impacted property owners.
  - [3] A description of the design, construction or operating plans intended to consider, avoid, mitigate or remediate such impacts.
  - [4] A description of any design, construction or operating plans that could eliminate any such impact but is not proposed in the application and a statement explaining the reason(s) that such a plan is not part of the application.
  - [5] An affidavit attesting that notice of the Zoning Hearing Board proceeding on the application will be served upon each property owner identified in Subsection U(4)(d)[2].
- (e) The water use and impact standards pursuant to § 138-105.
- (f) The traffic control and public safety requirements and standards pursuant to § 138-106.

- (g) The Zoning Hearing Board may attach reasonable conditions and safeguards to the grant of a special exception in addition to those expressly considered or authorized in this chapter, as deemed necessary and appropriate to avoid or mitigate any negative impact of the development and otherwise to implement the purposes of this chapter and the Municipalities Planning Code.
- V. Solid waste storage facilities. All multifamily, commercial and manufacturing buildings or uses shall include adequate facilities on site for the proper storage of solid wastes in accordance with the following:
  - (1) Storage areas shall have hardened, stabilized surfaces with outdoor areas constructed to prevent accumulation of rainfall.
  - (2) Storage areas shall be located such that collection vehicles will not obstruct the public street or otherwise violate Township regulations while parked for collection of refuse and shall be provided with accessways facilitating ready deposit and collection of refuse.
- W. Temporary roadside stands. Such a structure and use may be permitted, provided the following are complied with:
  - (1) A highway occupancy permit shall be obtained from the appropriate state or municipal authority, for any access or pull-off areas.
  - (2) Vehicular parking shall not be permitted within the cartway or berm, and such pull-off area shall be designated such that vehicles need not back onto the cartway to exit.
  - (3) No structure shall be located closer than 25 feet from the edge of the cartway.
  - (4) The structure shall be removed at the end of the growing and harvesting season of the products sold.
  - (5) No hazards to pedestrians or vehicular traffic shall be created.
- X. Townhouses. In districts where permitted, all townhouses shall comply with the following:
  - (1) There shall be not more than eight attached units in a row.
  - (2) Individual units may be subdivided and contained on individual lots only when served by community sewerage and water facilities.
  - (3) All other applicable provisions of this chapter.<sup>21</sup>

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21. Editor's Note: Original Subsection Y, Wind energy conversion systems, which immediately followed this subsection, was repealed 6-20-2000 by Ord. No. 42.

- Y. Uses not provided for. Whenever, in any district established under this chapter, a use is neither specifically permitted nor denied and an application for such use, as provided for in § 138-139B, is made by a property owner to the Zoning Officer, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit or deny the use. The use may be permitted only if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this chapter. **[Amended 6-20-2000 by Ord. No. 42]**
- Z. Commercial mobile radio service. **[Added 10-16-2001 by Ord. No. 44]**
- (1) General requirements for communications antennas and communications equipment buildings.
    - (a) Communications antennas and equipment buildings shall not be permitted in the R-A, R-1, R-2, Commercial and Village Districts.
    - (b) Building-mounted communications antennas shall not be located on any residential structure.
    - (c) Building-mounted communications antennas shall not be permitted to exceed the height limitations of the applicable zoning district by more than 20 feet.
    - (d) Omnidirectional or whip communications antennas shall not exceed 20 feet in height and seven inches in diameter.
    - (e) Directional or panel communications antennas shall not exceed five feet in height and three feet in width.
    - (f) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
    - (g) Any applicant proposing communications antennas to be mounted on a building or structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Engineer.
    - (h) Any applicant proposing communications antennas to be mounted on a building or structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be

mounted so that installation and maintenance of the antenna and communications equipment can be accomplished.

- (i) Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - (j) Communications antennas shall not cause radio frequency interference with other communications facilities located within Carroll Township.
  - (k) A communications equipment building shall be subject to the height and setback requirements of the underlying zoning district for an accessory building.
  - (l) The owner and operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas, and shall provide a copy of such license to Carroll Township.
- (2) General requirements for communications towers.
- (a) The applicant shall be required to submit to the Township evidence of the need for the communications tower and that all alternatives have been exhausted to constructing the communications tower. No communications tower shall be permitted in the R-A, R-1, R-2, Commercial and Village Districts. Applicants are required to prove need by:
    - [1] Providing evidence, including coverage diagrams and technical reports, that, in terms of location and construction, there are no existing towers, communications towers, buildings or structures able to provide the platform for the necessary equipment for one or more of the following reasons:
      - [a] Planned equipment would exceed the structural capacity of the existing communications tower, building or structure, and existing communications tower, building or structure, cannot be reinforced to accommodate planned or equivalent equipment.
      - [b] Planned equipment will cause interference with other existing or planned equipment for that communications tower, building or structure.
      - [c] Existing or approved communications towers, buildings or structures do not have the space on which planned equipment can be placed so it can function effectively and at least be in parity with other similar equipment in place or planned.

[d] Other reasons make it impractical to place the equipment by the applicant on existing and approved communications towers.

- (b) No communications tower shall be permitted within Carroll Township that is of a height that would require attached lighting as required by standards of the Federal Aviation Administration (FAA). Other lighting shall be permitted in accordance with the provisions contained elsewhere in this chapter.
  - (c) Communications towers may not be located on a lot that is listed on a historic register or in an officially designated state or federal historic district.
  - (d) Communications towers shall be no closer than 1,000 feet from another communications tower, such distance being measured as a horizontal distance from tower base to tower base.
  - (e) The applicant for a communications tower must execute an agreement with Township, in a recorded instrument legally sufficient to Carroll Township, reviewed by the Solicitor, requiring the removal of the communications tower within one year after the communications tower ceases to function as such. Removal of the communications tower shall include the tower, all appurtenances or component parts thereof, including any associated buildings or structures.
- [1] Responsibility of owner and occupant of premises for removal. No person, firm, or corporation owning or occupying any property within Carroll Township shall permit, leave or cause to be left any communications tower, appurtenances, or component part thereof, including any associated buildings or structures on said property on and after the aforesaid one-year period. A communications tower, all appurtenances or component part thereof, including any associated buildings or structures so remaining on the premises after the prescribed removal date shall be deemed in violation of the provisions of this section.
- [2] Notice to conform. Carroll Township is hereby authorized, and directed to give notice, by a personal service or U.S. mail to the owner or occupant, or both, as the case may be, by certified mail of the violation of the provisions of this chapter, and directing and requiring said owner or occupant to conform with the requirements of this chapter within 30 days after issuance of such notice.
- [3] Violations and penalties. In case any person, firm or corporation shall neglect, fail or refuse to comply with said notice within the period of time stated therein, Carroll

Township may enter the premises and remove the communications tower, all appurtenances or component part thereof, including any associated buildings or structures. In such event all costs associated with the removal, together with reasonable attorney's fees and any additional payment authorized by law, may be collected by Carroll Township, from such person, firm or corporation in the manner provided by law for collection of municipal claims or by an action of assumpsit.

- (f) A security fence and gate, of approved design, of not less than eight feet, including barbed wire at the top, shall completely enclose the communications tower and anchor locations of guy wire (if used). This fencing shall be designed to be compatible with surrounding land uses.
- (g) The applicant shall submit a landscaping plan to effectively screen the base of the communications tower. Landscaping material shall consist of evergreen species and shall be located on the exterior side of the fence.
- (h) A minimum of one parking space shall be required. Spaces shall meet requirements of this chapter. Parking spaces may be surfaced with a durable and dustless gravel surface.
- (i) Access shall be provided to the communications tower and communications equipment building by means of a public street, or a private right-of-way 20 feet in width and shall be improved to a width of at least 12 feet.
- (j) Access to the communications tower shall be provided by a minimum twelve-foot-width driveway with a durable and dustless surface, such as concrete or a bituminous surface, for a minimum of 35 feet from the edge of cartway of any public street. Should the public street not be surfaced with a durable and dustless surface, the access drive, for a minimum of 35 feet from the edge of cartway, shall be surfaced with a similar material as is used on the public street. The length of the driveway beyond this 35 feet shall be surfaced with durable and dustless gravel.
- (k) Communications towers shall be fully automated and unattended on a daily basis. The site shall be visited only for periodic maintenance.
- (l) The communications equipment building shall be identified as an accessory building, and the applicable regulations for the underlying zoning district shall apply.
- (m) Guy wires, if utilized, may not be anchored in any minimum building setback area of the zoning district in which the tower

is located. Guy wires shall not cross or encroach any overhead telephone or electric power lines.

