CHAPTER 27

ZONING

Part 1
Title, Application and Purpose

§100. Title and Short Title.....27-1-1
§101. Application of Ordinance.....27-1-1
§102. Purpose.....27-1-1
§103. Minimum Standards.....27-1-2
§104. Community Development Objectives.....27-1-2

Part 2
Definitions

§200. Definitions.....27-2-1
§201. Specific Terms.....27-2-1

Part 3
Zoning Map and Zoning Districts

§300. Official Zoning Map.....27-3-1
§301. Classes of Districts.....27-3-2
§302. Interpretation of District Boundaries.....27-3-3

Part 4
District Requirements

§400. General Requirements.....27-4-1
§401. Woodland Preservation (W-P).....27-4-1
§402. Agricultural Preservation (A-P).....27-4-16
§403. Agricultural-Residential (A-R).....27-4-23
§404. Low-Density Residential (R-1).....27-4-30
§405. Medium-Density Residential (R-2).....27-4-33
§406. Residential-Urban (R-U) (formerly R-3).....27-4-37
§407. Bucknell University (B-U).....27-4-43
§408. Highway-Commercial (H-C).....27-4-46
§409. General-Commercial (G-C).....27-4-48
§410. Industrial (I).....27-4-50

Part 5
Supplemental Regulations

§500. Application.....27-5-1
§501. Additional Requirements for All Zoning Districts.....27-5-1
§502. Home Occupation Regulations.....27-5-4
§503. Accessory Buildings, Structures and Uses.....27-5-6
§504. Sign Regulations.....27-5-13
§505. Off Street Parking.....27-5-22
§506. Wireless Telecommunications.....27-5-29
§507. Veterinary Clinics Regulations.....27-5-41
§508. Medical Marijuana Growers/Processors and Medical Marijuana

Dispensaries.....27-5-41
§509. Solar Energy.....27-5-43
§510. Small Cell Wireless Facility.....27-5-50
§511. Keeping of Chickens.....27-5-57
§512. Domestic Livestock.....27-5-58
§513. Agricultural Uses.....27-5-59
§514. Riding Stables.....27-5-60
§515. Kennels.....27-5-60
§516. Outdoor Recreation.....27-5-60
§517. Cemeteries.....27-5-61
§518. Mining and Mineral Extraction.....27-5-61
§519. Private and Public Schools.....27-5-62
§520. Concentrated Animal Operation.....27-5-63
§521. Roadside/Farm Stands.....27-5-63
§522. No Impact Home Based Business.....27-5-63
§523. Parochial School.....27-5-64
§524. Farmettes.....27-5-64
§525. Bed and Breakfast Establishments.....27-5-65
§526. Agritourism.....27-5-65
§527. Brewery;Distillery;Winery.....27-5-66
§528. Event Space/Venue.....27-5-67
§529. Forestry.....27-5-68
§530. Continuous Care Facility.....27-5-68
§531. Group Home.....27-5-69
§532. Nursing/Convalescent Home;Personal Care Facility.....27-5-69
§533. Data Centers and Data Center Accessory Uses.....27-5-70

Part 6
Planned Residential Development

§600. Purposes.....27-6-1
§601. Definitions (Applicable to this Chapter).....27-6-1
§602. Eligibility.....27-6-2
§603. Permitted Uses.....27-6-3
§604. Development Standards.....27-6-3
§605. Contents of Applications.....27-6-19
§606. Submission and Review Procedures.....27-6-22
§607. Administration.....27-6-26

Part 7
Administration and Enforcement

§700. Administration.....27-7-1
§701. Enforcement.....27-7-2
§702. Nonconforming Lots, Uses, Structures and Buildings.....27-7-4
§703. Certificates of Use and Occupancy.....27-7-7
§704. Schedule of Fees, Charges and Expenses.....27-7-7
§705. Amendments.....27-7-8
§706. Exemptions.....27-7-9

Part 8
Zoning Hearings

§800. General Provisions.....27-8-1
§801. Hearings.....27-8-2
§802. Mediation Option.....27-8-2
§803. Functions of the Zoning Hearing Board.....27-8-2
§804. Standards for Variances.....27-8-2
§805. Standards for Special Exceptions.....27-8-2
§806. Functions of the Governing Body.....27-8-3
§807. Standards for Conditional Uses.....27-8-3
§808. Procedures for Hearings.....27-8-3
§809. Procedures to Obtain Preliminary Opinion.....27-8-4

Part 9
Development Standards, Performance Standards and Open Space Subdivision Procedures

§900. Development Standards.....27-9-1
§901. Performance Standards.....27-9-1
§902. Open Space Subdivision Design.....27-9-3
§903. Site Planning Procedures for Open Space Subdivisions.....27-9-9
§904. Ownership and Maintenance of Open Space.....27-9-14
§905. Lot Consolidation.....27-9-17

Part 10
Floodplain Regulations

§1000. Statutory Authorization.....27-10-1
§1001. General Provisions.....27-10-1
§1002. Administration.....27-10-2
§1003. Identification of Floodplain Areas.....27-10-8
§1004. Technical Provisions.....27-10-11
§1005. Prohibited Activities.....27-10-21
§1006. Existing Structures in Identified Floodplain Areas.....27-10-21
§1007. Variances.....27-10-22
§1008. Definitions.....27-10-23
§1009. Adoption.....27-10-28

Part 11
Miscellaneous Provisions

§1100. Reviews and Appeals.....27-11-1
§1101. Remedies.....27-11-1
§1102. Severability.....27-11-1
§1103. Repeal of Conflicting Ordinances.....27-11-1
§1104. Effective Date.....27-11-1
§1105. Official Zoning Map.....27-11-1

CHAPTER 27

ZONING

Part 1

Title, Application and Purpose

This Chapter is based on Ordinance 195 of April 24, 1996 and subsequent amendments

§100. Title and Short Title.

§100.1 Title An Ordinance establishing regulations and restrictions for the location and use of lots, land, buildings and other structures, the height, number of stories and bulk of buildings and structures, the density of population, requirements for Open Space Subdivisions and Planned Residential Developments, off-street parking and similar accessory regulations, in East Buffalo Township, Union County, Pennsylvania, and for said purposes dividing the municipality into districts and proscribing certain uniform regulations for each district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.

§100.2 Short Title. This Ordinance shall be known as, and may be cited as, the East Buffalo Township Zoning Ordinance of 1996.

§101. Application of Ordinance. Except as hereinafter provided, no building, structure, land, or parts thereof shall be used or occupied, erected, constructed or assembled, moved, enlarged or structurally altered unless in compliance with the provisions of this ordinance.

§102. Purpose. This Zoning Ordinance, including the provisions, requirements, and districts as hereinafter set forth, is based upon and intended to give effect to the policies and objectives set forth in the East Buffalo Township Comprehensive Plan, and is intended to promote health, safety and the general welfare by achieving, among others the following purposes for development:

§102.1 To promote, protect and facilitate the proper density of population, emergency management preparedness and operations, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural and/or industrial use.

§102.2 To promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and the preservation of forests, wetlands, aquifers and floodplains.

§102.3 To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

§102.4 To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

§102.5 To provide for the use of land within East Buffalo Township for residential housing of various dwelling types.

§102.6 To accommodate reasonable overall community growth, in those areas suitable of development, including population and employment growth and opportunities for development of a variety of nonresidential uses.

§102.7 To lessen congestion on the roads and highways.

§102.8 To avoid undue congestion of population.

§102.9 To encourage the most appropriate use of land, based upon the suitability of the proposed development site to accommodate a proposed use.

§102.10 To conserve the value of land and buildings.

§103. Minimum Standards. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare of the residents and inhabitants of East Buffalo Township.

§104. Community Development Objectives. The basis for this ordinance is the East Buffalo Township Comprehensive Plan, as adopted and/or amended by the Board of Supervisors. Those Community Development Objectives enumerated in order to achieve local desired goals and objectives are:

§104.1 General Goals and Objectives.

(a) Plan for change in the township in a manner that will protect, preserve and enhance the economic, social, cultural and aesthetic values that establish the desirable rural qualities of this region.

(b) Promote safe, orderly, and efficient growth, and/or development in accordance with preserving sensitive areas through land use controls within East Buffalo Township.

(c) Promote greater use of inter-municipal cooperation in planning to minimize the intrusion of non-compatible development on neighboring municipalities.

§104.2 Housing Goals.

(a) Provide suitable areas for a variety of housing choices in terms of types and densities of housing.

(b) Provide and encourage areas for higher density development where public utilities can be utilized or extended to service the new development.

(c) Provide low-density rural housing opportunities that minimize the impact of the strip development upon highways.

§104.3 Agricultural Goals.

(a) Protect existing agricultural areas and practices through Agricultural Security Areas and an effective and enforceable Agricultural Preservation Zoning.

(b) Preserve those areas most uniquely suited for agriculture and minimize the intrusion of non-compatible development in the agricultural areas.

(c) Minimize the intrusion of development into prime agriculture areas.

§104.4 Industrial/Commercial Goals.

(a) Encourage the development of major industrial uses in the industrial park.

(b) Continue commercial development along Route 45 in the Eastern portion of the township, along Route 15 from Hilltop Drive to Beagle Club Road, and along Route 15 to the north of Route 45.

(c) Extend the commercial area that is immediately south of Hilltop Drive.

(d) Provide for more selected neighborhood commercial uses in residential areas.

§104.5 Transportation Goals.

(a) Protect Highways from development encroachment.

(b) Insure Route 15's future as a limited access highway.

§104.6 Environmental Goals.

(a) Preserve, as much as possible, the present character of East Buffalo Township by concentrating commercial, industrial, and residential development in the areas where it already exists and those areas where the land is most suitable for development. Agricultural and forest uses shall be preserved in those areas where its existence is already present.

(b) Discourage development on ecologically and environmentally sensitive lands including but not limited to: irreplaceable woodlands, floodplains, wetlands and soils with low percolation rates.

(c) Provide for compatible uses in floodplain areas such as agriculture, open space, parks, etc.

(d) Continue to provide and to expand adequate water and sewer facilities to serve the more intensely developed areas of the Township.

(e) Ensure that new development is not a detriment to the environment.

(f) Improve stormwater management planning and control.

(g) Initiate energy use practices, which promote beneficial results regarding conservation.

§104.7 Recreation and Open Space Goals.

(a) Provide for additional active large size recreational areas.

(b) Proceed with the proposed bikeway/trail system throughout East Buffalo Township.

(c) Encourage developers to plan comprehensively for the position of well-located open space and recreational areas within new residential areas in East Buffalo Township.

(d) Encourage incorporation of floodplain areas into open space and recreational areas.

CHAPTER 27

ZONING

Part 2

Definitions

§200. Definitions. For the purpose of this ordinance, certain terms, phrases, and words are defined as follows:

§200.1 Use existing provisions. Tense, Gender and Number.

§200.1 General Terms. The word "shall" or "must" is always mandatory; the word "may" is permissive. The words "used for" includes "designed for", "arranged for", "intended for", "maintained for" or "occupied for". The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof". The word "person or persons" includes "individual", profit or non-profit organization", "partnership", "company", "incorporated association", or other similar entities.

§200.3 Terms, Phrases and Words Not Defined. When terms, phrases, or words are not specifically defined, they shall have their ordinarily accepted dictionary meanings or such as the context may imply.

§201. Specific Terms. Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

ACCESSORY SOLAR ENERGY SYSTEM – An area of land or other area for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power for the use of the property owner, including participation in utility net metering programs. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is primarily intended to reduce on-site consumption of utility power or fuels.
(Ordinance 395, July 13, 2020)

ACCESSORY STRUCTURE(S) - A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. This shall include, but not be limited to garages, storage sheds, decks, swimming pools, patios, cabanas, gazebos and play structures.

ACCESSORY USE - A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ADULT USE - Any establishment having a substantial or significant portion of its stock in trade or service provided any goods or services which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," or an establishment with a segment or Section devoted to the sale or display of such materials or services. Such uses shall include "Adult Book Stores", "Adult Motion Picture Theaters", " Adult Entertainment Cabaret", "Massage Parlors" or "Other Adult Uses". (As amended by Ordinance 206, adopted December 9, 1996)

ADULT BOOK STORE - An establishment having a 10% or more of its stock in trade, books, magazines, films or video for sale or viewing on premises by use of any motion picture, Video-Cassette or other coin operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to " Specified Sexual Activities" or "Specified Anatomical Areas," or an establishment with a segment or Section devoted to the sale or display of such material or services. (As amended by Ordinance 206, adopted December 9, 1996)

ADULT MOTION PICTURE THEATER - An enclosed building used more than 10% of the time it is open for business for presenting motion picture, video or similar media distinguished or characterized by their emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein. (As amended by Ordinance 206, adopted December 9, 1996)

ADULT ENTERTAINMENT CABARET - Any public or private establishment serving food or beverages or licensed to serve alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers. (As amended by Ordinance 206, adopted December 9, 1996)

AGRICULTURAL BUSINESS – Any business related to the processing and sale of agricultural products and supplies or the sale and/or repair of agricultural equipment.
(Ordinance 230, October 8, 2001; as amended by Ordinance 429, adopted November 24, 2025)

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 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.
(Ordinance 230, October 8, 2001;, as amended by Ordinance 429, adopted November 24, 2025)

AGRICULTURAL LAND PRESERVATION - An approved Federal, State, County or Municipal Program for acquiring conservation easements or purchasing development rights on agricultural lands.