- (n) Communications tower height shall be measured from the average grade around the base of the communications tower to the top of the communications tower, or communications antenna if mounted on top of the communications tower.
  - (o) The applicant shall be required to have control over any land that is within a required setback area of this chapter. This control, submitted in writing, may be either in the form of ownership, lease, or recorded easement, as reviewed by the Solicitor.
  - (p) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number or the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$3,000,000 per occurrence and property damage in the amount of \$3,000,000 per occurrence covering the communications tower and communications antennas.  
**[Amended 5-3-2016 by Ord. No. 72]**
  - (q) No communications tower shall be located closer than 500 feet from any existing structure, playground, ballfield or other area used for active recreation within a municipal park or school.
- (3) Additional conditions applicable to communications towers, antennas and equipment buildings. In addition to the conditions stated in Subsections Z(1) and (2), the following conditions shall also apply:
- (a) Unless regulated by Subsection Z(2)(q), setbacks shall be no less than 150 feet or 60% of the communications tower height, whichever is greater, from adjacent property lines and public road right-of-way lines. Such distance shall be in a straight line from the communications tower base to the appropriate line.
  - (b) Communications antennas, communications buildings, and communications towers shall be a special exception in the CF and I Districts. The special exception application shall be submitted and processed in accordance with this Subsection Z and Article XVII.
- (4) General requirements for collocation of facilities. An applicant for the collocation of facilities in the CF and I Districts shall be required to submit a zoning permit and building permit application for approval. The building permit application shall contain a structural analysis report along with applicable information as required in Subsection Z(1), (2) and (3)(a).

AA. Bed-and-breakfast facilities. Bed-and-breakfast facilities, as defined in this chapter, shall be permitted in all zoning districts, in accordance with the following standards: **[Added 5-3-2016 by Ord. No. 72]**

- (1) A bed-and-breakfast facility shall be permitted only in single-family detached, owner-occupied dwellings on one or more acres.
- (2) The principal use of the property shall remain that of a single-family residential dwelling.
- (3) The owners or representative of the owner of a bed-and-breakfast facility must be in residence when guests are present.
- (4) No more than five guest rooms may be offered on any individual residential property within the CF, R-A, V, C and I Zoning Districts and no more than three guest rooms may be offered on any individual residential property in the R-1 and R-2 Zoning Districts.
- (5) One full bathroom, which shall include one toilet, wash basin, bath and/or shower, shall be provided for each two guest rooms.
- (6) The length of stay for any guest shall not exceed more than 30 uninterrupted days.
- (7) Accommodations at the bed-and-breakfast facility may include meals prepared on the premises for the guests and included in the charge for the room. The owner shall comply with all federal, state and local requirements for the preparation, handling and serving of food and water.
- (8) Any amenities, such as tennis court, swimming pool, etc., shall be solely for the use of the resident owner and guests of the facility.
- (9) The owner shall maintain a current guest register.
- (10) Goods may be publicly displayed for sale on the premises, provided that the area devoted to such display shall not exceed 100 square feet.
- (11) One additional on-site parking space shall be provided for each guest room.
- (12) Each bed-and-breakfast facility shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry and all other applicable building, safety, and fire codes of the federal, state and local government.
- (13) An identification sign for a bed-and-breakfast shall be permitted as follows:
  - (a) Such signs shall be placed only on the property for which the bed-and-breakfast has been authorized.



- (b) The area of one side on any such sign shall not exceed four square feet.
- (c) Not more than one such sign shall be placed on any property.
- (d) Such signs may be illuminated if such lighting is shielded or indirect; however, neon signs shall not be permitted.
- (e) Nothing herein shall prohibit an off-premises advertising sign to said bed-and-breakfast otherwise permitted under this Zoning Ordinance.

(14) Prior to establishing a bed-and-breakfast and issuance of zoning permit, the applicant shall provide proof to the Sewage Enforcement Officer that the existing septic system is suitable to handle any increased loading to the old system that is generated from the proposed bed-and-breakfast use.

**§ 138-95. Height regulations.**

- A. Height regulations shall not apply to spires, belfries, cupolas, domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, utility poles or towers, solar collectors, and ornamental or necessary mechanical appurtenances
- B. For all residential uses, accessory buildings shall not exceed 24 feet in height.

**§ 138-96. Area regulations.**

- A. On a lot held in single and separate ownership from adjacent land, which does not fulfill the regulations for the minimum area and yard dimensions for the district in which it is located, a building may be erected, altered, and used thereon providing the yard space is not less than the minimum specified herein, and further that the proposed sanitary sewer system and water system is approved by the Department of Environmental Protection.
- B. The area, width, and depth of lots shall provide adequate open space for off-street loading unloading, and/or parking space. When necessary, septic tanks and drain fields shall be provided with open space in addition to the open space required for off-street parking, other paved areas, and the area covered by the main building and buildings and structures accessory thereto.

**§ 138-97. Yard requirements.**

- A. Yards shall be provided in accordance with the provisions of this chapter and shall be planted with grass, sod, or other vegetative cover excepting in cases where walks, access drives, off-street parking lots, patios or other types of surfaces are permitted. All yards shall be maintained and kept free of all debris and rubbish.

- B. Where the street or streets upon which the lot abuts are less than 50 feet in width, the front yard depth and the width of the side yard abutting the street shall be measured from the ultimate street right-of-way, as defined for each street classification in the design standards set forth in Chapter 120, Subdivision and Land Development.
- C. Front yards.
- (1) When a vacant lot is situated between two lots each occupied by a principal building within 25 feet of the side lot line of such vacant lot which extends into the required front yard, the front yard of such vacant lot may be the average depth of the front yards of such two adjacent occupied lots.
  - (2) Where a vacant lot adjoins only one lot occupied by a principal building within 25 feet of the common side lot line which extends into the required front yard of such occupied lot, the front yard depth of such vacant lot may be the average front yard required for the district, in which such vacant lot is located. However, the second vacant lot from the original occupied lot must have at least the minimum front yard depth required in the district.
- D. Side yards.
- (1) On corner lots, the side yard abutting the street shall have width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this chapter.
  - (2) On a lot, in a district where residential structures are permitted, held in single and separate ownership at the effective date of this chapter, with a lot width less than required for the zoning district, only one single-family dwelling may be erected, and side yard shall be provided according to the following requirements:
    - (a) On interior lots with a width of 50 feet or more, two side yards shall be provided as required by the district regulations.
    - (b) On corner lots with a width of 50 feet or more, two side yards shall be provided. The exterior side yard may be reduced by the number of feet by which the lot width is less than the district requires, but may not be reduced to less than the required interior side yard. The interior side yard shall be provided as required by the district regulations.
    - (c) On lots less than 50 feet but not less than 27 feet in width, two side yards shall be provided, each equaling 20% of the lot width.
    - (d) For such dwellings, constructed to a depth of more than two rooms, a court not less than six feet in width shall be provided, abutting the side wall for all rooms beyond the second room.

- (3) On a lot, in a commercial or industrial district, held in single and separate ownership from adjacent land at the effective date of this chapter, with a lot width less than that required for the zoning district, the required side yards shall be determined by the Zoning Hearing Board upon application for a variance based on the same criteria as listed under Subsection D(2) above for residential structures.<sup>22</sup>

**§ 138-98. Buffer yards and screen plantings.**

**A. Buffer yards.**

- (1) Where a commercial or industrial use adjoins a residential district or use, a buffer yard of not less than 180 feet in depth shall be provided along the lot lines, in addition to the yard required for the district in which it is located. The buffer yard shall adjoin the lot lines with the required yard or yards established to the interior of the buffer yard. **[Amended 10-16-2001 by Ord. No. 44; 3-6-2012 by Ord. No. 60]**
- (2) No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer yards. However, access roads, service drives, and utility easements not more than 35 feet in width are permitted to cross a buffer yard provided that the angle of the center line of the road, drive, or easement crosses the buffer yard at an angle not less than 60°.
- (3) Parking of automobiles may not be permitted in the buffer yard.

**B. Screen plantings.** Screen plantings shall be located in the exterior portion of the required buffer yards and shall be in accordance with the following requirements:

- (1) Plant materials used in screen planting shall be at least four feet in height when planted, shall be planted no more than three feet apart, and be of such species as will produce, within three years, a complete year-round visual screen of at least six feet in height;
- (2) The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one year;
- (3) The screen planting shall be so placed that at maturity it will be not closer than three feet from any ultimate right-of-way or property line;
- (4) A clear sight triangle shall be maintained at all street intersections and at all points where vehicular accessways intersect public streets;

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<sup>22</sup>Editor's Note: Former Subsection D(4), concerning location of an accessory building with respect to the side or rear lot line, as amended, and (5), concerning carports, which followed this subsection, was repealed 3-6-2012 by Ord. No. 60.

- (5) The screen planting shall be broken only at points of vehicular or pedestrian access;
- (6) Screen plantings shall be provided between the property line and any off-street parking area and any outdoor solid waste storage area for any multifamily, townhouse, commercial or manufacturing use where the parking or solid waste area abuts a residential zoning district or a lot occupied by a residential use;
- (7) Trees that shall not be used in planting of buffer yards are:
  - (a) Poplars, all varieties.
  - (b) Willows, all varieties.
  - (c) White or Silver Maple.
  - (d) Aspen, all varieties.
  - (e) Common Black Locust.
- (8) Prior to the issuance of a building permit, plans for buffer yards shall be submitted for review and approval to the Zoning Officer. Said plans shall show the arrangement of all of the buffer yards and the placement, species, and size of all plant materials to be placed in such buffer yard. Said plan must be reviewed by the Planning Commission and approved by the Zoning Officer before a building permit may be issued.

**§ 138-99. Projections in yards.**

- A. Solar collectors and unenclosed ground-story terraces, patios and uncovered porches may project into any required yard not more than 1/2 its required dimension and not more than 10 feet in any case.
- B. Chimneys, flues, columns, sills and ornamental architectural features may project not more than two feet into a required yard.
- C. Covered porches, whether enclosed or unenclosed shall be considered as part of the main building and shall not project into any yard.

**§ 138-100. Obstruction to vision.**

- A. Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.
- B. In all cases except single-family private residence driveways, a clear sight triangle of 55 feet, measured along the center lines of intersecting streets, shall be maintained; within which an unobstructed view shall be provided by limiting such structures or planting to a height of not more than three feet or less than 10 feet above the street grade,

excepting the trunks of street trees or other ornamental trees whose foliage is kept trimmed to a height of 10 feet above the street grade.  
**[Amended 6-20-1995 by Ord. No. 38-B]**

**§ 138-101. Fences and walls.**

- A. Fences and walls may be erected, altered and maintained within the yards subject to the following height requirements:
- (1) Any such fence or wall in the front yard shall not exceed 3 1/2 feet in height, unless such fence or wall confines large pets or farm animals, in which case such fence or wall shall not exceed five feet.  
**[Amended 6-20-1995 by Ord. No. 38-B]**
  - (2) Any fence or wall in the side or rear yard may be a maximum of eight feet in height. Furthermore, any fence or wall exceeding six feet in height shall contain openings therein equal to 50% of the area of that portion of the wall or fence exceeding six feet.
- B. All yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, or screen planting on all sides which face upon a street or face upon a lot in a more restricted zone. **[Amended 6-20-2000 by Ord. No. 42]**
- C. If the fence is wood cover on wood frame, the framework must face onto the interior of the lot, unless the fence is so designed as to provide equal frame and cover area to adjoining yards.
- D. If the fence is open metal mesh, supported by posts and frame of either pipe or wood, the posts and frames must be on the interior of the mesh.
- E. If the fence is of masonry construction, a finished surface must be provided on the exterior side.
- F. No fence shall be constructed in any street or alley right-of-way.
- G. All fences must meet the intersection visibility requirements set forth in § 138-100 above.

**§ 138-102. Habitable floor area.**

The minimum habitable floor area of a dwelling unit hereafter erected shall be 600 square feet. In the case of buildings holding or containing two or more dwelling units, the minimum habitable floor area shall be not less than 300 square feet per dwelling unit, except those dwelling units designed for and occupied exclusively by one person, which dwelling units shall each contain not less than 200 square feet of habitable floor area.

**§ 138-103. Illumination.**

- A. The illumination of any sign shall be arranged in such a manner that the light shall be shielded from any residential building nor fall within the right-of-way of any street or highway.
- B. Outside lights must consist of a light source and reflector so that acting together, the light beam is controlled and not directed across any property lines.

**§ 138-104. Performance standards.**

All uses of land, buildings and structures or industrial processes shall be prohibited that may be noxious or injurious by reason of the production and/or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or condition. Uses may be permitted, except those specifically prohibited in the district regulations or general provisions, if safeguards to protect the health, safety, morals, and the general welfare of the community are established by a written agreement, between the governing body and the property owner, subject to the securing of a permit therefore and subject to the carrying out of such provisions, restrictions, and safeguards.

**§ 138-105. Water use and control. [Amended 6-20-2000 by Ord. No. 42]**

- A. Drainage regulations.
  - (1) Prior to obtaining a permit for any construction or earthmoving activities the applicant must submit an erosion and sedimentation control plan and stormwater management plan. The Perry County Conservation District shall approve the erosion and sedimentation control plan. The Carroll Township Board of Supervisors shall approve the stormwater management plan upon review and recommendation of the Township Engineer.
  - (2) Such plans shall be in conformance with those standards set forth in Chapter 120, Subdivision and Land Development, and any other applicable state, county and Township Legislation or Regulations, particularly the Pennsylvania Storm Water Management Act of October 4, 1978, as amended, approved by the General Assembly on May 14, 1985.
- B. Groundwater or surface water withdrawals. In all districts, residential subdivisions of more than four lots, whether proposed initially or cumulatively, and any land development requiring more than 1,000 gallons per day cumulative draw or more than 100 gallons per acre per day withdrawal, whichever is less, of water from groundwater or surface water shall only be permitted in compliance with the following requirements: **[Amended 3-6-2012 by Ord. No. 60]**
  - (1) Submission of a water use plan documenting that there is adequate water supply for the proposed use without adverse impact on the

quality or quantity of groundwater or surface water supplies available for other existing land uses or habitats. The water use plan shall be based upon a local hydrogeological analysis quantifying estimated water depletion and impact from the proposed withdrawal after a period of one year and five years, during average water levels and flows as well as during a fifty-year drought event. In conducting its analysis and proposing a water use plan, the applicant shall use generally accepted methodologies and standards, as approved by Township Engineer, or as may be established by the Board of Supervisors.

- (2) Any federal or state laws, regulations or permits applicable to such withdrawal or affecting wildlife dependent on the water resource in question.
- (3) Any required permit or water plan of the Susquehanna River Basin Commission.
- (4) Any required permit or water plan of Perry County.

**§ 138-106. Control of traffic and protection of public safety.**

- A. The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas, and access to highways. Where a driveway or access road gives access to a state road or highway, approval by the Pennsylvania Department of Transportation shall be required. Where a driveway or access road gives access to a Township road, a permit, pursuant to Chapter 62, Driveways, shall be issued before access is permitted.
- B. Any application for commercial or industrial development or use that by virtue of county, state or federal regulations require an evacuation or emergency response due to the nature of the proposed use shall include an evacuation and emergency response plan. The plan shall:
  - (1) Assess the existing evacuation and emergency response capability of the Perry County Emergency Preparedness Office and Carroll Township related to the proposed use at the proposed site. The assessment shall include but not be limited to location and availability of a hazardous material team, coordination effort between affected municipalities, identification of any existing evacuation plans, identification of all evacuation routes, identification of potential roadway blockages, bottlenecks and geometry problems, bridge restrictions (weight limitations and lane restrictions), flooding problems, snow emergency routes and snow plowing hierarchy, police, fire, and ambulance response and equipment, disabled people, and county and local communications.
  - (2) Describe all development and use plans to mitigate the possibility that an evacuation and emergency response may be needed due to the proposed use at the site.

- (3) Propose a plan to respond to any such emergency that will address findings in Subsection B(1) above, and ensure that public health and safety is protected.
- (4) The evacuation and emergency response plan shall be updated on an annual basis, or when a change of use/activity occurs that requires an update. The plan shall be submitted to the Township by the end of January of each new year. When no update is required, a letter indicating no update is necessary shall be submitted to the Township.

#### **§ 138-107. Reduction of lot dimensions.**

The area, width, or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, courts and yards, or other spaces are smaller, or so that the coverage is greater than prescribed herein.

#### **§ 138-108. Courts.**

Courts shall conform to the following:

- A. An open space in the form of an interior court or outer court shall be provided in connection with any building in any residential or business district wherever any room therein in which a person or persons live, sleep, or congregate, cannot be adequately lighted and ventilated. Such court shall be adjacent to such rooms, the windows of which shall open in such court. (This section shall not apply to specialized commercial or manufacturing processes where controlled light and/or ventilation are required.)
- B. Outer court.
  - (1) The width of any outer court upon which windows open from a living room, bedroom, or dining room, shall be not less than the height of the wall opposite such windows.
  - (2) The depth of an outer court formed by walls on three sides shall be not greater than 1 1/2 times the width.
  - (3) The width of an outer court shall be not less than 2/3 the height of any opposing wall forming said court.
- C. Inner court.
  - (1) Each dimension of an inner court shall be not less than the full height of the walls enclosing such court, provided, however, that not less than 50 feet for apartment buildings and not less than 10 feet for two-family dwellings.
  - (2) An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross-section area and headroom for the passage of fire fighting equipment, and



shall be continuous from the inner court to a yard or unobstructed open area with access to a street.

**§ 138-109. Environmental study required. [Amended 6-20-2000 by Ord. No. 42]**

An environmental study shall be provided for as required in each district. A qualified environmental scientist, licensed engineer, or licensed landscape architect shall complete the environmental study.

A. Limited environmental assessment (LEA). A limited environmental assessment shall be provided for as required in districts CF, R-A, R-1, and R-2. The LEA includes:

- (1) A narrative description and mapping of the existing environment on the site, including but not limited to, forested areas, geologic characteristics, ground water quality and supply, wetlands, prime agricultural land, suitability of the soil for construction activity, historical features, and natural diversity.
- (2) A narrative description on how the development will impact the existing environment as identified in Subsection A(1) above and measures proposed to mitigate and/or reduce the identified impacts on the environment.
- (3) In the R-1 Residential District, the LEA also shall include an assessment of traffic, as required in § 120-17C(7) of Chapter 120, Subdivision and Land Development, and socioeconomic impacts, such as, but not limited to, population, educational requirements and demands, employment, population density, police and emergency personnel response, and public recreational needs. The LEA shall also identify mitigation measures to reduce the impacts of the proposed project. **[Amended 10-16-2001 by Ord. No. 44]**
- (4) A narrative description of the interrelationship between the proposed development activity and the Carroll Township Comprehensive Plan, this chapter, Perry County Comprehensive Plan, and other land use plans in effect at the time of plat submission.