AGRICULTURAL SECURITY AREA - An area of land designated by the Board of Supervisors, pursuant to Act 43 of 1981, by ordinance and identified on an official map recorded in the offices of the Union County Recorder of Deeds.

AGRICULTURAL SERVICES – A place of business operated solely to offer the service of and for, or sales of agricultural equipment, buildings or structures and or the manufacturing or remanufacturing of agricultural equipment. (Ordinance 230, October 8, 2001)

AGRITOURISM – A farm-related tourism or farm-related entertainment activity that takes place on agricultural land and allows members of the general public, whether or not for a fee, to tour, explore, observe, learn about, participate in or be entertained by an aspect of agricultural production, harvesting, husbandry or rural lifestyle that occurs on the farm.

(Ordinance 429, adopted November 24, 2025)

AIR RIGHTS - The right to use space above ground level.

ALLEY - A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

ALTERATION - Any change or rearrangement in the structural parts or in the existing facilities of any a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

ANIMAL HUSBANDRY - The raising of animals or livestock, including fowl, but not including dogs, cats or other common household pets, for sale.

ANIMAL OR VETERINARY HOSPITAL –A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

APPLICANT - A person submitting an application for development.

AQUACULTURE - The commercial cultivation of aquatic life, such as fish, shellfish and seaweed or a controlled discharge of nutrients to enhance growth or propagation of harvestable freshwater, estuarine or marine life plant or animal species.

AQUIFER – A geologic formation that contains a usable supply of water.

AQUIFER PROTECTION AREA - A designated area of land identified in an approved wellhead protection, aquifer protection or water supply plan, and mapped in said plan. Aquifer protection areas shall be overlay maps to the official zoning map and regulations applicable for aquifer protection areas shall be applicable in all districts where such aquifer protection areas exist.

AQUIFER RECHARGE AREA - The outcropping part of the aquifer through which water enters the aquifer.

ATTIC - That part of a building that is immediately below and wholly or partly within the roof framing.

AVERAGE SETBACK - The mean setback from a street right-of -way of buildings on both sides of a lot.

BASEMENT - a space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet. A basement shall be considered as one story in determining the permissible number of stories.

BED AND BREAKFAST - Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

BOARD OR ZONING HEARING BOARD - The Zoning Hearing Board of East Buffalo Township.

BREWERY – A facility that holds a license to manufacture, store and distribute malt or brewed beverages as regulated by Title 47, the Pennsylvania Liquor Code, as amended.

(Ordinance 429, adopted November 24, 2025)

BUILDING - A combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the shelter, enclosure, housing or structural support of persons, animals, process, equipment, goods or materials of any kind. Building shall not include driveways, parking spaces or parking lots.

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

BUILDING, DETACHED - A building surrounded by open land on all four (4) sides within the same lot.

BUILDING HEIGHT - The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs.

BUILDING LINE - A line parallel to the street or right-of-way line touching that part of the building closest to the street.

BUILDING MASS - The height, width and depth of a structure.

BUILDING SCALE - The relationship of a particular building, in terms of building mass, to other nearby and adjacent building

BUILDING SETBACK LINE - A line, established by this ordinance, within a property, defining the minimum distance between any building or structure or portion thereof to be erected or altered, and an adjacent right-or-way, street or property line. Such line shall be measured at right angles to adjacent street, right-of-way or property line and running parallel to said line.

BUILDING, SEMI-DETACHED - A building, which has one (1) wall in common with an adjacent building.

BULK REGULATIONS OR REQUIREMENTS - Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the buildings can be located, including coverage, setbacks, height, floor area ratio, and yard requirements.

CALIPER - The diameter of a tree trunk four feet above grade.

CAMPGROUND - A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreational, education or vacation purposes.

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

CAMPSITE - A plot of ground within a campground intended for exclusive occupancy by a camping unit or units.

CELLAR - A space with less than one half of its floor-to- ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling of height of less than six and a half feet. A cellar shall not be considered a story in determining the permissible number of stories.

CERTIFICATE OF OCCUPANCY - A document issued by the Zoning Officer, based upon an inspection, allowing the occupancy or use of a building and certifying that the structure or use has been constructed (and/or will be used) in compliance with all applicable municipal codes and ordinances.

CENTRAL WATER OR SEWER - A water or sewer distribution system, which serves facilities or a community on an area wide or regional basis. The facility company must be approved by and/or licensed by the appropriate State or Federal Agencies.

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

CHICKEN – The genus and species known as Gallus gallus domesticus.

(Ordinance 414, adopted August 14, 2023)

CHICKEN RUN – An enclosed area in which chickens are allowed to walk and run about. (Ordinance 414, adopted August 14, 2023)

CHICKEN COOP - A small building for housing poultry.

(Ordinance 414, adopted August 14, 2023)

CHURCH – A building or structure, or group of buildings or structures, which by design and construction, are primarily intended for conducting organized religious or worship services and uses that are customarily accessory or incidental thereto. For the purposes of this Chapter, uses such as schools, nursery or daycare facilities, social hals, or similar places of assembly associated with a church or other place of worship shall require separate consideration and approval by Township officials.

(Ordinance 431, adopted February 9, 2026)

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of street and/or driveway lines.

CLUB – A nonprofit association of persons (whether or not incorporated) for a common purpose, but not including groups organized solely or primarily to render a service as a business. This term shall not include SPORTSMAN CLUB.

(Ordinance 429, adopted November 24, 2025)

CLUSTER SUBDIVISION - A form of development that permits a reduction in the lot area and bulk requirements, providing no increase in the number of lots permitted under a conventional subdivision or no increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

COLLOCATION - See Part 5, §506.1 (Ordinance 376, adopted March 14, 2016)

COMMERCIAL IMPRACTICABILITY OR COMMERCIALLY IMPRACTICABLE - The inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "commercial impracticable" and shall not render an act or the terms of an agreement "commercially impracticable". (Ordinance 238, May 6, 2002)

COMMERCIAL SERVICE ESTABLISHMENT – An establishment primarily engaged in providing commercial services such as the following: barbershops, beauty salons, health spas, drycleaners, Laundromats, repair shops for radios, televisions, computers and other electronic devices and home appliances, shoe repair shops, pet grooming with no overnight boarding and other similar establishments. Commercial Service Establishments shall not include the repair or servicing of motor vehicles, gasoline service stations, adult uses, nursing homes, or assisted living facilities. (As amended by Ordinance 359, September 10, 2012)

COMMISSION - The Planning Commission of East Buffalo Township, Union County, Pennsylvania.

COMMON OPEN SPACE - A parcel or parcels or land or an area of water, or a combination of land and water within a development site that is 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. Common Open Space shall be deeded to an association of property owners or a nature or lands conservancy or to the Township.

COMMUNICATIONS ANTENNA **-** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas. (As Amended by Ordinance 217, April 12, 1999)

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. (As Amended by Ordinance 217, April 12, 1999)

COMMUNICATIONS TOWER - A Structure such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas. (As Amended by Ordinance 217, April 12, 1999)

COMMUNITY ASSOCIATION OR HOMEOWNER'S ASSOCIATION - A homeowners' association organized to own, maintain, and/or operate common facilities and to enhance and protect their common interests.

CONCENTRATED ANIMAL OPERATION (CAO) – Agricultural operations where the animal density of all livestock on the farm is between two (2) animal equivalent units (AEUs) per acre and eight (8) AEUs per acre, on an annualized basis.

CONDITIONAL USE - A use which may not be appropriate in a particular zoning district as a whole but which may be suitable in certain locations within the district when specific conditions and factors proscribed within this Ordinance for such uses are met. All Conditional uses are permitted only by the Board of Supervisors after recommendation by the Commission.

CONDOMINIUM – A building, or group of buildings, in which dwelling units, offices or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSERVATION AREA, PRIMARY - Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, Class I and II agricultural lands or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance or character.

CONSERVATION AREA, SECONDARY - Areas with historic, cultural, visual or aesthetic characteristics, determined by the Planning Commission to be worthy of protection and/or preservation on a development site.

CONSTRUCTION - The building, rebuilding, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes and/or mobile homes.

CONTIGUOUS - Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

CONTINUOUS CARE FACILITY – A state-licensed institutional facility providing supervised care services, including meals and full-time skilled or intermediate nursing care, for individuals for a period of not less than one (1) year, usually the elderly, i.e. assisted living facility.
(Ordinance 429, adopted November 24, 2025)

CONVERSION - A change in the use of land or a structure.

COVENANT OR RESTRICTIVE COVENANT - A restriction on the use of land usually set forth in the deed or on a recorded plan.

CROP - A harvestable protect, planted, grown, and cultivated in the soil.

CROPLAND - Land upon which crops are grown.

CRYPTOCURRENCY – A digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank.
(Ordinance 429, adopted November 24, 2025; amended by Ordinance 435, adopted October 26, 2026)

CRYPTOCURRENCY MINING/BLOCKCHAIN TRANSACTION PROCESSING – The commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the blockchain, and also the means through which new units of cryptocurrencies are released, through the use of Server Farms or Data Centers employing data processing equipment. (Ordinance 429, adopted November 24, 2025; amended by Ordinance 435, adopted October 26, 2026)

CULTIVATION OF CROPS - The use of land for raising of harvestable products which are planted, grown or cultivated in the soil and excluding the keeping of animals.

CURB CUT - The opening along the curb line at which point vehicles may enter or leave the roadway.

DATA CENTER – A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary or customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include Cryptocurrency Mining/Blockchain Transaction Processing and Server Farms. A DATA CENTER may include DATA CENTER ACCESSORY USES.

(Ordinance 429, adopted November 24, 2025; amended by Ordinance 435, adopted October 26, 2026)

DATA CENTER ACCESSORY USE – Ancillary uses or structures secondary and incidental to a DATA CENTER use, including but not limited to: administrative, logistical, fiberoptic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

(Ordinance 429, adopted November 24, 2025; amended by Ordinance 435, adopted October 26, 2026)

DECIDUOUS - Plants that drop their foliage annually before becoming dormant.

DENSITY - The number of families, individuals, dwelling units, households, or structures per unit of land.

DENSITY BONUS - A increase in the number of allowable units on any parcel, from the density requirements established in a particular district.

DESIGN STANDARDS - Guidelines defining parameters to be followed in site and/or building design and development.

DEVELOPER - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who causes to be made any subdivision of land or land development.

DEVELOPMENT - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

DESIGNATED WELLHEAD - A geographic area containing an aquifer from which public or community wells draw water for public consumption.

DISTILLERY – Any premises or plant wherein alcohol or liquor is manufactured, made and distilled from raw materials, blended or rectified, or any place wherein alcohol or liquor is produced by any method suitable for the production of alcohol. The term shall not include a WINERY.

(Ordinance 429, adopted November 24, 2025)

DISTRICT - A part, zone or geographic area within East Buffalo Township within which certain development or zoning regulations apply.

DOMESTIC LIVESTOCK - Any member of the bovine, caprine, equine, ovine or porcine species, including but not limited to cows, steers, horses, ponies, pigs, sheep and goats, kept for noncommercial, personal uses.

(Ordinance 414, adopted August 14, 2023)

DRIVE-IN OR DRIVE THROUGH - A structure or use that 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.

DWELLING - A structure or portion thereof that is used exclusively for human habitation. In terms of this ordinance a dwelling shall not be deemed to include hotel, motel, rooming house, tourist home or bed and breakfast establishments.

DWELLING, SINGLE FAMILY - A building arranged, designed, or intended for and occupied exclusively by one family.

DWELLING, TWO-FAMILY **–** A building containing two (2) dwelling units in configuration where one dwelling unit is located above the other dwelling unit. (As amended by Ordinance 359, September 10, 2012)

DWELLING, MANUFACTURED - A Mobile Home or Manufactured Housing as defined below.

DWELLING, MULTIFAMILY – A building containing three or more dwelling units, at least one of which must be located above or below the remaining dwelling units. (As amended by Ordinance 359, September 10, 2012)

DWELLING, SEASONAL - A dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year.