B. Environmental assessment (EA). An environmental assessment shall be provided for land developments and large subdivisions as required in districts CF, R-A, R-1, R-2, V, C, and I. The EA shall include: **[Amended 10-16-2001 by Ord. No. 44]**

- (1) A graphic of the project area drawn to scale depicting:
  - (a) Contours at two-foot intervals.
  - (b) Soil types.
  - (c) Natural features, including but not limited to, forested areas, wetlands, and prime agricultural land.

- (2) Soils engineering report describing in detail the suitability of the soil for construction activity of the proposed land development.
  - (3) A description of the geologic characteristics and ground water quality and supply, including the location of Harrell Formation, which contains concentrations of natural water contaminants.
  - (4) A description of the development impact on the existing environment (e.g., forested areas, wetlands, endangered species, etc.) and mitigation measures to reduce adverse impacts.
  - (5) A narrative description of the interrelationship between the proposed development activity and the Carroll Township Comprehensive Plan, this chapter, Perry County Comprehensive Plan, and other land use plans in effect at the time of plat submission.
- C. Environmental impact statement (EIS). In order to provide the Board of Supervisors with an opportunity to more effectively evaluate land development proposals for identified uses in the Industrial District (§§ 138-74F through V and 138-75A), the applicant shall be required to disclose the environmental consequences or effects of such proposals through the submission of an environmental impact statement. An EIS report shall accompany and form a part of the preliminary land development plan.
- (1) By whom prepared. The study shall be prepared by a qualified consultant who shall be mutually agreed upon by the developer and the Township. The study preparer shall have sufficient documented prior environmental study experience to qualify the consultant to perform the study and render any opinions and recommendations set forth therein. The cost to prepare the study will be borne entirely by the developer. The EIS report shall be certified as correct by the preparer.
  - (2) Contents. The EIS report shall be submitted in accordance with the format and content specified below. Within the EIS report specific emphasis shall be directed toward the proposed project's effects on and relationship to the applicable site neighborhood, including areas in adjacent municipalities where applicable and Township-wide resources, conditions, or characteristics. Where required information is contained in other plans and supporting documentation said information may be cited by reference to said plans and supporting documentation. The EIS report shall include text, tables, maps and analyses for the purpose of describing the project site, proposed use(s), environmental characteristics and the environmental effects of the proposal as follows:
    - (a) An identification of the site location and area through the use of a location map drawn at a scale of not more than 2,000 feet to the inch. The location map shall depict all streets, adjoining properties, zoning district boundaries and municipal

boundaries within 3,000 feet or any part of the tract. In the case of development or a section of the entire tract the location map shall also show the relationship of the section to the entire tract.

- (b) An identification of the site character and appearance through the presentation of color or black and white photographs or copies thereof. Such photographs shall provide a representation of what the site looks like from the ground. Photographs should be properly identified or captioned and shall be keyed to a map of the site.
- (c) An identification of the nature of the proposal through the presentation of the following:
  - [1] A site development plan including notes pertaining to the number and type of lots or units, the square footage and/or acreage of the tract and a depiction of the features which are proposed such as streets, driveways, parking areas, buildings and other structures, and all impervious surfaces. The plan shall be drawn at a scale of not more than 100 feet to the inch and may be submitted as an attachment to the report. The plan shall reflect all the information required for a preliminary plan.
  - [2] Plans and elevations depicting the proposed size, square footage, height, number of rooms (where applicable) or buildings, and/or other structures.
  - [3] A statement indicating the existing and proposed ownership of the tract and, where applicable, the type of ownership, operation and maintenance proposed for areas devoted to open space or otherwise not under the control of a single lot owner.
  - [4] A statement indicating the proposed staging or phasing of the project and a map depicting the boundaries of each stage or phase of the project. Such boundaries shall be superimposed on a version of the site development plan.
- (d) An identification of physical resources associated with the natural environment on the tract including such features as geology, topography, soils, hydrology and the like. The identification of physical resources shall include a narrative description of the qualitative and quantitative aspects of each of the resources mentioned above. In addition these resources shall be mapped at a scale of not more than 100 feet to the inch as specified below and may be either incorporated into the EIS report or submitted as attachments to the report.
  - [1] A map depicting the geological characteristics of the tract. Such map shall define the location and boundaries of the

rock formations on or influencing the tract and features such as faults and/or fractures.

- [2] A map depicting the topographic characteristics of the tract. Such map shall contain contours with at least two-foot intervals and shall depict slopes from 0% to 4%, 4% to 10%, 10% to 15%, 15% to 25% and greater than 25%.
  - [3] A map depicting the soil characteristics of the tract. Such map shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed subdivision and/or land development such as depth of bedrock, depth of water table, flood hazard potential and limitations for septic tank filter fields.
  - [4] A map depicting the hydrological characteristics of the tract. Such map shall depict surface water resources and their drainage characteristics, watersheds, floodplains, and groundwater resources. Surface water resources include features such as creeks, runs, streams, ponds, other natural bodies of water, springs, wetlands and any man-made impoundments. Groundwater resources include features such as aquifers and aquifer recharge areas.
- (e) An identification of biological resources associated with the natural environment or the tract including such features as vegetation and wildlife. The identification of biological resources shall include a narrative description of each of the resources mentioned above. Any protected and/or endangered species as identified by the Pennsylvania Natural Diversity Inventory shall be noted. In addition these resources shall be mapped at a scale of not more than 100 feet to the inch, as specified below, and may be either incorporated into the EIS report or submitted as attachments to the report.
- [1] A map depicting the vegetation characteristics of the tract. Such map shall define the locations and boundaries of the wooded areas on the tract and shall note the types of vegetation associations that exist in terms of their species, types and sizes. In addition all trees 12 inches in caliper or greater shall be accurately located on the map, either as freestanding trees or as tree masses.
  - [2] A map depicting characteristics associated with wildlife habitats. Such map may draw upon the vegetation, hydrology and soil maps in order to express habitat characteristics associated with terrestrial and aquatic wildlife on the tract and the relationship on the overall habitat(s).
- (f) An identification of the land use conditions and characteristics associated with the tract such as current and past use, land

cover, any encumbrances, and the relationship of these to adjacent tracts. The identification of land use conditions and characteristics shall include a narrative description of the above. In addition the following maps drawn at a scale of not more than 100 feet to the inch, unless otherwise noted, shall be incorporated into the EIS report or submitted as attachments to it:

- [1] A map depicting the land cover characteristics of the tract. Such map shall define existing features including paved or other impervious surfaces, wooded areas, cultivated areas, pasture, old fields, lawns and landscaped areas, and the like.
  - [2] A map depicting any encumbrances to the tract. Such map shall define easements and other areas where certain use privileges exist.
  - [3] A map depicting the land uses adjacent to the proposed tract. Such map may be at the same scale as the location map.
- (g) An identification of the historic resources associated with the tract such as areas, structures and/or routes and trails that are significant. Areas, structures and/or routes and trails included on the National Register of Historic Places, the Pennsylvania Inventory of Historic Places and the Historic American Building Survey, those identified in the Comprehensive Plan and any structure erected prior to 1890 shall be identified. The identification of historic resources shall include a narrative description of the above. In addition a map drawn at a scale of not more than 100 feet to the inch depicting historic resources shall be incorporated into the EIS report or submitted as an attachment to the report.
- (h) An identification of the visual resources associated with the tract such as areas that have a particular amenity value and areas that offer interest in viewing the tract. The identification of visual resources shall include a narrative description of the above. In addition a map drawn at a scale of not more than 100 feet to the inch depicting visual resources shall be incorporated into the EIS report or submitted as an attachment to the report.
- (i) An identification of the community facility needs associated with the user and/or resident of the proposed subdivision and/or land development. The community facility needs assessment shall indicate in narrative form the type of services that will be in demand. Where applicable, community facilities (such as schools, park and recreation areas, libraries, hospitals and other health care facilities, fire protection, police protection,

ambulance and rescue services and postal services) shall be discussed in terms of:

- [1] The ability of existing facilities and services to accommodate the demands of future users and/or residents of the lots and/or tract; and
  - [2] The need for additional or expanded community facilities.
- (j) An identification of the utility needs associated with the user and/or resident of the proposed subdivision and/or land development. The utility needs assessment shall indicate in narrative form the type of installations that will be in demand. Utilities (such as those used for water supply, sewage disposal, refuse disposal, storm drainage, communications and electrical transmission) shall be discussed in terms of the ability of existing utility installations to accommodate the demands of the future users and/or residents on the lots and/or tract, the need for additional or expanded utility installations, the ability to achieve an adequate quantity of potable water whenever individual wells are proposed, the ability to achieve an adequate system for on-site sewage disposal whenever such a system is proposed, and the ability to achieve an adequate system for storm drainage and stormwater management.
- (k) An identification of the relationship of the transportation and circulation system needs of the proposed subdivision and/or land development to the existing street or highway network. A discussion of this relationship shall be in narrative form and shall indicate factors such as methods to be used for traffic control within the tract and any points of ingress to and egress from it, and expected traffic volumes generated from the subdivision and/or land development, including their relationship to existing traffic volumes on existing streets for both peak-hour and nonpeak-hour traffic conditions. In addition there shall be a discussion of the physical condition of existing streets that will service the proposed subdivision and/or land development and what improvements are proposed to remedy any physical deficiencies.
- (l) An identification of the anticipated population characteristics related to the proposed subdivision and/or land development. The characteristics, which shall be presented in narrative form, shall include a profile of the future users and/or residents of the lot and/or tract including information such as the number of people expected. Such information shall be related to initial and completed subdivision and/or land development conditions.
- (m) An identification of the economic and fiscal characteristics related to the proposed subdivision and/or land development.

The characteristics that shall be presented in narrative form shall include a profile of the Township, county and school district revenues that the proposal may generate and the Township, county and school district costs it may create. Such information shall be related to initial and completed subdivision and/or land development conditions.

- (n) An identification of characteristics and conditions associated with existing construction-related and future air and water quality, light and noise levels, vibration, toxic materials, electrical interference, odor, glare and heat, fire and explosion, smoke, dust, fumes, vapors and gases and/or radioactive materials.
- (o) The implications of the proposed subdivision and/or land development in terms of the type of beneficial or adverse effects which may result from it and the duration of these effects in terms of their short-term or long-term nature. To indicate such effects there shall be a discussion of the implications of the proposed subdivision and/or land development to the resources, conditions and characteristics described in Subsections C(2)(d) through (n) above. In addition to a narrative presentation of implications, the applicant shall display where the subdivision and/or land development adversely affects the tract's resources, conditions or characteristics through the use of a map drawn at a scale of not more than 100 feet to the inch, wherein the areas adversely affected from proposed development are highlighted. Such map may be either incorporated into the EIS report or submitted as an attachment to the report. Further, the applicant must demonstrate and specify in the EIS report how and where the findings in the EIS report and its attachments are reflected in the subdivision and/or land development plan.
- (p) Alternatives to the proposed subdivision and/or land development. To indicate such alternatives, the applicant shall submit exhibits or diagrams which will depict the type of alternatives described in narrative form. The applicant shall comment on how alternatives such as revised location, redesign, layout or siting of buildings, roads and other structures, alternate methods for sewage disposal and water supply, reduction in the size of proposed structures or number of structures, and the like would preclude, reduce or lessen potential adverse impact or produce beneficial effects.
- (q) Probable adverse effects which cannot be precluded. In indicating such effects, a discussion shall be presented regarding whether they will have primary or secondary implications; that is, whether the adverse effects will have direct or indirect influence on a particular resource, condition or characteristic.

- (r) Measures to mitigate adverse effects. To indicate such measures, the applicant shall submit exhibits or diagrams which will depict the type of remedial, protective and mitigative measures described in narrative form. These resources shall include those required through existing procedures and standards and those unique to a specific project as follows:
  - [1] Mitigation measures which pertain to existing procedures and standards are those related to current requirements of the state, county and/or Township for remedial or protective action such as sedimentation and erosion control, stormwater runoff control, water quality control, air quality control, and the like.
  - [2] Mitigation measures related to impacts that may be unique to a specific subdivision and/or land development are those related to efforts such as revegetation, screening, fencing, emission control, traffic control, noise control, relocation of people and/or businesses, land acquisition and the like.
- (s) Any irreversible environmental changes which would occur due to the proposed subdivision and/or land development should it be implemented. To indicate such changes, the use of nonrenewable resources during the initial and continued phases of the subdivision and/or land development shall be discussed. Further, the loss of environmental resources shall be indicated through a presentation of the quantity of loss and related qualitative effects.
- (t) A narrative description and mapping of all historical features and natural diversity as identified by the Pennsylvania Historical Commission and the Pennsylvania Natural Diversity Inventory. The narrative shall describe the feature(s) and how it/they will be affected by the proposed development activity.
- (u) A narrative description of the interrelationship between the proposed development activity and the Carroll Township Comprehensive Plan, this chapter, Perry County Comprehensive Plan, and other land use plans in effect at the time of plat submission.
- (3) In making its evaluation, the Township shall ensure that all applicable EIS requirements are addressed in the EIS submission. Failure to submit a completed EIS shall result in the Township declaring the EIS incomplete. The Planning Commission and/or the Board of Supervisors may request additional information to ensure compliance with the purpose of the EIS. Further, whenever any information requested in Subsection C(2) above is not applicable to the proposed subdivision and/or land development, the EIS shall



indicate which sections are not applicable along with specific reasons why the subsection is not applicable. The Planning Commission, upon reviewing the specific reasons why a subsection is not applicable, may accept or reject the specific reasons. In the case of rejection, the applicant shall amend the EIS to include the required information.



ARTICLE XIII  
**Nonconforming Buildings and Uses**

**§ 138-110. General provisions.**

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

**§ 138-111. Continuation.**

The Zoning Officer shall identify and register all of the premises occupied by a lawful nonconforming use or building existing at the effective date of this chapter and issue a certificate of nonconformance which shall be for the purpose of insuring to the owner the right to continue a nonconforming building or use.

**§ 138-112. Alterations.**

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use, provided such alterations and repairs conform with regulations set forth in this chapter and all other applicable codes and ordinances adopted by the Township.

**§ 138-113. Extensions or enlargements.**

- A. The types of extensions and enlargements listed below are permitted for nonconforming uses and buildings existing on the effective date of this chapter:
- (1) The extension of a nonconforming use of land upon a lot occupied by such use.
  - (2) The extension or enlargement of a conforming building occupied by a nonconforming use.
  - (3) The extension or enlargement of a nonconforming building occupied by a nonconforming use.
  - (4) The extension or enlargement of a nonconforming building occupied by a conforming use.
- B. The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:
- (1) The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which it is located. Where a structure is nonconforming as to a required side yard or rear yard setback, the established nonconforming setback may be

continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side or rear yard, than the original building line extended. Extension or enlargement shall not exceed 50% of the existing floor area or use.

- (2) The entire building or use shall be provided with off-street parking and loading spaces as required by Article XIV herein. **[Amended 10-16-2001 by Ord. No. 44]**
- (3) The extension or enlargement does not replace a conforming use.
- (4) The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this chapter, where such vacant parcels have been recorded separately or acquired following the effective date of this chapter.
- (5) Any lawful nonconforming use of a building or land may be changed to another nonconforming use of substantially the same character upon approval by the Zoning Officer that the proposed change in nonconforming use will not increase the need for off-street parking, produce any noise, glare, heat, dust, traffic violation, or illumination in excess of the existing nonconforming use. Any aggrieved party may appeal to the Zoning Hearing Board within 30 days of the grant or denial of the application by the Zoning Officer. **[Amended 3-6-2012 by Ord. No. 60]**

#### **§ 138-114. Reconstruction and/or restoration.**

A nonconforming building or use which is damaged by fire, explosion, windstorm or other natural or criminal acts, may be reconstructed and used for the same purposes, provided that:

- A. The reconstruction and/or restoration of the building is commenced within one year from the date of occurrence of the damage and is carried to completion without undue delay, and
- B. The reconstructed building or occupied area does not exceed the height, area, and volume of the original structure and occupied use.

#### **§ 138-115. Discontinuance.**

If a nonconforming use of land or building ceases operations for a continuous period of more than 18 months, then such use and any subsequent use or building shall conform to the regulations of this chapter.

**§ 138-116. Nonconforming signs. [Amended 12-2-2003 by Ord. No. 51]**

Signs in existence at the effective date of this chapter or amendments thereto, may be continued, subject to the regulations contained in Article XII and Article XIII herein.

**§ 138-117. Construction approved prior to chapter.**

- A. Where a building permit has been issued 90 or more days prior to the effective date of this chapter and the proposed building or use does not conform to the requirements of this chapter, the proposed building or use shall be considered the same as a lawful building or use and shall be regulated by the requirements of this article.
- B. Where a building permit has been issued less than 90 days prior to the effective date of this chapter and the proposed building or use does not conform to the requirements of this chapter, the proposed building or use shall be considered the same as a lawful building or use and shall be regulated by the requirements of this article, only if a least one of the following conditions has been met prior to the effective date of this chapter:
  - (1) Construction other than excavation has been started.
  - (2) A contract for construction other than excavation has been let.



ARTICLE XIV  
**Off-Street Parking**

**§ 138-118. General parking regulations.**

- A. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.
- B. Outdoor parking space shall be deemed to be part of the open space of the lot upon which it is located.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard provided that the level of such yard shall conform to the general level of the other yards on the lot. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
- D. Off-street parking may not be permitted in the front yard in residential districts.