DWELLING, SINGLE-FAMILY SEMI-DETACHED OR DUPLEX – A building containing two(2) dwelling units in a side-by-side configuration with one common party wall. (As amended by Ordinance 359, September 10, 2012)

DWELLING, SINGLE-FAMILY DETACHED – A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard and one (1) rear yard; in the case of a corner lot or double frontage lot, the building will have two (2) front yards and two (2) side yards. Travel trailers are not considered single-family detached dwellings. (As amended by Ordinance 359, September 10, 2012)

DWELLING UNIT – A building, or portion thereof in the case of single-family semi-detached dwellings, two-family or duplex dwellings, townhouses and multifamily dwellings, designed for occupancy by not more than one family and having separate cooking and sanitary facilities. Each unit in a townhouse building and each unit or apartment in a multifamily building constitutes a dwelling unit. (As amended by Ordinance 359, September 10, 2012)

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

EASEMENT, CONSERVATION - The grant of a property right stipulating that the described land will preclude any future or additional development.

ESSENTIAL SERVICES - Public utility facilities which do not require enclosure in a building, including gas, electrical, sewer, steam, telephone or water distribution systems; and including related equipment such as poles, towers, wires, pipes, conduits, cables, alarm boxes, call boxes, traffic signals, hydrants and other similar equipment and excluding Telecommunication Facilities. (As Amended by Ordinance 217, April 12, 1999)

ESTABLISHMENT - An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

EXCAVATION - Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

EXCEPTIONAL VALUE WATERS - Surface waters designated by the Pennsylvania Department of Environmental Resources (or any successor agency) as having exceptional value by virtue of criteria established under State Law or Regulation.

EXCEPTIONAL VALUE WETLANDS - Jurisdictional wetlands designated by the Pennsylvania Department of Environmental Resources (or any successor agency) as having exceptional value by virtue of criteria established under State Law or Regulation.

EXISTING GRADE OR ELEVATION - The vertical location above some elevation point of the ground surface prior to excavating or filling.

EXISTING USE - The use of a lot or structure at the time of the enactment of this Ordinance.

EXTENSION - An increase in the amount of existing floor area beyond the exterior wall.

EXTERIOR WALL - Any wall that defines the exterior boundaries of a building or structure.

EVENT SPACE/VENUE – A building or place thereof that is designed for public or private assembly for special events or regularly scheduled programs. Such events may include, but are not limited to, lectures, performances, weddings, receptions, banquets, and fundraisers. Live music performances shall not present a nuisance to neighboring properties. All activities related thereto shall not create a public nuisance with loud noise or disorderly conduct.
(Ordinance 429, adopted November 24, 2025)

FAA - The Federal Aviation administration, or its duly designated and authorized successor agency. (Ordinance 238, May 6, 2002)

FACILITY BOUNDARY - The property lines of the lot, parcel, tract or group of lots, parcels or tracts upon which any non-residential structure or use is proposed.

FACILITY SITE - All contiguous land owned or under control of an owner or operator of a waste storage, processing, treatment or disposal facility.

FAMILY - One (1) or more related persons, either by blood, marriage or adoption, or guardianship living together in a dwelling unit as a single housekeeping unit and using cooking and sanitary facilities in common or where unrelated persons live together, four (4) or less persons shall be considered the equivalent of a family.

FAMILY DAY CARE HOME - A residence offering child care services to a maximum of six children unrelated by birth or marriage or occupancy of the resident household.

FARM OR FARMLAND - A parcel of land used for agricultural activities.

FARM STAND - A structure for the display and sale of farm products.

FARM STRUCTURE - Any building or structure used exclusively for agricultural purposes.

FARMETTES – A small parcel of land purchased by a person or family for the enjoyment of the rural countryside and who may raise field crops or animals for pleasure or incidental income. FARMETTES shall not be considered to be an AGRICULURAL OPERATION or AGRICULURAL BUSINESS.
(Ordinance 429, adopted November 24, 2025)

FCC - The Federal Communications Commission, or its duly designated and authorized successor agency. (Ordinance 238, May 6, 2002)

FENCE - An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

FLOODPLAIN - Those land areas subject to being flooded or having flood hazard conditions as defined in the Township Floodplain Ordinance as amended.

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

FLOOR AREA, NET - Gross floor area minus 15 percent.

FLOOR AREA RATIO - The gross floor area of all buildings or structures on a lot divided by the total lot area.

FOOT-CANDLE - The unit of illumination when the foot is the unit of length, as shown as an isofootcandle diagram, where all points on the line represent the same level of illumination.

FORESTRY – The management of forests and timberlands when practiced in accordance with silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.
(Ordinance 230, October 8, 2001; as amended by Ordinance 429, adopted November 24, 2025))

FREE STANDING SIGN - A self-supporting sign in a fixed location and not attached to any building structure.

FRONTAGE - That side of a lot abutting on a street; the front lot line.

GAMELANDS - Publicly owned or leased lands under the control of the Pennsylvania Game Commission (or any successor agency) open to the public for express purpose of the licensed hunting of birds or mammals, or general use by the public.

GARAGE, PRIVATE - An enclosed structure for the storage of one or more private motor vehicles provided that no business, occupation or service is conducted therein. Such a structure is accessory to the principal structure on the lot.

GARAGE, REPAIR - A building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

GARDEN APARTMENT HOUSE - A multifamily dwelling, not exceeding three (3) stories in height, containing three (3) or more dwelling units on a lot which is held in single and separate ownership having yards in common but which may also have other shared facilities and services.

GASOLINE SERVICE STATION - A structure, building, or area of land or any portion thereof that is used for the sale of gasoline or other motor vehicle fuel and oil and/or other lubricating substances, which may or may not include facilities for lubricating, washing, sale or accessories, and otherwise servicing motor vehicles, but not including the painting thereof.

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

(As amended by Ordinance 395, July 13, 2020)

GOAT - The genus and species known as Capra hircus.

(Ordinance 414, adopted August 14, 2023)

GOLF COURSE – A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways and hazards. A golf course may include a clubhouse, restrooms, driving range and shelters as accessory uses.

(Ordinance 429, adopted November 24, 2025)

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

(Ordinance 429, adopted November 24, 2025)

GOVERNING BODY - The Board of Supervisors of the Township of East Buffalo, County of Union, Commonwealth of Pennsylvania.

GRADE - The average elevation of the land around a building; the percent of rise or descent of a sloping surface.

GRADE, FINISHED - The final elevation of the ground level after development.

GRADE, NATURAL - The elevation of the ground level in its natural state, before construction, filling, or excavation

GREENWAY - A linear open space established along any natural corridor, such as a watercourse, ridgeline or overland along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; any natural or landscaped course for pedestrian or bicycle passage; an open space connector linking parks, natural reserves, historic features, cultural features, scenic views or aesthetic features with each other and with populated areas; and locally, certain strip or linear parks designated as a parkway or greenbelt.

HABITABLE FLOOR AREA - Space in a structure for living, working, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, attics, storage or utility spaces and similar areas are not considered habitable space.

HAZARDOUS WASTE - A waste or combination of wastes which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed.

HEALTH CARE FACILITY – A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions. This term shall include, but not be limited to, CONTINUOUS CARE FACILITY, NURSING/CONVALESCENT HOME, PERSONAL CARE FACILITY and GROUP HOME.

(Ordinance 429, adopted November 24, 2025)

HEIGHT OF SIGNS - The vertical distance measured from the average finished grade at the front of the structure to which the sign is affixed or a part of to its highest point, which includes any supporting structure.

HEIGHT OF TELECOMMUNICATION STRUCTURE - When referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device. (Ordinance 238, May 6, 2002)

HIGH-DENSITY LOAD SERVICE – The provision of electrical service where the requested load density has, for any monthly billing period, either: 1) an average power demand in excess of 300 kilowatts, or 2) an average power density in excess of 250 kilowatt-hours per year per data center square foot, equivalent to 35.064 square feet per kilowatt, at 100% load factor.

(Ordinance 429, adopted November 24, 2025)

HISTORIC PROPERTY OR SITE - A structure of outstanding historical and/or cultural significance and identified in the Union County Historic Preservation Plan.

HOME OCCUPATION - Any occupation, permitted under the provisions of this ordinance, which is carried on in a dwelling unit, or in a structure accessory to a dwelling unit, by a member of a family residing in said dwelling unit and that is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

HORSE - The genus and species known as Equus caballus.

(Ordinance 414, adopted August 14, 2023)

HORTICULTURE - The cultivation of a garden or orchard.

HOTEL OR MOTEL - A facility offering transient lodging accommodations to the general public and the business conduct of which is licensed under applicable laws.

IMPERVIOUS COVERAGE - That portion of a lot, expressed as a percentage that does not absorb precipitation. All buildings, structures, parking areas, roads, sidewalks, any area in concrete, asphalt, or other similar materials shall be considered impervious surface.

IMPERVIOUS SURFACE - Any material that prevents absorption of storm water into the ground.

INDOOR RECREATION - A recreational facility in which all recreational activity is conducted in an enclosed building or structure, including, but not limited to, swimming pools, exercise rooms, dance floors, basketball courts, handball courts and similar activities. This term does not include any activity involving firearms or motor vehicles.

(Ordinance 293, January 22, 2007; as amended by Ordinance 429, adopted November 24, 2025)

INDUSTRIAL USE - A use whose field of economic activity includes mining, construction, manufacturing, transportation, communication, electric, gas and sanitary services and wholesale trade.

INSTITUTION - A nonprofit, religious or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure or land used for public purpose.

JURISDICTIONAL WETLAND - An identified wetland area subject to jurisdiction of any Federal, State, County or Municipal Regulation.

KENNEL(S) -

COMMERCIAL KENNEL - A facility for the boarding of animals, the breeding of dogs and/or cats, or the boarding, grooming, sale or training of dogs and/or cats for which a fee is charged.

NON-COMMERCIAL KENNEL - Any establishment where dogs and/or cats are kept within or adjoining a private residence for the non-commercial purpose of hunting or exhibition in shows or field trials or obedience training. Surplus offspring bred at such kennels to enhance or perpetuate any given breed, recognized by the American Kennel Club, may be sold at such kennels and shall not be considered a commercial activity for the purpose of this ordinance. All animals kept or maintained in said kennel must be owned by the individual or family residing upon the lot upon which the kennel is located.

LAND DEVELOPMENT PLAN - A plan, prepared by a licensed surveyor or engineer, providing for:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more residential buildings; three or more residential dwelling units; or a single nonresidential building on said lot or lots.

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

(3) A subdivision of land.

(4) The conversion of an existing single family dwelling into more than three residential units.

LIVESTOCK - Any member of the bovine, caprine, equine, gallinaceous, ovine or porcine species, including but not limited to cows, steers, horses, ponies, pigs, sheep, goats and poultry, and other similar types of farm animals, kept for commercial uses.

(As amended by Ordinance 414, adopted August 14, 2023)

LOT - A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. The term lot shall also mean parcel, plot, site, tract or any similar term.

LOT AREA, GROSS - The area of land contained within the limits of the property lines bounding that area, but not including any street right-of-way.

LOT AREA, NET - The area of land contained within the limits of the property lines bounding that area, exclusive of environmentally sensitive lands as defined in this ordinance.

LOT, CORNER - A lot at the point of intersection of and abutting on two (2) or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two (2) street lines.

LOT, RECORD - A lot, the boundaries of which are established by a recorded deed and/or plot plan.

LOT COVERAGE - A percentage which when multiplied by the lot area will determine the permitted building area for all impervious surfaces.

LOT LINE - Any boundary line of a lot. Where a lot line is irregular, its mean alignment shall be the determining measurement under this ordinance.

LOT WIDTH - The mean width measured at the building setback line between side lot lines and parallel to the front lot line but in no case shall the street frontage be less than one-half (1/2) of the required lot width in the particular zoning district.

MALL - A shopping center where tenants are located on both sides of a covered walkway with direct pedestrian access to all establishments from the walkway.

MALT OR BREWED BEVERAGES – Any beer, lager beer, ale, porter or similar fermented malt beverage containing one-half of one per centum or more of alcohol by volume, by whatever name such beverage may be called, and shall also mean alcoholic cider, fermented fruit beverage and mead.

(Ordinance 429, adopted November 24, 2025)

MASSAGE PARLORS - Any place of business where any person, partnership, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, oil or other such items. (As amended by Ordinance 206, adopted December 9, 1996.)

MEADOW - Uncultivated land not used for pasture, usually containing wildflowers or grasses.

MEAN - The average of a series of figures computed by adding up all the figures and dividing by the number of figures.