**§ 138-119. Facilities required.**

Any of the following buildings hereafter erected or enlarged and any building hereafter converted into one of the following buildings and any open area hereafter used for commercial or industrial purposes shall be provided with not less than the minimum parking spaces as set forth below.

**§ 138-120. Off-street parking space requirements. [Amended 3-6-2012 by Ord. No. 60]**

A. Residential.

<b>Uses</b>	<b>Minimum Required Parking</b>
Single and two-family dwellings	2 spaces for each family or dwelling unit
Multiple dwellings	2 spaces per dwelling unit
Hotels, motels, tourist houses, boarding- and room lodging houses	1 space for each guest room plus 1 space for each 2 employees in the maximum working shift

B. Commercial.

<b>Uses</b>	<b>Minimum Required Parking</b>
Automobile wash	5 spaces for each washing machine
Automotive sales and service garages	1 space for each 400 square feet of gross floor area devoted to service facilities or 2 spaces for each service bay, whichever is larger, plus 1 space for each 200 square feet of gross floor area devoted to sales facilities or usage plus 1 space for each full-time employee
Banks or professional offices	1 space for each 200 square feet of floor area
Bowling alleys	5 spaces for each alley
Dance halls, fitness centers, swimming pools, roller rinks, clubs, lodges, and other similar uses	1 space for each 100 square feet of floor area or of water area in the swimming pool
Driving ranges and miniature golf	1 space for each tee
Food markets and convenience stores	1 space for each 200 square feet of net retail floor area
Funeral homes, mortuaries	One parking space for each 50 square feet of floor area for use of memorial services, viewing area, business office and product displays
Furniture or appliance stores	1 space for each 200 square feet of net retail floor area
Medical and dental offices	5 spaces for each practitioner
Office buildings	1 space for each 200 square feet of net retail floor area
Restaurants, cafes, and other similar places serving food or beverages	1 space for every 2.5 seats
Retail stores and shops	1 space for each 120 square feet of net retail floor area
Sports arenas, auditoriums, theaters, assembly halls	1 space for each 3.5 seats
Trailer or monument sales or auctions	1 space for each 2,500 square feet of lot area

## C. Industrial-manufacturing.



**Uses**

Industrial-manufacturing plants, research or testing laboratories, bottling plants, warehousing and wholesaling establishments

Truck terminals

**Minimum Required Parking**

1 space for each 1,000 square feet of floor area, plus 1 space for each 2 employees in the maximum working shift; the total parking area shall not be less than 25% of the building floor area

1 space for each 10,000 square feet of floor area

**D. Public and semipublic areas.****Uses**

Churches and schools

Community buildings, social halls, fire stations, ambulance service and municipal building

Hospitals, nursing and convalescent homes

**Minimum Required Parking**

1 space for each 3.5 seats in the auditorium or 1 space for each 17 classroom seats, whichever is greater

1 space for each 100 square feet of floor area, not including garage areas

1 space for each 3 beds, plus 1 space for each employee in maximum working shift

**§ 138-121. Location of parking space.**

Parking spaces for multiple dwelling buildings, commercial or industrial uses shall be readily accessible to, and within a reasonable distance from, the buildings served thereby. Such spaces shall be on the same lot and in the same zoning district as the principal building or open area conforming to the following regulations:

- A. The required parking spaces shall be situated within 600 feet of the principal building or open space in question.
- B. Such spaces shall be in the same ownership as the principal use to which they are accessory and shall be subject to deed restrictions acceptable to the Zoning Hearing Board, binding the owner and heirs or assigns to maintain the required number of parking spaces throughout the life of the principal use.

**§ 138-122. Design standards.**

The minimum dimensions of parking facilities to be provided shall be as follows:

- A. In all districts, net parking spaces per vehicle shall be not less than 10 feet wide and 20 feet long, except when more than 10 parking spaces are required, in which case a maximum of 25% of the parking spaces

may be provided for compact vehicles. Each compact parking space shall not be less than eight feet wide by 18 feet long. All compact parking spaces shall be arranged and located in the same area and be marked to indicate spaces designated for compact parking. **[Amended 3-6-2012 by Ord. No. 60]**

- B. In all districts except for single-family dwellings, there shall be no less than 10 feet of open space between the curb line or edge of any parking area and the outside wall of any building. No parking area shall be located within a public right-of-way.
- C. Parking lot dimensions. Parking lot dimensions shall be not less than those listed in the following table:

Angle of Parking (degrees)	Parking Stall Width (feet)	Stall Depth* (feet)	Aisle-Width	
			One-Way (feet)	Two-Way (feet)
90°	10	20	24	24
50°	10	22	18	20
45°	10	21	15	20
30°	10	19	12	20

NOTE:

\* Depth from curb is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parking vehicles and not including any part of the drive.

- D. All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls of the parking area.
- E. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- F. The width of entrance and exit drives shall be a minimum of 12 feet for one-way use only, a minimum of 20 feet for two-way use (except where 90° parking is used, in which case the minimum shall be not less than 24 feet).
- G. Setback for parking areas shall be provided as follows:
- (1) All parking spaces and access drives shall be at least 10 feet from any multiple dwelling building, industrial building, or commercial building on the lot;
  - (2) All parking spaces and access drives shall be at least five feet from any exterior lot line, except where buffer yards are required

in which case such parking spaces and access drives may not encroach on the buffer yard area; and

- (3) Except at entrance and exit drives, parking areas shall be physically separated from any public and/or private streets by a minimum five-foot planting strip. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking area.
  - (4) All off-street parking spaces shall be marked so as to indicate their location.
- H. Separate parking areas on a parcel or development shall be physically separated from one another by eight-foot planting strips.
- I. A structure or planting material shall be provided of sufficient height and density to screen off-street parking lots from the public street and from the ground level of adjoining residential districts.

#### **§ 138-123. Handicapped parking.**

Handicapped parking spaces shall be provided all uses, with the exception of single- and two-family residential uses, and shall comply with the location, size, marking, and ingress and egress requirements set forth herein. Each reserved parking space for the physically handicapped person shall be not less than 12 feet wide. The number of accessible parking spaces required are as follows:

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

#### **§ 138-124. Drainage, surfacing and maintenance standards.**

- A. The area of the parking lots, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Municipal Engineer to the extent necessary to

prevent dust, erosion or excessive water flow across streets or adjoining property.

- B. Parking areas shall be kept clean and free from rubbish and debris.
- C. In all cases, such drainage, surfacing, and maintenance activities and plans shall conform to other applicable codes and ordinances enacted by the Township.

#### **§ 138-125. Lighting.**

Any lighting used to illuminate off-street parking or loading areas shall be arranged so that the direct rays from the luminaries will not fall on any residence beyond the property line.

#### **§ 138-126. Loading and unloading space.**

- A. In addition to the off-street parking space required above, all commercial and industrial establishments, hospitals or sanitariums, and other similar uses shall provide adequate off-street area for loading and unloading of supplies to and from vehicles.
- B. At least one loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purposes exceed 10,000 square feet, one additional loading berth shall be provided for each 10,000 square feet of gross floor area. The off-street loading berth shall be not less than 10 feet wide, 35 feet in length, and 14 feet in height.
- C. Hotels shall have at least one loading berth, with an additional loading berth when the floor area exceeds 50,000 square feet.

#### **§ 138-127. Changes in requirements.**

Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of this article.

#### **§ 138-128. Continuing obligation.**

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total number of spaces or area after their provisions, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, number of employees or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of the article. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities constitute a nuisance, hazard or unreasonable impediment to traffic.

ARTICLE XV  
**Motor Vehicle Access**

**§ 138-129. General provisions.**

Wherever motor vehicle access is provided from the street or private road onto the lot, the following regulations shall apply.

**§ 138-130. Driveways and curb.**

Access to the lot shall comply with the following regulations:

- A. Property access shall be provided by not less than one nor more than two driveways for each 100 feet of street or private road frontage.
- B. No driveways serving single-family dwellings shall be closer to each other than 12 feet, and no driveway shall be closer to a side property line than three feet. No flare shall cross an extended side property line.
- C. Each driveway shall be stabilized and shall be not less than 10 feet in width nor more than 35 feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
- D. Driveways shall not cross the street right-of-way line within 40 feet of the street right-of-way line of an intersecting street and in no case less than 10 feet from the point of tangency when the intersecting street lines are joined by a curve. Notwithstanding the above and when deemed necessary for safety by the governing body, this dimension may be increased for driveways into shopping centers or other commercial, industrial, public, multifamily or institutional uses.
- E. Driveways shall not cross the street right-of-way within 15 feet of a fire hydrant, or within five feet of a catch basin or drain inlet.
- F. Driveways shall not cross the street right-of-way for other than single and two-family type uses within 40 feet of another driveway on the same lot, excepting in the case where dual access drives are deemed necessary to permit safe ingress and egress, these dimensions may be reduced to not less than 12 feet between two access drives.
- G. Driveways shall not cross the street right-of-way for all multifamily developments and in all commercial and industrial districts within 20 feet of a property line unless two adjoining property owners mutually agree in a legally recorded instrument to a common driveway.
- H. For nonresidential uses, where there is an existing curb and gutter or sidewalk on the street or private road, a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two ends and street/private road side of each such island shall be constructed a concrete curb, the height, location, and

structural specifications of which shall be approved by the Township Engineer.