MEDICAL MARIJUANA – Marijuana for certified medical use as set forth in the Medical Marijuana Act.(As added by Ordinance 388, adopted August 14, 2017)

MEDICAL MARIJUANA GROWER/PROCESSOR – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Commonwealth of Pennsylvania under the Medical Marijuana Act to grow and process medical marijuana. The term does not include a health care medical marijuana organization.(As added by Ordinance 388, adopted August 14, 2017)

MEDICAL MARIJUANA DISPENSARY – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Commonwealth of Pennsylvania to dispense medical marijuana. The term does not include a health care medical marijuana organization.(As added by Ordinance 388, adopted August 14, 2017)

MEMBERSHIP CLUB - A non-profit social organization with pre-established formal membership requirements, bylaws, and with the objective of promoting the interests of its members.

MINERALS - This term includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, soil, slag, ore, vermiculite, clay and any other mineral substances as defined by accepted geologic definition.

MINING OR MINERAL EXTRACTION – The extraction by surface or subsurface methods of anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, soil, slag, ore, vermiculite, clay and any other mineral or ore substance defined by accepted geologic definitions. (Ordinance 230, October 8, 2001)

MIXED USE STRUCTURE - A building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, public or entertainment.

MOBILE HOME PARK - A parcel or contiguous parcels of land, which have been designed and improved in a manner to site two or more mobile homes.

MODEL HOME - An erected structure that is intended to serve as a representation of a planned or existing home of the same kind or likeness, and that is to remain as a long-term display of the same. Said structure may contain sales offices or other similar accessory uses incidental to the purposes for which the structure has been erected and may be contained within an approved subdivision for which lots and/or dwellings are actively being marketed.

(Ordinance 429, adopted November 24, 2025)

MOBILE HOME - A single-family detached manufactured housing unit built on a chassis. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided.

MANUFACTURED HOUSING - Factory built structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) Code.

MODIFICATION OR MODIFY - See Section 506.1 (Ordinance 376, adopted March 14, 2016)

MOTEL - A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. The term shall include but not be limited to auto courts, motor courts, tourist courts, motor inns, motor lodges or roadside hotels.

MOTORSPORTS – A recreational facility and/or area providing indoor and/or outdoor recreational activities involving motor vehicles, including, but not limited to, go-karts, automobile races, motorcycle races and similar activities.

(Ordinance 429, adopted November 24, 2025)

MUNICIPAL BUILDING - Any building owned, leased or used by the Township of East Buffalo or any agency or authority created by the Township of East Buffalo except those uses with unusual or noxious operating characteristics such as sewage treatment facilities and/or waste storage, treatment, processing and disposal facilities.

MUNICIPALITY - Shall mean the Township of East Buffalo, Union County, Pennsylvania.

NIER - Non-Ionizing Electromagnetic Radiation. (Ordinance 238, May 6, 2002)

NO IMPACT HOME BASED BUSINESS – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. (Ordinance 246, December 9, 2002)

NONCONFORMING BUILDING OR STRUCTURE - A building or structure, thereof which does not conform to applicable requirements of the district in which it is located, where such building or structure fully existed prior to the enactment of this ordinance or any subsequent amendment.

NONCONFORMING USE - A building, structure or use of land which does not conform to the applicable regulations of the district in which it is located, where such building, structure or use of land existed prior to the enactment of this ordinance or any subsequent amendment. However, no existing use shall be deemed nonconforming solely because of the existence of less than the required number of off-street parking spaces.

NUISANCE - An interference with the enjoyment and use of property.

NURSING/CONVALESCENT HOME – A state-licensed institutional establishment which provides full-time convalescent or chronic nursing and/or medical care for individuals, usually the elderly. Such facilities shall not provide surgical, obstetrical or other services generally provided by a hospital.

(As amended by Ordinance 359, September 10, 2012; as amended by Ordinance 429, adopted November 24, 2025)

OFFICE - A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, communication equipment, etc.

OPEN SPACE - Unoccupied space open to the sky and on the same lot with the principal use.

OPEN SPACE SUBDIVISION - A form of development that permits a reduction in the lot area and bulk requirements, providing a potential increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas or agriculture and complying with the provisions Part 9, §§902, 903, and 904 of this Chapter.

OTHER ADULT USES - Any business, activity or use similar to or of other general nature of "Adult Book Stores", "Adult Motion Picture Theaters", "Adult Entertainment Cabarets" or "Massage Parlors" which provides goods or services distinguished or characterized by their emphasis on " Specified Sexual Activities" or "Specified Anatomical Areas" such as escort bureaus, nude wresting studios, phone sex services, and studios, all of which exclude minors by virtue of age as patrons thereof. (As amended by Ordinance 206, adopted December 9, 1996)

SPECIFIED ANATOMICAL AREAS - is defined as:

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region,

(b) Buttock and

(c) Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - is defined as:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

OUTDOOR RECREATION - The use of land for recreational activities, either of a formal, active or inactive nature, including, but not limited to, sports fields or courts, playgrounds, trails, bike paths, picnicking, table games and similar activities not taking place in an enclosed building or structure.

(As amended by Ordinance 429, adopted November 24, 2025)

PARENT TRACT - A parcel or parcels of land from which additional lots are created.

PARKING AREA - Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING LOT - Any off-street area or structure designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

PARKING SPACE - An off-street area available for the parking of one (1) motor vehicle and excluding driveways, passageways, and maneuvering space appurtenant thereto.

PAROCHIAL SCHOOL – A private school supported by a particular church or parish.

(Ordinance 429, adopted November 24, 2025)

PASTURE - Land used for the grazing of livestock.

PERMANENT RESIDENTIAL DEVELOPMENT SIGN - A permanent sign designed to identify a subdivision or development containing a minimum of twenty lots of units.

PERMITTED USE - Any use not requiring special action by the Zoning Hearing Board or the Board of Supervisors before a zoning permit may be granted by the Zoning Officer.

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

(Ordinance 429, adopted November 24, 2025)

PERSONAL STORAGE WAREHOUSE – A warehousing facility where separate storage spaces of varying sizes are available for lease or rental to the general public, usually on a self-service basis. For the purposes of this Chapter, there shall be no residential occupancy of nor commercial sales conducted from such storage areas. (Ordinance 308, October 22, 2007)

PIG - The genus and species known as Sus domesticus.

(Ordinance 414, adopted August 14, 2023)

PLACES OF WORSHIP – Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship that are operated for nonprofit and noncommercial purposes. (As amended by Ordinance 359, September 10, 2012)

PLANNED RESIDENTIAL DEVELOPMENT - See §601 of this Chapter.

PLANT NURSERY OR NURSERY - Land or greenhouses used to raise flowers, shrubs and plants for sale.

PORCH OR DECK - A roofed or unroofed structure projecting from the front, side or rear wall of buildings. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than 50 per cent.

PRINCIPAL SOLAR ENERGY SYSTEM – An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for wholesale energy production. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures. Referred to as "PSES." (Ordinance 395, July 13, 2020)

PRINCIPAL STRUCTURE - A structure housing the main or principal use of the lot on which the structure is situated.

PRINCIPAL USE - The primary or predominant use of any lot or parcel.

PROFESSIONAL OFFICE - The office of a practitioner of a calling or occupation, which the Zoning Officer finds to be professional in character by virtue of specialized knowledge, training, education and/or experience required for the practice of said calling or occupation. Said professions shall include, but not be limited to, law, medicine, chemistry, ministry, architecture, accounting, engineering, writing and education.

(As amended by Ordinance 429, adopted November 24, 2025)

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

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

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 a public hearing or meeting and the particular nature of the matter to be considered at said hearing or meeting. 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 said hearing or meeting.

PUBLIC OR QUASI-PUBLIC USE – A use owned or operated by a State, Federal, County or Municipal Government or an Authority thereof providing a service or services to the general public, such as police and fire stations, emergency services center and governmental offices.

(As Amended by Ordinance 369, adopted November 10, 2014)

PUBLIC UTILITY TRANSMISSION TOWER - A Structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines. (As Amended by Ordinance 217, April 12, 1999)

QUARRYING, MINING AND EXCAVATION - The extraction of minerals from the surface or from waste or stock piles or from pits or banks by mining the surface materials or by removing the strata or material which overlies or is above or between them, or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift and augur mining; dredging, quarrying, leeching and activities related thereto; but not including those mining operations carried out beneath the surface by means of shafts, tunnels or other underground mining operations. Quarrying, mining and excavation specifically includes the extraction of minerals by a land owner for his own noncommercial use from land owned or leased by him; the extraction of sand, gravel, rock, stone, soil, earth or fill from borrow pits for any purposes, including highway construction; and any surface mining of any materials for commercial purposes. Quarrying, mining and excavation specifically excludes the extraction of the soil where the total surface area of soil removed within any five (5) year period is less than one acre.

REAL ESTATE DEVELOPMENT SIGN - A non-permanent sign announcing the development or subdivision of a tract of land into a minimum of six lots or units for sale, construction or rent.

RESIDENTIAL DWELLING LOT - A lot upon which a residential unit is located or is to be located.

RIDING STABLE - The commercial hiring out of horses or ponies, whether with or without instruction in riding.

RIGHT-OF-WAY - A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

ROAD SIDE STAND – A place to offer the sale of agricultural products or commodities raised or grown on the premises, within the normal growing season for such products or commodities. (Ordinance 230, October 8, 2001)

ROOMING HOUSE OR LODGING HOUSE - A dwelling, other than a membership club, fraternity or sorority, college dormitory, motel or hotel, in which lodging is provided on a weekly or monthly basis without meals for two or more persons in addition to the family occupying said dwelling.

SCREENING - A method of visually shielding or obscuring one abutting or nearby structure or use from another by means of fencing, walls, berms, or densely planted vegetation.

SERVER FARM – Three (3) or more interconnected computers housed together in a single facility whose primary function is to perform data processing functions. (Ordinance 429, adopted November 24, 2025; amended by Ordinance 435, adopted October 26, 2026)

SHEEP - The genus and species known as Ovis aries.

(Ordinance 414, adopted August 14, 2023)

SHOPPING CENTER - A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

SIGN - A structure, which consists of any device, light, letter, word, model, banner, pennant, trade flag, logo, insignia or representation which advertises, directs, or announces the use conducted; goods, products, services or facilities available; or which influences persons or conveys information. The term "sign" includes the word billboard, but does not include the Flag of the United States of America or the Commonwealth of Pennsylvania, or any Federal, State or Municipal traffic or directional sign or other official Federal, State, County or Municipal Government Signs.

SIGN, GROSS SURFACE AREA - The entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include a structural or framing element lying outside the limits of such sign and not forming any part of the display.

(1) For either a free standing sign or an attached sign, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the entire background, whether open or enclosed, on which they are displayed.

(2) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs and symbols together with any background, and shall be the smallest geometric shape that can be drawn to encompass all the lettering and/or symbols.

(3) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, other than those signs described in subsections (1) and (2) above, the area shall be considered to be that of the smallest common geometric shape that can be drawn to encompass all of the letters and symbols.

SIGN, AWNING - A sign painted on or attached to a removable frame, of the hinged, rolled or folding type, which may have a covering, either combustible or noncombustible.

SIGN, BUSINESS - A sign which directs attention to a use conducted on the premises or to goods, products or services sold or provided, manufactured or assembled upon the same premises upon which it is displayed.

SIGN, COMMERCIAL OR OFFICE CENTER - A directory, on or off premises, used to identify specific enterprises, which are located within the commercial or office center.

SIGN, MARQUEE - A sign painted on, attached to, or consisting of an interchangeable copy reader, on the face of a building, or as part of a freestanding sign.