- I. For nonresidential uses, where there is no existing curb and gutter or sidewalk; a curb, fence, or landscaping not less than eight inches and not more than two feet in height shall be constructed along the entire length of the property line, except in front of the permitted driveway.
- J. General safety requirements; sight distance. Driveways shall be located in safe relationship to sight distance and barriers to vision, and shall not exceed a slope of 10% within 12 feet of the street line. Where drives enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than 1/2 foot vertical to one foot horizontal within 10 feet of the point the drive intersects with the right-of-way line.
- K. Submission of plan. A scale drawing of proposed off-street parking and loading areas, access drives, and walks shall be submitted as part of the required plot plan. Any plan requiring access onto a state highway shall be approved by the Pennsylvania Department of Transportation.

**§ 138-131. Location of gasoline pumps.**

Gasoline pumps and all other service equipment shall be set back not less than 25 feet from any lot or right-of-way line and shall be so positioned that vehicles stopped for service will not extend over any such line.

ARTICLE XVI  
**Amendments**

**§ 138-132. Amendment procedure.**

The Township Board of Supervisors may, from time to time, on its own motion or on petition or recommendation of the Planning Commission, amend, supplement or repeal any of the regulations and provisions of this chapter after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Township Planning Commission, must be referred to the Township Planning Commission for its recommendations at least 30 days prior to the hearing on such amendment. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least 30 days prior to the hearing on the ordinance or amendment by the Township Board of Supervisors, the Township Planning Commission shall submit the proposed ordinance or amendments to the Perry County Planning Commission for recommendations. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

**§ 138-133. Procedure upon curative amendments.**

The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, Sections 609.1 and 609.2.<sup>23</sup>

**§ 138-134. Content of public notice.**

Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing.

**§ 138-135. Publications after enactment.**

After enactment, if the advertisement of a zoning ordinance or amendment is required by other laws respecting the advertisement of ordinances, such advertisement may consist solely of a reference to the place or places within the municipality where such copies of such ordinance or amendment shall be obtainable for a charge not greater than the cost thereof and available for examination without charge. Zoning ordinance and amendments may be

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**23. Editor's Note: See 53 P.S. §§ 10609.1 and 10609.2.**

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incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.



ARTICLE XVII  
**Administration and Enforcement**

**§ 138-136. Appointment and powers of Zoning Officer.**

For the administration of this chapter, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed. The Zoning Officer shall administer this chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter.

**§ 138-137. Enforcement. [Amended 6-20-2000 by Ord. No. 42]**

It shall be the duty of the Zoning Officer to enforce the provisions of this chapter and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for permits, issue zoning permits for construction and uses which are in accordance with the requirements of this chapter, record and file all applications for permits with accompanying plans and documents, and make such reports as the Board of Supervisors may require. Permits for construction and uses which are a variance to requirements of this chapter shall be issued only upon written order of the Zoning Hearing Board. Permits for construction and uses, which are a conditional use, shall be issued only upon approval of such conditional use by Carroll Township Board of Supervisors.

**§ 138-138. Zoning appeals.**

The governing body shall appoint a Zoning Hearing Board which shall be composed of three members, organized, empowered and conducted in accordance with Article IX of the Pennsylvania Municipalities Planning Code (53 P.S. § 10901) existing or hereafter as amended and supplemented (the "code"). The duly established Zoning Hearing Board shall have the following functions:

- A. **Hearings.** The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 908 of the Code. Written notice shall be given to the public, the applicant, the County Planning Commission, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate and any person who has made timely request for the same. Notices shall be given at such time and in such manner prescribed by adopted Rules of the Zoning Hearing Board. The governing body may establish reasonable fees, based on cost, to be paid by the applicant and persons requesting any notice or materials not required by ordinance.
- B. **Jurisdiction.** The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- (1) Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) in Act 247.<sup>24</sup>
- (2) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- (3) Appeals from the determination of the Zoning Officer, including, but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- (4) Appeals from a determination by a Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- (5) Applications for variances from the terms of this chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2.<sup>25</sup>
- (6) Applications for special exceptions under this chapter or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1.<sup>26</sup>
- (7) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter.
- (8) Appeals from the Zoning Officer's determination under Section 916.2 in Act 247.<sup>27</sup>
- (9) Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Article V or VII applications in Act 247.

C. Variances.

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24. Editor's Note: See 53 P.S. §§ 10609.1 and 10916.1(a)(2).

25. Editor's Note: See 53 P.S. §§ 10910.2.

26. Editor's Note: See 53 P.S. §§ 10912.1.

27. Editor's Note: See 53 P.S. §§ 10916.2.

- (1) The Zoning Hearing Board shall hear request for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board shall prescribe the form of application and require application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided the following findings are made where relevant in a given case:
    - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the ordinance in the neighborhood or district in which the property is located;
    - (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
    - (c) That such unnecessary hardship has not been created by the appellant;
    - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
    - (e) That the variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in issue.
  - (2) In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and of the code.
- D. Special exceptions. Applications for any special exceptions as permitted by this chapter shall be made to the Zoning Hearing Board through the Zoning Officer. The Zoning Hearing Board shall refer the matter to the Planning Commission for report thereon as to its effect on the Comprehensive Plan of the Township. After receipt of such report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this chapter. **[Added 10-16-2001 by Ord. No. 46]**

- (1) It is the intent of this section to provide special controls and regulations for particular uses that may, under certain conditions, be conducted within the various zoning districts established in this chapter. These particular controls and requirements are additional to those imposed by other applicable ordinances of Carroll Township.
- (2) The Zoning Hearing Board shall hear requests for special exceptions in accordance with the following conditions and requirements:
  - (a) The Zoning Hearing Board shall determine that the minimum requirements of this chapter have been met.
  - (b) The Zoning Hearing Board shall find that the use, structure, or action authorized by the special exception permit will not be contrary to the preservation of the general character of the neighborhood involved.
  - (c) The Zoning Hearing Board shall duly consider the following factors, as appropriate:
    - [1] Ingress and egress to property and existing and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience; traffic generation, flow and control relative to exiting and future vehicular capacity of nearby public rights of way, and access in case of fire, flood or other catastrophe.
    - [2] Off-street parking and loading areas where required, with particular attention to the factors in Subsection D(1) hereof, and the noise, glare, odor or traffic effects of the special exception on adjoining properties and properties generally in the neighborhood.
    - [3] Refuse and service areas.
    - [4] Utilities, with reference to locations, availability and compatibility.
    - [5] Screening and buffering as required by this chapter.
    - [6] Signs as permitted by this chapter.
- (3) Nothing in this section shall relieve the owner or his agent, the developer, or the applicant for a special exception permit from obtaining subdivision and/or land development plan approval in accordance with Chapter 120, Subdivision and Land Development.
- (4) Fees and other costs. In addition to the filing fee and other costs requisite for subdivision and land development plan approval in accordance with Chapter 120, Subdivision and Land Development, the applicant shall pay the following costs:

- (a) Reasonable fees for compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing.
  - (b) An applicant, by filing for a use by special exception, shall then be obligated to pay all costs hereinabove provided. The applicant upon the submission of bills shall promptly submit payment of such costs to the Township.
  - (c) No zoning permit or other required permit shall be issued by the Township Zoning and/or Building Permit Officer until all such fees and costs have been paid in full by the applicant.
- (5) General procedures for special exceptions.
- (a) Application. Requests for special exceptions shall be submitted, together with all required fees, in a written application setting forth the grounds for the request in detail. A development plan of the total area to be included in the application, which shall be drawn to scale, shall accompany and be part of the special exception application and contain the following:
    - [1] The location, boundaries, dimensions and ownership of the land.
    - [2] In the case of nonresidential development, a general description of the activities to take place as may be appropriate such as maximum employment, working hours, customer traffic, delivery services, and development schedule plan.
    - [3] The location, use, and ground area of such proposed building and other structure.
    - [4] The locations, dimensions, arrangements and proposed use of all open spaces, yards, streets, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways and buffer yards.
    - [5] The capacity arrangement and controls for all areas to be used for automobile access, parking, loading and unloading in sufficient detail to demonstrate that satisfactory arrangements will be made to facilitate traffic movement from the street or highway.
    - [6] The character of the buffer area and screening devices to be maintained including the dimensions and arrangements of all areas devoted to planting, lawns, trees or similar purposes.