SIGN, NON-PERMANENT – Promotional flags or pennants, temporary portable signs, temporary business identification signs, political campaign election signs or other special promotional or advertising devices or banners, or temporary event signs intended to be erected for a limited period of time to call attention to a legally permissible special event. (Ordinance 400, May 10, 2021)

SOLAR EASEMENT – A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems. (Ordinance 395, July 13, 2020)

SOLAR ENERGY – Radiant energy (direct, diffuse and/or reflective) received from the sun. (Ordinance 395, July 13, 2020)

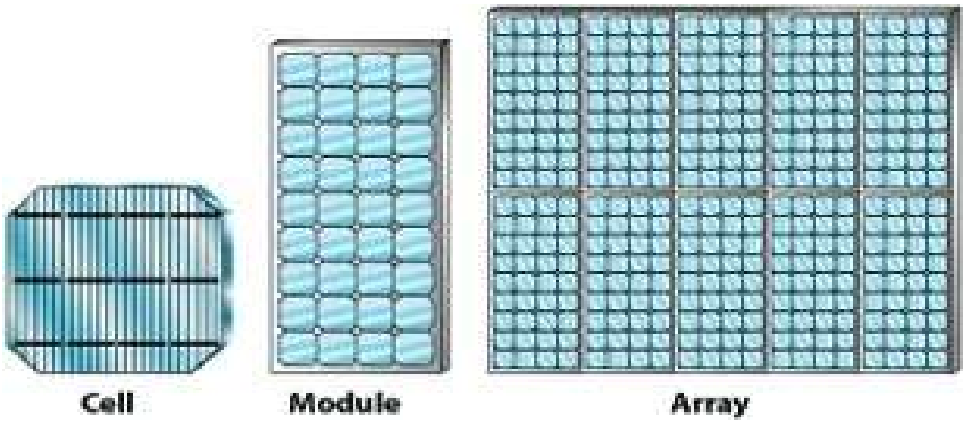
SOLAR PANEL – That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity. (Ordinance 395, July 13, 2020)

SOLAR RELATED EQUIPMENT – Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy. (Ordinance 395, July 13, 2020)

- SOLAR ARRAY – A grouping of multiple solar modules with purpose of harvesting solar energy. (Ordinance 395, July 13, 2020)

- SOLAR CELL – The smallest basic solar electric device that generates electricity when exposed to light. (Ordinance 395, July 13, 2020)

- SOLAR MODULE – A grouping of solar cells with the purpose of harvesting solar energy. (Ordinance 395, July 13, 2020)



(Ordinance 395, July 13, 2020)

SPECIAL EXCEPTION PERMIT - A permit issued by the Zoning Officer, after authorization by the Zoning Hearing Board, before any special exception use can be constructed or operated.

SPECIAL EXCEPTION USE - A use requiring approval from the Zoning Hearing Board, after a public hearing, and meeting the requirements established for said use in this ordinance.

SPORTSMAN CLUBS – A recreational facility and/or area providing indoor and/or outdoor recreational activities involving firearms, archery and fishing for which a fee or charge is paid and which is not operated or owned by a local, state or federal government. (Ordinance 293, January 22, 2007)

STORAGE – A place or space for storing goods, articles of personal property, materials, equipment, etc. (Ordinance 308, October 22, 2007)

STORY - The portion of a building included between the surface of any floor and surface of the floor next above it or if there is no floor above it, then the space between any floor and the ceiling next above it. Each level of a split level building shall be considered one-half (1/2) story. Cellars shall be excluded from determining the maximum number of stories.

STORY, HALF - Any space immediately below and wholly or partly within the roof framing, with or without a finished floor, where the clear height of not more than seventy-five percent (75%) of such space as structural headroom of seven (7) feet, six inches or greater.

STREET - A public or private right-of-way built to approved municipal standards, excluding driveways, intended for use as a means of vehicular and pedestrian circulation, which provides a means of access to abutting property. The word "street" shall include thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms. Streets shall not be used for right angle parking where the Township determines it will interfere with traffic movement.

STRUCTURE - Any material or combination of materials, which are constructed or erected, the use of which requires location on the ground, or attached to something located on the ground.

STRUCTURAL ALTERATION - Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

SUBDIVISION - The division or re-division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land.

TELECOMMUNICATIONS - The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems. (Ordinance 238, May 6, 2002)

TIMBERING - See Forestry or Timbering

TOWNHOUSE – A building containing between three (3) and eight (8) dwelling units arranged in a side-by-side configuration with two or more common party walls. (As amended by Ordinance 359, September 10, 2012)

TOURIST HOME - A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TREE FARM - Land used for the purpose of growing trees for sale.

TREE LAWN – The area outside of the cart-way of a street (other than an alley) and immediately adjoining the curb, having the minimum width required under the Zoning Ordinance. (As amended by Ordinance 337, October 25, 2010; and by Ordinance 359, September 10, 2012)

UNENCLOSED STORAGE – A place or space for storing goods, articles of personal property, materials, equipment, etc., that is not located within a building or structure. (Ordinance 308, October 22, 2007)

USABLE OPEN SPACE - An unenclosed portion of the area of a lot, which is not devoted to driveways, parking spaces, or principal and accessory structures. Useable open space may include common buildings such as shelter, pavilions, or recreational structures which are centrally located and accessible to the occupants of the building or buildings.

USE - The specific purpose for which land, sign, structure or building is designed, arranged, intended or for which it may be occupied or maintained, or any activity, occupation, business or operation which may be carried on. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE - A waiver, granted by the Zoning Hearing Board, from the terms and conditions of this ordinance where literal enforcement would create unnecessary hardship as a result of peculiar or unique conditions, or circumstances pertaining only to the lot in question, and when the granting of such waiver would not be contrary to the public interest.

VETERINARY CLINICS – A facility providing veterinary care for animals not requiring the boarding, housing, sheltering or care of animals overnight except in emergencies. (As amended by Ordinance 274, adopted December 12, 2005)

WAREHOUSING FACILITY – A building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation and those facilities available to the general public. (See also PERSONAL STORAGE WAREHOUSE) (Ordinance 308, October 22, 2007)

WASTE - Any garbage, refuse or other waste or discarded material including solid, liquid, semisolid or gaseous material resulting from the operating of residential, municipal, commercial, industrial, or institutional establishment, including but not limited to sludge/septage, construction/demolition, infectious/chemotherapeutic, leaf/yard, residual, hazardous and/or nuclear wastes as defined by Federal and/or State Statutes and Regulations.

WASTE DISPOSAL - The discharge, deposit, injection, dumping, spilling, leaking, incineration or placing of any waste onto or on the land or water so that such waste or any constituent or residue thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

WASTE PROCESSING - Any method, technique or process, including neutralization, incineration, stabilization or solidification, designed to change the physical, chemical or biological character or composition of any waste(s).

WASTE STORAGE - The actual or intended containment of waste on a temporary basis for a period not to exceed thirty (30) calendar days, in a manner, which does not constitute disposal or treatment.

WASTE TREATMENT - Any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize the hazardous substance or to render the hazardous substance non-hazardous, safer for transport, suitable for recovery, suitable for storage or reduced in volume. The term includes activity or processing designed to change the physical form or chemical composition of a hazardous substance so as to render it neutral or non-hazardous.

WILDLIFE PRESERVE - Land used exclusively for animal habitat, including fish, birds, reptiles, mammals and insects.

WINERY – A tract of land and building for the purpose of the production of wine, including facilities for the processing of juices, grapes and crops into wine and the storage and sale thereof, duly licensed by all applicable federal, local, and Commonwealth of Pennsylvania laws, ordinances, statutes, rules and regulations.
(Ordinance 429, adopted November 24, 2025)

WIRELESS COMMUNICATIONS FACILITY – See Part 5, §506.1.

WIRELESS TELECOMMUNICATIONS FACILITIES OR TELECOMMUNICATION FACILITIES - A structure, facility or location designed, or intended to be used as, or used to support, Antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an Antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal Telecommunications services, commercial satellite services, microwave services, and services not licensed by the FCC, but not expressly exempt from the Municipality's siting, building and permitting authority, those used exclusively for the Municipality's fire and police or exclusively for private, non-commercial radio and television reception and private citizen's bands, amateur radio and other similar non-commercial Telecommunications where the height of the facility is below the height limits set forth in this Chapter. (Ordinance 238, May 6, 2002)

YARD, FRONT - An open space between the right-of-way line and a line drawn parallel thereto, at such distance there from as specified herein, extending the full width of the lot.

YARD, REAR - An open space between the rear lot line and a line drawn parallel thereto at such distance there from as specified herein, extending the full width of the lot.

YARD, SIDE - An open space between any side lot line and a line drawn parallel thereto at such distance there from as specified herein, extending from the front yard line to the rear yard line.

YIELD OR YIELD PLAN - A conceptual design of land consisting of conventional lot and street layout conforming to the lot dimensional requirements for the district in which the land is situate, and indicating the total density of development allowed on the parent tract.

ZONING MAP - A map approved by the governing body, delineating the various zoning districts in the Township.

ZONING OFFICER - The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

ZONING ORDINANCE - The East Buffalo Township Zoning Ordinance of 1995.

(As amended by Ordinance 217, April 12, 1999)

CHAPTER 27

ZONING

Part 3

Zoning Map and Zoning Districts

§300. Official Zoning Map. The municipality is hereby divided into zones, or districts, as shown on the Official Zoning Map, which together will explanatory materials thereon, is hereby adopted by reference and declared to be part of this ordinance, together with all future notations, references and amendments.

§300.1 Identification of Official Zoning Map. The Official Zoning Map shall be identified by signature of the Governing Body and attest to by the Secretary of that Body, together with the date of adoption of this ordinance.

§300.2 Changing the Official Zoning Map.

(a) If, in accordance with the provisions of this ordinance and the Pennsylvania Municipalities Planning Code, as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been made by the Governing Body.

(b) No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance or any state law, if applicable. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.

§300.3 Location of Official Zoning Map. The Official Zoning Map shall be prominently displayed in the offices of the Township Secretary and an official copy shall be prominently displayed in the offices of the Township Zoning Officer. The Official Zoning Map shall be the final authority as to the current zoning status of land and water areas in the Municipality, regardless of the unofficial copies, which may have been made or published from time to time.

§300.4 Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Governing Body may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map.

(a) The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

(b) The new Official Zoning Map shall be identified by the signatures of the Governing Body and attested to by the Secretary of that Body, and shall bear the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted_____, 1996 as part of Ordinance No. ____ of East Buffalo Township, Union County, Pennsylvania.

(c) Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof

remaining shall be preserved together with all available records pertaining to its adoption or amendment.

§301. Classes of Districts. For the purpose of this ordinance, the municipality is hereby divided into districts, which shall be designated as follows:

§301.1 Woodland Preservation (W-P) - The purpose of this district is to preserve and conserve woodland areas. This district has been designated where one or more environmental constraints exist and the land is still primarily wooded.

§301.2 Agricultural Preservation (A-P) - The purpose of this district is to preserve and protect agricultural lands, their usage, and their related activities where it is already in existence. This district has been designed to minimize conflicting land uses detrimental to agricultural practices.

§301.3 Agricultural Residential (A-R) - This district consists of lands that are used primarily for agricultural purposes but co-exist with low density residential uses.

§301.4 Low Density Residential (R-1) - This district is intended to provide residential development on lots of 15,000 square feet or greater. This district includes large lot single-family dwellings without access to public water and sewer service.

§301.5 Medium Density Residential (R-2) - This district is intended to provide residential development on lots of 8,000 square feet or greater. This district includes single and multifamily dwellings and has access to public water and sewer service.

§301.6 Residential Urban (R-U) - This district is intended to be a mixed-use district, which includes higher density residential uses and professional offices.

§301.7 Bucknell University (B-U) - This district is designed specifically for structures and lands owned, operated by, or associated with Bucknell University.

§301.8 Highway Commercial (H-C) - The Highway Commercial district is designed to allow for more intense commercial development such as restaurants, large-scale retail, high traffic generator such as office complexes, motels and convenience stores.

§301.9 General Commercial (G-C) - This district is designed to accommodate traditional commercial uses such as retail, office, banks, restaurants and services.

§301.10 Industrial (I-1) - This district is to provide an area for industrial uses to exist within reasonable proximity to Routes 15 and 45 and the Railroad.

§301.11 Open Space (O-1) - This district consists of designated undeveloped flood prone areas mapped by the United States Army Corps of Engineers. The purpose of this district is to provide designated areas for active and passive recreation, wildlife habitat, and flood protection. This district shall be an overlay district to the Official Zoning Map, and

regulations applying to this district shall be applicable to all lands situate in the district.

§302. Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

§302.1 Designation of District Boundaries. Boundaries indicated as approximately following the centerline of streets, highways, alleys, railroad rights-of-way, streams, watercourses, existing lot lines, or Municipal boundary lines shall be construed as to follow such features indicated. Where a district boundary line does not follow such a line, position is shown on said Official Zoning Map by a specific dimension expressing its distance, in feet, from a street right-of-way line or other boundary line as indicated and running parallel thereto.

§302.2 Determination of the Location of Boundaries. Where physical or cultural features existing on the ground differ with those shown on the Official Zoning Map, or if uncertainty exists as to the true location of a distance boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto, in accordance with the procedures established in this ordinance.

CHAPTER 27

ZONING

Part 4

District Requirements

§400. General Requirements.

§400.1 All proposed uses should comply with the "Development Standards" contained in this Chapter. (Ordinance 293, January 22, 2007)

§400.2 All proposed uses shall comply with the applicable "Performance Standards" contained in this Chapter. Ordinance 293, January 22, 2007)

§400.3 All proposed uses shall comply with all other applicable Federal, State, County and Municipal Statutes, Regulations and Ordinances. Ordinance 293, January 22, 2007)

§400.4 All multifamily and nonresidential uses shall comply with the provisions of the East Buffalo Township Subdivision and Land Development Ordinance.

(As amended by Ordinance 369, adopted November 10, 2014)

§401. Woodland Preservation (W-P).

§401.1 Permitted Principal Uses.

(a) Game Lands, Wildlife Preserves.
(b) Clubs for Hiking, Climbing, Hunting, Fishing, etc.
(c) Agricultural Business.
(d) Farmettes (see §524).
(e) Plant Nurseries and Tree Farms.
(f) Riding Stables (see §514).
(g) Kennels (see §515).
(h) Single Family Detached Dwellings.
(i) Wireless Telecommunications (see §506).
(j) Outdoor Recreation (see §516).
(k) Forestry (see §529).
(l) Bed and Breakfast Establishment (see §525).
(m) Domestic Livestock (see §512).

§401.2 Permitted Accessory Uses. Located on the same lot with the Principal Permitted Use:

(a) Private garage or parking areas.
(b) Signs (see §504).
(c) Home Occupations (see §502).
(d) No Impact Home Based Business (see §522).
(e) Customary Accessory Uses and structures provided that they are demonstrably incidental to the Principal Permitted Use.

§401.3 Conditional Uses. The following uses are Conditional Uses and require the approval of the Board of Supervisors of East Buffalo Township subject to the provisions of this Chapter.

(a) Motorsports (see §401.5(a) for Conditional Use criteria).
(b) Sportsman's Clubs (see §401.5(b) for Conditional Use criteria).

(c) Waste Storage, Treatment, Processing and/or Disposal Facilities (see §401.5(c) for Conditional Use criteria).

(d) Mining and Mineral Extraction (see §401.5(d) for Conditional Use criteria)

(e) Indoor Recreation (see §401.5(e) for Conditional Use criteria).

§401.4 Area, Yard, Coverage and Height Requirements.

(a) Game Lands and Wildlife Preserves.

(1) Minimum Acreage – 10 acres.

(2) Minimum Lot Width – 400 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 100 feet.

(b) Side Yard – 50 feet.

(c) Rear Yard – 100 feet.

(4) Maximum Impervious Coverage – 5% of the total gross lot area.

(5) Maximum Building Height (above natural grade) –

(a) Public Uses – 40 feet.

(b) Clubs for Hiking, Climbing, Hunting, Fishing, Gunning, etc.

(1) Minimum Lot Size – 5 acres.

(2) Minimum Lot Width – 200 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 100 feet.

(b) Side Yard – 50 feet.

(c) Rear Yard – 100 feet.

(4) Maximum Impervious Coverage – 5% of total gross lot area.

(5) Maximum Building Height (above natural grade) – 40 feet.

(c) Agricultural Business.

(1) Minimum acreage – 40 acres.

(2) Minimum Lot Width – 300 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 100 feet.

(b) Side Yard – 50 feet.

(c) Rear Yard – 100 feet.

(4) Maximum Impervious Coverage – 5% of total gross lot area.

(5) Maximum Building Height –

(a) Residential Structures – 35 feet.

(b) Farm Structures – 80 feet.

(c) Non-Residential/Non-Farm Structures – 40 feet.

(d) Farmettes.

(1) Minimum Lot Size – 3 acres; maximum lot size – 5 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 20 feet.

(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 50 feet.

(e) Plant Nurseries and Tree Farms.

(1) Minimum Lot Size – 5 acres.

(2) Minimum Lot Width – 300 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 100 feet.

(b) Side Yard – 50 feet.

(c) Rear Yard – 100 feet.

(4) Maximum Impervious Coverage – 5% of total gross lot area.

(5) Maximum Building Height (above natural grade) –

(a) Non-Residential/Non-Farm Structures – 40 feet.

(f) Riding Stables.

(1) Minimum Lot Size – 5 acres.

(2) Minimum Lot Width – 300 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 100 feet.

(b) Side Yard – 50 feet.

(c) Rear Yard – 100 feet.

(4) Maximum Impervious Coverage – 5% of total gross lot area.

(5) Maximum Building Height (above natural grade) –

(a) Non-Residential/Non-Farm Structures – 40 feet.

(g) Kennels.

(1) Minimum Lot Size – 5 acres.

(2) Minimum Lot Width – 300 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If the is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 100 feet.

(b) Side Yard – 50 feet.

(c) Rear Yard – 100 feet.

(4) Maximum Impervious Coverage – 5% of total gross lot area.

(5) Maximum Building Height (above natural grade) –

(a) Non-Residential/Non-Farm Structures – 40 feet.

(h) Single Family Detached Dwellings.

(1) Minimum Lot Size – 5 acres.

(2) Minimum Lot Width – 300 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 75 feet.

(b) Side Yard – 50 feet.

(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 5% of total gross lot area.

(5) Maximum Building Height (above natural grade) –

(a) Residential Structures – 35 feet.

(i) Telecommunications Facilities.

(1) Minimum Lot Size (outside of rights-of-way) – Minimum lot size in Zoning District OR area needed to accommodate the wireless telecommunications facility, support structures and fall zone, guy wires, equipment, building, fencing and screening, whichever is greater. Provided, however, that DAS and DCU facilities installed in Zoning Districts where wireless telecommunications are not permitted, shall comply with the minimum lot size as set forth in the Zoning District regulations in this Part 4.

(2) Setbacks (Towers outside of rights-of-way) – Setback from property lines a distance equal to the combined height of the wireless support structure and antenna OR the underlying Zoning District requirements, whichever is greater. Provided, however: 1) that the setback from property lines shall be increased to 110% of the combined height where the applicant has not demonstrated that a collapse of the support structure will not exceed the height of the support structure (see §506.4(a)(10) application requirements); 2) that the setback shall be increased by an additional 25 feet where the use abuts a residential Zoning District or residential use; and, 3) that DAS and DCU facilities installed in Zoning Districts where wireless telecommunications are not permitted shall comply with the setback requirements as provided in the Zoning District regulations set forth in this Part 4.

(3) Setbacks (Equipment and Buildings outside of rights-of-way) – Underlying Zoning District setback for principal use.

(4) Maximum Height – Wireless telecommunications facilities shall be designed to minimum functional height (see 506.4(a)(10) application requirements). Provided, however, that DAS and DCU facilities installed in Zoning Districts where wireless telecommunications are not permitted shall not exceed the height permitted for buildings in said Districts as provided in this Part 4.

(j) Outdoor Recreation.

(1) Minimum Lot Size – 5 acres.

(2) Minimum Lot Width – 300 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 100 feet.

(b) Side Yard – 50 feet.

(c) Rear Yard – 100 feet.

(4) Maximum Impervious Coverage – 5% of total gross lot area.

(5) Maximum Building Height (above natural grade) –

(a) Public Uses – None.

(k) Forestry.

(1) Minimum Lot Size – 5 acres.

(2) Minimum Lot Width – 300 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 100 feet.

(b) Side Yard – 50 feet.

(c) Rear Yard – 100 feet.

(4) Maximum Impervious Coverage – 5% of total gross lot area.

(5) Maximum Building Height (above natural grade) –

(a) Non-Residential/Non-Farm Structures – 40 feet.

(l) Bed and Breakfast Establishments.

(1) Minimum Lot Size – 3 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 20 feet.

(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Height (above natural grade) –

(a) Non-Residential/Non-Farm Structures – 40 feet.

(m) Waste Storage, Treatment, Processing and/or Disposal Facilities.

(1) Minimum Lot Size – 100 acres.

(2) Minimum Lot Width – 1,000 feet measured at the edge of the right-of-way of the public or private street or road which provides ingress and egress to and from the site.

(3) Setbacks

(a) Front Yard – 100 feet.

(b) Side Yard – 50 feet.

(c) Rear Yard – 100 feet.

(4) Maximum Impervious Coverage – 5% of total gross lot area.

(5) Maximum Building Height (above natural grade) –

(a) Non-Residential/Non-Farm Structures – 40 feet.

(6) All buildings, structures, and parking shall comply with the setbacks provided for in this Chapter.

(7) All yards shall be adequately enclosed with a fence at least 8 feet in height.

(8) One point of ingress and egress shall be permitted and constructed to prevent debris associated with the operation from being deposited on the public or private street or road.

(9) A copy of all permits and licenses from local, state, federal or other regulatory bodies or agencies shall be submitted to the Township with an application for a Zoning Permit, and each application for a renewal thereof.

(10) Compliance with all local, state, federal regulations, laws or ordinances, including but not limited to, the "Solid Waste Management Act". If any of the same are inconsistent herewith, the provisions which are more restrictive, in the opinion of the Township, shall have priority unless otherwise prohibited by law.

(n) Mining and Mineral Extraction.

(1) Minimum Lot Size – 10 acres.

(2) Minimum Lot Width – 400 feet measured at the edge of the right-of-way of the public or private street or road which provides ingress and egress to and from the site.

(3) Setbacks

(a) Front Yard – 200 feet from the edge of the said right-of-way.

(b) Side Yard – 100 feet from the property line(s).

(c) Rear Yard – 100 feet from the property line(s).

(4) Maximum Building Height – 60 feet above the average finished grade of the immediate site.

(5) All buildings, structures, mining and mineral operations and parking shall comply with the setbacks provided for in this Chapter.

(6) All yards shall be adequately enclosed with a fence at least 8 feet in height.

(7) One point of ingress and egress shall be permitted and constructed to prevent earth, stones, mud and all other debris associated with the operation from being deposited on the public or private street or road.

(8) A copy of all permits and licenses from local, state, federal or other regulatory bodies or agencies shall be submitted to the Township with an application for a Zoning Permit, and each application for a renewal thereof.

(9) Compliance with all local, state, federal regulations, laws or ordinances, including but not limited to, "Surface Mining Conservation and Reclamation Act", "Non-Coal Surface Mining Conservation and Reclamation Act", "Oil and Gas Act", and "Bituminous Mine Subsidence and Land Conservation Act". If any of the same are inconsistent herewith, the provisions which are more restrictive, in the opinion of the Township, shall have priority unless otherwise prohibited by law.

§401.5 Conditional Use Criteria.

(a) Motorsports. In addition to all other provisions of this Chapter, the following criteria shall apply to Motorsports:

(1) Minimum of 50 contiguous acres.

(2) Setbacks.

Front Yard – 200 feet from the right-of-way line abutting the subject lot or tract.

Side Yard – 100 feet from property line.

Rear Yard – 100 feet from property line.

(3) Screening – Entire tract enclosed by a 14 feet solid wall or fence with conifer trees planted on the exterior of the wall or fence at a maximum of 15 foot intervals.

(4) No overnight accommodations will be permitted.

(5) All activity shall cease between 10:00 P.M. and 8:00 A.M., except for emergencies.

(6) Security shall be provided during operating hours.

(7) Applicant shall establish to the satisfaction of the Township that there is an adequate water supply for the intended use and that adequate provisions are made for sewage disposal.

(8) Applicant shall submit a plan for the said development that shall include all of the information required for Preliminary Plan approval as set forth in the Township's Subdivision and Land Development Ordinance.

(9) Compliance with all applicable laws.

(b) Sportsman Clubs. In addition to all other provisions of this Chapter, the following criteria shall apply to Sportsman Clubs:

(1) Minimum of 10 contiguous acres.

(2) Setbacks. Facilities shall be setback 200 feet from adjacent occupied dwellings.

(3) Applicant shall establish, to the satisfaction of the Township, that there is an adequate water supply for the intended use and that adequate provisions are made for sewage disposal.

(4) Applicant shall submit a plan for the said development that shall include all of the information required for Preliminary Plan approval as set forth in the Township's Subdivision and Land Development Ordinance.

(5) For purposes of the granting of a Conditional Use, all activities involving firearms shall be considered under this subsection.

(c) Waste Storage, Treatment, Processing and/or Disposal Facilities. Ten (10) copies of all Plans, Documents and Reports shall be submitted with the Application for Conditional Use (Sewage Treatment Facilities, Animal Waste Facilities and Farm Dumps shall be exempt from these requirements).

(1) No facilities considered for Conditional Use under this Section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Resources, the United States Environmental Protection Agency, and such other Federal, State, County or Municipal Agencies as may be required under the applicable Statutes, Regulations, or Ordinances.

(2) All facilities considered for Conditional Use under this Section shall not be sited in the following locations (All distances from a facility or structure shall be measured from the property line(s) of the facility):

(a) Within ½ mile of a well or spring used for a community water supply.

(b) Within ½ mile of either side of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply.

(c) Within ½ mile of a private or non-community water supply or as otherwise provided by local, state, federal ordinances, statutes, laws, regulations or rules.

(d) Within any 100 year flood plain or a larger area that the flood of record has inundated.

(e) Within any wetland areas.

(f) Over any active or inactive oil or gas wells or storage areas.