- [7] A description of the proposed methods of control of development in sufficient detail to indicate the noise, glare, air pollution, water pollution, fire hazards, traffic congestion, other safety hazards to be produced, and if requested the appropriate environmental study required by § 138-109.
- [8] A description of the methods to be used for water supply treatment and disposal of sewage, other wastes, refuse, and storm drainage.
- [9] The names and addresses of all adjoining property owners.
- (b) Referral to Carroll Township Planning Commission. Applications for special exceptions shall be referred to the Carroll Township Planning Commission for comment. In their review the Planning Commission shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may recommend appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this chapter and the accomplishment of the following objectives in particular.
  - [1] That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
  - [2] That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
  - [3] That, in addition to the above, in the case of any use located directly adjacent to a residential district:
    - [a] The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to said Residential District or conflict with the normal traffic of the neighborhood; and
    - [b] The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such

that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

- (6) Special exceptions; specific procedures. Upon receipt of a special exception application the following procedure shall prevail:
- (a) Planning Commission review. Within 45 days of the Township's receipt of a special exception use application, the Township Planning Commission shall review said application together with all supporting information and forward its written recommendations to the Zoning Hearing Board.
  - (b) Zoning Hearing Board action. The Zoning Hearing Board shall conduct a public hearing on each application for a special exception use. Such hearing shall be conducted in accordance with § 138-138 of this chapter. The initial public hearing shall be conducted within 60 days of the date of a complete application, unless the applicant has agreed in writing to an extension of time.
  - (c) The Zoning Hearing Board shall make its final decision based upon findings of fact as to the general factors set forth and upon the specific factors for which a special exception application is filed. The written decision or when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board.

**§ 138-139. Permits. [Amended 6-20-2000 by Ord. No. 42]**

- A. Requirements of zoning permit. A zoning permit shall be required prior to a building permit being issued; the erection, addition, or alteration of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use, or the establishment of a home occupation pursuant to § 138-94M of this chapter. 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 zoning permit has been duly issued therefor.
- B. Application for permits. All applications for permits, and applications for issues to be determined by the Zoning Hearing Board shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this chapter and all other ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted

upon by the Zoning Officer and Building Permit Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

C. Issuance of permits.

- (1) No building permit shall be issued by the Building Permit Officer until the Zoning Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this chapter, as well as the provisions of all other applicable ordinances.
- (2) Zoning Officer and Building Permit Officer shall act upon request within 30 days following a complete application.
- (3) A zoning permit issued hereunder shall become void 12 months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit expiration date.

D. Temporary permits. A temporary zoning permit may be authorized by the Zoning Officer for a temporary structure/building or use, such as, but not limited to, a construction trailer and temporary sales office. Such permit shall be issued for a specified period of time not to exceed one year, and may be renewed annually for an aggregate period not exceeding two years. All temporary structures/buildings or uses shall comply with the provisions of this chapter and Chapter 51, Building Permits.

**§ 138-140. Certificate of nonconformance. [Amended 10-16-2001 by Ord. No. 46]**

The Zoning Officer may issue a certificate of nonconformance to the owner of any property, which is identified as containing a nonconforming use or structure. The owner's property and the issuance date of such certification shall be registered in the records of the Township as follows:

- A. Such certificate of nonconformance shall be issued within 180 days after the effective date of this chapter.
- B. The certificate of nonconformance shall set forth in detail all of the nonconforming conditions of said property.
- C. A copy of the certificate of nonconformance shall be retained and filed by the Zoning Officer.
- D. The certificate shall be for the purposes of insuring the owner the right to continue a nonconforming use in accordance with the regulations of this chapter.



**§ 138-141. Conditional uses.**

Applications for any conditional use permitted by this chapter shall be made to the Board of Supervisors through the Zoning Officer. The Zoning Officer shall refer all such applications to the Planning Commission for review and recommendation. The Planning Commission shall review the application pursuant to applicable standards and criteria and submit its recommendations to the governing body for approval or denial pursuant to public notice and a public hearing.

**§ 138-142. Special exceptions. [Added 10-16-2001 by Ord. No. 46]**

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the standards and criteria set forth in this chapter. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and of the Act 247, the Pennsylvania Municipalities Planning Code.<sup>28</sup>

**§ 138-143. Fees.**

- A. The Township Board of Supervisors shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, special exceptions, amendments, bonds and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning Officer.
- B. Such fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete.

**§ 138-144. Inspection by Zoning Officer.**

It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of inspections of property for which a permit has been issued:

- A. At the beginning of construction.
  - (1) A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved zoning permit application. **[Amended 6-20-2000 by Ord. No. 42]**
  - (2) If the actual construction does not conform to the application, a written notice of 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.

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<sup>28</sup> Editor's Note: See 53 P.S. § 10101 et seq.

- B. At the completion of construction. A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to all Township ordinances, and the opinion of the Zoning Officer in regard to the issuance of any applicable permit. **[Amended 6-20-2000 by Ord. No. 42]**

**§ 138-145. Certificate of use.**

- A. A certificate of use shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel, or use of land complies with the provisions of all Township ordinances. **[Amended 6-20-2000 by Ord. No. 42]**
- B. No vacant land shall be occupied or used, and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until a certificate of use shall have been issued by the Zoning Officer.
- C. A certificate of use for the use of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit, and shall be issued or denied within 15 days after a final inspection by the Zoning Officer. **[Amended 6-20-2000 by Ord. No. 42]**
- D. A certificate of use for changing or extending a nonconforming use, existing at the time of the passage of this chapter or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such certificate shall be issued within 15 days after a final inspection and approval by the Zoning Officer.
- E. A record of all certificates of use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

**§ 138-146. Notice; enforcement; violations and penalties; remedies. [Amended 3-6-2012 by Ord. No. 60]**

- A. Violations. The construction, alteration, maintenance, or use of any structure, building, sign, land, or landscaping; or change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping without first obtaining a zoning permit; or the use of any building, structure, sign or land without receipt of a certificate of use and occupancy; or the failure to comply with any other provision of the chapter; or the violation of any conditions imposed upon the grant of a special exceptions or variance by the Zoning Hearing Board or a conditional use by the Board of Supervisors or by a court of competent jurisdiction if a special

exception, variance or conditional use is granted by such court are hereby declared to be violations of this chapter.

- B. Enforcement notice. If it appears to the Zoning Officer that a violation of this chapter exists, the Zoning Officer shall send an enforcement notice (also known as a "notice of violation and cease and desist order") to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, to any other person requested in writing by the owner of record, and to any person whom the Township may bring an enforcement action. The enforcement notice shall contain the name of the owner of record and any other persons against whom the Township may take action, the location of the property in violation, the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter, the date before which steps for compliance must be commenced and that date before which the steps must be completed, that the recipients of the enforcement notice have the right to appeal to the Zoning Hearing Board within 30 days, and that a failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation with sanctions clearly described.
- C. Enforcement action. If the enforcement notice is not complied with, the Zoning Officer, with the approval of the Board of Supervisors, shall institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of this chapter or the order of direction made pursuant thereto. The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a Magisterial District Judge.
- D. Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable for such violation in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including the reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, be levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues constitutes a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the District Justice,

and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this chapter shall be paid over to the Township for the general use of the Township. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

- E. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building in violation of this chapter or of any of the regulations made pursuant thereto, or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a special exception variance by the Zoning Hearing Board or upon the grant of a conditional use by the Board of Supervisors, then in addition to any other remedies provided by law, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township may institute, in the name of the Township, any appropriate action or proceeding to prevent, restrain, correct or abate any such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to prevent any illegal act, conduct, business or use in and about such premises.
- F. Other actions. The imposition of the penalties herein prescribed shall not preclude the Township Solicitor from instituting appropriate action to prevent unlawful erection or construction or to restrain, correct or abate a violation or to prevent illegal use or occupancy of any structure, building, sign, land and/or premises or to stop an illegal act, conduct, business, use or occupancy of any structure, building, sign and/or land in or about any premises.

#### **§ 138-147. Appeals and applications.**

- A. All applications before the Carroll Township Zoning Hearing Board shall include an application fee. Such fee shall cover the cost of compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs, necessary administrative overhead connected with the hearing, and professional stenographer, which fee shall be paid pursuant to Section 908.(7) of the Pennsylvania Municipalities Planning Code. Application fee shall be set by resolution by the Carroll Township Board of Supervisors. **[Added 6-20-2000 by Ord. No. 42]**
- B. An appeal, or application for an amendment, or variance from the terms of this chapter shall be filed with the Zoning Officer, and shall contain:
  - (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 proposal.

- (3) A brief description and location of the real estate to be affected by such proposal.
- (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 chapter under which the appeal or application requested may be allowed, and reasons why it should be granted; or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed, and reasons for the appeal.
- (6) An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.
- (7) Any other pertinent data required by the Zoning Hearing Board, Township Board of Supervisors, and/or Zoning Officer, as appropriate to their individual authorities set forth in this article.

**§ 138-148. Interpretation, purpose and conflict.**

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

**§ 138-149. Procedural relationship to Municipalities Planning Code. [Added 10-16-2001 by Ord. No. 46]**

This chapter provides detailed procedures for action by the Board of Supervisors, Planning Commission, Zoning Hearing Board, and the public. The purpose of these sections is for the convenience of the user of this document; however, from time to time the state enabling legislation will be revised. As such the procedural requirements of this chapter shall be compared against Act 247.<sup>29</sup> Act 247 will always preside and shall be the source for procedural protocol.

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<sup>29</sup>Editor's Note: See 53 P.S. 10101 et seq.