(g) Over any formations of carbonate bedrock.

(h) Within ½ mile of any National Landmark or historic site as listed on the National Register of Historic Places.

(i) Within any Agricultural Security Area.

(j) In farmlands identified as Class I agricultural lands.

(k) Within ½ mile of any school, church, hospital, clinic, daycare facility, prison, jail, halfway house, rehabilitation facility, airport, retail center, nursing home, or government building.

(l) In Exceptional Value Watersheds.

(m) Within ½ mile of any designated Well-Head Protection Area or any designated Aquifer Protection Area.

(n) Within ½ mile of persons certified as "at-risk" by at least two physicians licensed by the Commonwealth of Pennsylvania.

(3) All facilities considered for Conditional Use under this Section shall submit a "Community and Environmental Impact Analysis", which shall include the following information:

(a) Hydrologic Analysis and Information.

(b) Geologic Analysis and Information.

(c) Soils Analysis and Information.

(d) Location of Mineral Bearing Areas.

(e) Land Use Impacts.

(f) Transportation and Traffic Impacts.

(g) Emergency Management and Public Safety Impacts.

(h) Economic Impact Analysis, including specific information concerning impacts upon agriculture.

(i) Air Quality Impact Analysis, including specific information concerning impacts upon human health, animals and vegetation.

(j) Community Character Impact Analysis.

(4) Standards for the above listed impact analysis shall conform to the following provisions:

(a) Transportation and Traffic Impact Analysis shall contain the following:

(1) A description of the Transportation and Traffic Impact Area, including its major roads and potential traffic generation rates to be determined by current acceptable traffic generation references. The impact area shall incorporate all roads, which will be used by vehicles, which will either originate or have a destination at the proposed facility. Existing 24-hour and peak hour traffic volume data will be provided for all streets which provide access

to the proposed facility, and for all the collector and arterial streets, which will serve the facility, as well as any major intersections within the impact area. The designation of the impact area, intersections and roads which are to be part of the study shall be subject to review and approval by the Planning Commission.

(2) Estimates of the total number of vehicle trips to be generated by the proposed use for typical 24-hour period, typical A.M. and P.M. peak periods, and maximum 24-hour and peak-hour periods.

(3) Assignment of future 24-hour and peak-hour volumes to the road network and other streets which will serve the proposed facility based upon the projection of increased traffic volumes within the impact area.

(4) Projected 24-hour and peak-hour turning movements for all access points to the proposed facility at any major intersection used by traffic originating or destined for the proposed facility.

(5) A capacity and level of service analysis on the major intersections and roadways which will be impacted by the additional volumes generated by the proposed use.

(6) Accident analysis of all intersections and roadways within the impact area, categorized by accident type at each location.

(7) Structural analysis of intersections and roadways which will be used by traffic originating at or destined for the proposed facility, including designation of areas of inferior design, inadequate maintenance, and the ability of the existing roads to carry traffic of the volumes and weights which will be using the roadway for access to or from the proposed facility.

(8) A description of any street or road improvements which would be required in order to avoid problems or traffic congestion, traffic safety or deterioration to existing streets and roads because of increased traffic volume or weight of traffic.

(9) The cost estimates of any proposed improvements that may be required.

(10) Description of any action proposed or offered by the applicant to correct or alleviate the impact of the proposed facility on the transportation network.

(11) The report shall contain the source of the standards used, a description of the procedures and analysis undertaken and the recommendations and conclusions of the professionals who prepared the report.

(12) Should the applicant's transportation system include non-road systems, the report shall contain the above analysis for said system(s).

(b) Environmental Impact Study. An Environmental Impact Study shall be prepared and submitted with the

Application. The Environmental Impact Study shall describe, identify and analyze all environmental aspects of the site and of neighboring properties which may be affected by the proposed operations or the ultimate use proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the Planning Commission. The Environmental Impact Study shall include, but not be limited to:

(1) Underlying geology and soils, including depth, locations, types, characteristics and permeability or rock and soils types. All Class I soil types shall be mapped and identified.

(2) Existing surface water, including ponds and streams, shall be mapped and identified. The analysis shall include sources and destinations of surface water runoff, pre and post development runoff volumes and rates, analysis of chemical additives, erosion and sedimentation control plans, stormwater management facilities for the 2, 5, 10, 25, 50 and 100 year frequency storms to prevent any increase in runoff volumes and rates.

(3) Existing and proposed impervious ground cover and the extent and type of existing and proposed vegetative ground cover.

(4) Existing wetlands and the changes or steps proposed which would modify or protect the existing wetlands and their continued viability.

(5) Existing and proposed elevations and contours, areas of slope in excess of 15%, and proposals to prevent erosion and damage to such steep slope areas.

(6) Existing and proposed potable water and sanitary or industrial sewage disposal and/or treatment facilities.

(7) An analysis of the impact of the proposed facility on existing plant and marine species, animal species, wildfowl and other birds, drainage and runoff, ground and surface water quantity and quality, wetlands, historic, cultural or archaeology sites.

(8) The study shall identify all critical impact areas on site or off the site which may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas from damage, and the actions to be taken to minimize environmental damage to the critical areas on the site and surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes in excess of 15%, Class I Agricultural lands, highly acidic or erodible soils, carbonate or highly fractured bedrock, aquifer recharge and discharge areas, areas of unique or protected vegetation, wildlife habitat, and areas of historic, cultural and/or archeological significance.

(c) Air Quality Study. An Air Quality Study shall be prepared and submitted with the Application which shall include analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust and pollutants, at the site, prepared by experts acceptable to the Township. A report of the expert(s) shall contain the sources of the information, the data and background tests which were conducted, and the conclusions and recommendations of the professionals preparing the report which would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use.

(d) Acoustics Study. An Acoustics Study shall be prepared and submitted with the Application. The Study shall be prepared by an acoustic expert(s) acceptable to the Township. The Study shall identify the existing background level of noise and the anticipated noise impact from the proposed use. The report shall contain measures of existing ambient measurements, estimates or the noise measurements to be anticipated from the type of operations and equipment which are proposed for the use, and if there are any significant increases in the noise levels. The report shall also contain specific proposals, which are intended to reduce noise levels emanating off the site. The Study shall be based upon actual sound level measurements and estimates of potential noise impact at the property lines of the site proposed for the proposed use.

(e) Hydrogeologic Study. A Hydrogeologic Study shall be prepared and submitted with the Application. The Study shall be prepared by a hydrogeologist acceptable to the Township. The Study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies where such historical data, in the judgment of the Planning Commission, is inadequate. The Study shall identify ground water discharge and recharge areas which may be affected by the proposed use, map the groundwater table and analyze and delineate the effects of the proposed use on the hydrology, including surface and ground water quantity and quality.

(5) All facilities considered for Conditional Use under this Section shall submit the following information:

(a) A description of the specific types of waste(s) the applicant proposes to accept for storage, treatment, processing or disposal at the site.

(b) A description of the specific technology(ies) and procedures the applicant proposes to utilize at the facility.

(c) Preliminary specifications and architectural drawings of all structures and appurtenances to be located on the site.

(d) An approved site or land development plan.

(e) A statement of qualifications to operate a waste storage, treatment or disposal facility.

(f) A complete compliance history for any and all facilities owned and/or operated by the Applicant, any parent, subsidiary or cooperative owner/operator of waste storage, treatment, processing or disposal facilities as

per Pa. DEP Form HW_C (Compliance History and Instructions).

(g) Any and all information supplied to the Pa. Department of Environmental Protection or the U.S. Environmental Protection Agency regarding the proposed site and/or facility.

(h) The names and addresses of any person, cooperation or partnership having any financial interest in the construction, permitting, operation and/or closure of such facility.

(i) Any and all royalty and/or contingent payment agreements related to siting, permitting and/or operation of such facility.

(j) All documents required under Federal, State, County or Municipal Statutes, Regulations and/or Ordinances.

(k) All insurance policies, closure accounts and/or documents relating to self-insurance for the subject application.

(l) A proposed (DRAFT) siting agreement specifying the terms, conditions and provisions under which the facility shall be constructed, maintained and operated, including but not limited to the following terms, conditions and provisions:

(1) Facility construction and maintenance procedures.

(2) Operating procedures and practices, the design of the facility and its associated activities.

(3) Monitoring procedures, practices and standards necessary to assure and continue to demonstrate that the facility will be operated safely.

(4) The services to be offered by the applicant to the Township.

(5) The compensation, services and special benefits to be provided to the Township by the applicant and the timing and conditions of their provision.

(6) Provisions for renegotiation of any term, condition or provision of the siting agreement, or of the entire agreement.

(7) Provisions for resolving any disagreements in the construction and interpretation of the siting agreement that may arise between the parties.

(8) Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted municipalities, landowners, residents or occupants.

(9) Provisions for direct monetary payments to the Township and special services to be provided for demonstrable adverse impact.

(10) Provisions to assure the health, safety, comfort, convenience and social and/or economic security of the residents of the Township.

(11) Provisions to assure the continuing economic viability of the project.

(12) Provisions to assure the protection of environmental and natural resources.

(13) Provisions to provide landowners, residents, occupants, businesses, industries and governmental bodies for adverse economic impact demonstrably attributable to the facility.

(14) Provisions to compensate the Township, the County and/or other governmental bodies or agencies for the review costs incurred due to the applicant's proposal.

(15) Provisions to provide site access to any and all Township, County, State or Federal Employees and/or consultants hired by those governmental bodies regarding review of the proposal or the site.

(6) All facilities considered for Conditional Use under this Section shall require a minimum of 100 acres, exclusive of 100 year floodplain, jurisdictional wetlands, Prime Agriculture Lands (USDA/SCS Class I and II soils) and slopes in excess of 15%.

(7) All facilities considered for Conditional Use under this Section shall require a minimum buffer distance of 300 feet surrounding wetlands, Class I Agricultural lands, hydric soils and aquifer or ground water recharge areas from the facility boundary.

(8) No facility considered for Conditional Use under this Section shall be within 1,000 feet of the West Branch of the Susquehanna River or Buffalo Creek or within 500 feet of any other body of surface water.

(9) All facilities considered for Conditional Use under this Section shall limit groundwater intake from carbonate aquifers to 100,000 gallons per day.

(10) All facilities considered for Conditional Use under this Section proposing groundwater usage shall submit a groundwater management plan for review and approval.

(11) The adequacy of applicant submissions shall be determined by the Township Engineer and/or Consultant(s) as designated by the Township Supervisors.

(12) All applications for Conditional Use under these Sections shall include the following certification:

"I, the undersigned, under the pains and penalties of perjury, certify that I have personally examined and am familiar with the information submitted in and with this application and the attached and/or enclosed documents supporting the application, prepared by or under the action of the applicant/developer, and that the information contained in the application and supporting documents is true, accurate and complete."

This certification is to be signed by the Chief Executive Officer of the Application Entity.

(13) Compliance with all local, state and federal regulations, laws or ordinances, including but not limited to the "Solid Waste Management Act". If any of the same are inconsistent herewith, the provisions which are more strict, in the opinion of the Township, shall have priority unless otherwise prohibited by law.

(d) Mining and Mineral Extraction. In addition to all other provisions of this Chapter, the following criteria shall apply to Mining and Mineral Extraction:

(1) Minimum lot area – 10 acres.

(2) Minimum lot width – 400 feet, measured at the edge of the public or private street/road edge right-of-way which provides ingress and egress to the site.

(3) Setbacks.

(a) Front Yard – 200 feet from the edge of the said right-of-way.

(b) Side Yard – 100 feet from the property line(s).

(c) Rear Yard – 100 feet from the property line(s).

(4) Maximum Building Height – 60 feet above the average finished grade of the immediate site.

(5) All buildings, structures, mining and mineral extraction operations, and parking shall comply with the setbacks provided for in this Chapter.

(6) All yards shall be adequately enclosed with a fence at least eight (8') feet in height.

(7) One point of ingress and egress shall be permitted and constructed to prevent earth, stones, mud and all other debris associated with the operation from being deposited on the public or private street or road.

(8) A copy of all permits and licenses from local, state, federal or other regulatory bodies or agencies shall be submitted to the Township with an application for a Zoning Permit, and each application renewal thereof.

(9) Compliance with all local, state and federal regulations, laws or ordinances, including but not limited to "Surface Mining Conservation and Reclamation Act", "Non-Coal Surface Mining Conservation and Reclamation Act", "Oil and Gas Act" and "Bituminous Mine Subsidence and Land Conservation Act". If any of the same are inconsistent herewith, the provisions which are more strict, in the opinion of the Township, shall have priority unless otherwise prohibited by law.

(e) Indoor Recreation. The Board of Supervisors shall attach appropriate conditions and safeguards related to dimensional criteria and operations for the proposed facility including, but not limited to the following:

(1) Minimum lot area – 2 acres.

(2) Setbacks.

(a) Front Yard – 30 feet from the edge of the public right-of-way line.

(b) Side Yard – 15 feet from the property line.

(c) Rear Yard – 20 feet from the property line.

(3) The hours of operation for the facility shall be from 9 a.m. until 9 p.m.

§401.6 Subdivision of Land in the Woodland-Preservation District. The subdivision of lands within the Woodland-Preservation District shall be in compliance with Chapter 22 of the Code of Ordinances of East Buffalo Township and the following provisions:

(a) The number of acres that may be subdivided from a tract of land in the Woodland-Preservation District for uses other than Forestry shall depend

on the size of the tract on November 24, 2025, and shall be in accordance with the following schedule:

Parent Tract size as of November 24, 2025	Total acres permitted
5-10 acres	2
10-51 acres	4
51-150 acres	6
More than 150 acres	8 plus 2 acres for each additional 50 acres above 150 acres

This schedule shall not apply when the land to be subdivided shall be used for Forestry.

(b) All contiguous land held in the same ownership as of November 24, 2025 shall be considered as one tract for purposes of this Section 401.6. Man-made or natural boundaries such as streets, roads, waterways, survey lines or symbolic separators shall be ignored for the purpose of determining if tracts are contiguous.

(c) Prior to the subdivision of the Parent Tract, the owner shall prepare a plan setting forth all proposed lots or tracts to be subdivided from the Parent Tract, showing location and size. While this plan of proposed lots shall not be binding, it shall be considered in the review and approval of all future subdivisions of the Parent Tract. Any deviation from the same must be explained.

(d) All lots or tracts subdivided from the Parent Tract must be contiguous and have frontage on an existing state, local or other public road. Where possible, the area to be subdivided shall be the least desirable forest lands.

(e) The subdivision plan for the lots or tracts to be subdivided shall include all the information required by Chapter 22 of the Code of Ordinances of East Buffalo Township, plus the following:

(1) Size of the Parent Tract on November 24, 2025.

(2) Total acreage permitted to be subdivided under this Section 401.6.

(3) The size and location of all lots or tracts previously subdivided from the Parent Tract and the date of the approval of the subdivision.

(4) The proposed location and size of any additional lots or tracts.

(5) A statement, where appropriate, that the right to subdivide additional acreage in keeping with the above schedule is either reserved to the portion of the Parent Tract remaining or transferred with the tract or tracts being subdivided. Such a statement shall be included in any deed transferring the tract that was subdivided.

(6) The restriction as to the number of acres that can be subdivided and utilized for residential purposes is a function of the Township Zoning Ordinance and not a private covenant or restriction. The restriction may only be enforced by the Township and shall remain in effect until the tract or tracts of land are rezoned or the Township zoning provisions change to provide otherwise.

(f) This §401.6 shall not apply to PSES installation, provided the area utilized for PSES is not subdivided and ownership is transferred.

(As amended by Ordinance 369, adopted November 10, 2014; as amended by Ordinance 429, adopted November 24, 2025)

§402. Agricultural Preservation (A-P). The provisions of this §402 shall not be construed to preempt any laws, ordinances, statutes, rules or regulations enacted or promulgated by the Commonwealth of Pennsylvania or any agency or department thereof. In the event any of the provisions of this section conflict with any laws, ordinances, statutes, rules or regulations enacted or promulgated by the Commonwealth of Pennsylvania or any agency or department thereof, said state laws, ordinances, statutes, rules or regulations shall apply.

§402.1 Permitted Principal Uses.

(a) Agricultural Operation (see §513).
(b) Agricultural Business.
(c) Single Family Dwellings (Non-Agricultural).
(d) Wireless Telecommunications (see §506).
(e) Principal Solar Energy System (see §509).
(f) Small Cell Wireless Facility (see §510).
(g) Animal Husbandry.
(h) Concentrated Animal Operation (see §520).
(i) Bed and Breakfast Establishment (see §525).
(j) Brewery, Distillery, Winery (see §527).
(k) Forestry (see §529).
(l) Farmettes (see §524).
(m) Riding Stables (see §514).
(n) Kennels (see §515).

§402.2 Permitted Accessory Uses. Located on the same lot with the Principal Permitted Use:

(a) Seasonal roadside stands for the sale of farm products, grown or produced on the premises and within the normal growing season for said produce. Off street parking shall be provided (see §521).
(b) Accessory Uses customary and incidental to the principal use located on the same parcel or tract of land (see §503).
(c) Home Occupations (see §502).
(d) Signs (see §504).
(e) No Impact Home Based Business (see §522).
(f) Parochial School (see §523).
(g) Agritourism (see §526).
(h) Event Space/Venue (see §528).

§402.3 Conditional Uses. The following uses are Conditional Uses and require the approval of the Board of Supervisors of East Buffalo Township subject to the provisions of this Chapter.

(a) Indoor Recreation (see §402.5(a) for Conditional Use criteria).

§402.4 Area, Yard, Coverage and Height Requirements.

(a) Agricultural Operation (non-residential buildings or structures).

(1) Minimum Acreage – 40 acres.
(2) Setbacks
(a) Front Yard – 50 feet from the edge of the public right-of-way, or 75 feet from the centerline of the road, whichever is greater.
(b) Side Yard – 40 feet from the property line.
(c) Rear Yard – 40 feet from the property line.
(d) Setbacks for animal confinement, feeding, sheltering, manure storage treatment and/or breeding facilities shall be in compliance with the provisions of

the "Nutrient Management Act" or any similar act as amended from time to time, or 100 feet, whichever is greater.

(3) Maximum Impervious Coverage – 10% of the gross contiguous acreage.

(4) Maximum Building Height – 35 feet above the average finished grade of the site. Silos for grain and feed storage are exempt from height requirements but shall not be greater than the distance from the location of the silo to the property line.

(b) Agricultural Business.

(1) Minimum Lot Size – 40 acres.

(2) Minimum Lot Width – 200 feet measured at the edge of the right-of-way of the public or private street or road which provides ingress or egress to and from the site.

(3) Setbacks

(a) Front Yard – 50 feet from the edge of the public right-of-way or 75 feet from the centerline of the road, whichever is greater.

(b) Side Yard – 40 feet from the property line.

(c) Rear Yard – 40 feet from the property line.

(4) Maximum Impervious Coverage – 80% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height – 35 feet above the average finished grade of the site. Silos for grain and feed storage are exempt from height requirements but shall not be greater than the distance from the location of the silo to the property line.

(7) Parking pursuant to the provisions of this Chapter.

(8) Adequate year round visual screening shall be installed on the side(s) and rear of any area used for the outside storage of new or used equipment or merchandise.

(c) Single Family Dwellings (Non-Agricultural).

(1) Minimum Lot Size – 1 acre; Maximum Lot Size – 2 acres.

(2) Minimum Lot Width – 200 feet measured at the edge of the right-of-way of the public or private street or road which provides ingress and egress to and from the site.

(3) Setbacks

(a) Front Yard – 50 feet from the edge of the public right-of-way or 75 feet from the centerline of the road, whichever is greater.

(b) Side Yard – Principal Structure – 40 feet from the property line; Accessory Structure – 20 feet from the property line.

(c) Rear Yard – Principal Structure – 40 feet from the property line; Accessory Structure – 20 feet from the property line.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height – 35 feet above the average finished grade of the site.

(d) Wireless Telecommunications.

(1) Minimum Lot Size (outside of rights-of-way) – Minimum lot size in Zoning District OR area needed to accommodate the wireless telecommunications facility, support structures and fall zone, guy wires, equipment, building, fencing and screening, whichever is greater. Provided, however, that DAS and DCU facilities installed in Zoning Districts where wireless telecommunications are not permitted, shall comply with the minimum lot size as set forth in the Zoning District regulations in this Part 4.

(2) Setbacks (Towers outside of rights-of-way) – Setback from property lines a distance equal to the combined height of the wireless support structure and antenna OR the underlying Zoning District requirements, whichever is greater. Provided, however: 1) that the setback from property lines shall be increased to 110% of the combined height where the applicant has not demonstrated that a collapse of the support structure will not exceed the height of the support structure (see §506.4(a)(10) application requirements); 2) that the setback shall be increased by an additional 25 feet where the use abuts a residential Zoning District or residential use; and, 3) that DAS and DCU facilities installed in Zoning Districts where wireless telecommunications are not permitted shall comply with the setback requirements as provided in the Zoning District regulations set forth in this Part 4.

(3) Setbacks (Equipment and Buildings outside of rights-of-way) – Underlying Zoning District setback for principal use.

(4) Maximum Height – Wireless telecommunications facilities shall be designed to minimum functional height (see 506.4(a)(10) application requirements). Provided, however, that DAS and DCU facilities installed in Zoning Districts where wireless telecommunications are not permitted shall not exceed the height permitted for buildings in said Districts as provided in this Part 4.

(e) Principal Solar Energy System.

(1) Minimum Lot Size – 5 acres; Maximum Lot Size – 50% of the tract of land not otherwise used for structures, driveways, parking lots or other similar uses, not to exceed 50 acres.

(2) Setbacks

(a) Fence – 25 feet.

(b) Panels –

(1) Front Yard – 50 feet.

(2) Side Yard – 50 feet.

(3) Rear Yard – 50 feet.

(c) In all cases, there shall be a minimum distance of 100 feet between the boundary line of adjacent non-participating lands utilized for residential purposes or situate in the R-1, R-2, H-C, G-C and I Zoning Districts and any component of the PSES including buildings, panels, fencing, screening and other equipment.

(d) In the case where the PSES development encompasses multiple tracts of land, the setback requirements shall apply to the development and not the individual tracts of land. The setbacks shall apply to the perimeter of the entire development.

(3) Maximum Impervious Coverage –

(a) The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system shall be considered impervious and subject to the impervious surfaces limitations provided for in the applicable Zoning District, statutes, ordinances, rules and regulations and if the PSES impervious surface exceed the permitted impervious area, the developer shall comply with the said statutes, ordinances, rules and regulations.

(b) The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the proposed project:

(1) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

(2) All mechanical equipment of PSES including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY,** the solar modules themselves, however, are not included as impervious cover.

(3) Gravel or paved access roads servicing the PSES.

(4) Maximum Height – Ground mounted PSES shall not exceed 10 feet in height as measured vertically from the top of the component and the ground below the component.

(f) Small Cell Wireless Facility.

(1) Maximum Height (existing utility pole) – not more than 5 feet above the existing utility pole.

(2) Maximum Height (new or replacement utility pole) – the maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

(g) Animal Husbandry.

(1) Minimum Lot Size – 40 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 20 feet.

(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(h) Concentrated Animal Operation.

(1) Minimum Lot Size – 40 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 50 feet.
(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(i) Bed and Breakfast Establishments.

(1) Minimum Lot Size – 3 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 20 feet.
(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(j) Brewery, Distillery, Winery.

(1) Minimum Lot Size – 5 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 20 feet.
(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(k) Farmettes.

(1) Minimum Lot Size – 3 acres; maximum lot size – 5 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 20 feet.
(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 50 feet.

(l) Event Space/Venue. An Event Space/Venue shall be permitted as an accessory use, subject to the following:

(1) Minimum Lot Size – 5 acres.

(2) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 100 feet.
(b) Side Yard – 100 feet.
(c) Rear Yard – 100 feet.
(d) All structures shall be setback 150 feet from buildings located on adjacent properties.
(e) Parking – there shall be a buffer yard of 75 feet from any building or structure.

(3) Maximum Impervious Coverage – 40% of total gross lot area.

(4) Maximum Building Coverage – 10% of total gross lot area.

(5) Maximum Building Height – 40 feet.

§402.5 Conditional Use Criteria.

(a) Indoor Recreation. The Board of Supervisors shall attach appropriate conditions and safeguards related to dimensional criteria and operations for the proposed facility including, but not limited to the following:

(1) Minimum lot area – 2 acres.

(2) Setbacks.

(a) Front Yard – 30 feet from the edge of the public right-of-way line.
(b) Side Yard – 15 feet from the property line.
(c) Rear Yard – 20 feet from the property line.

(3) The hours of operation for the facility shall be from 9 a.m. until 9 p.m.

§402.6 Subdivision of Land in the Agricultural-Preservation District. The subdivision of lands within the Agricultural-Preservation District shall be in compliance with Chapter 22 of the Code of Ordinances of East Buffalo Township and the following provisions:

(a) The number of acres that may be subdivided from a tract of land in the Agricultural-Preservation District for uses other than Agricultural Operations and Forestry shall depend on the size of the tract on May 1, 1996, and shall be in accordance with the following schedule:

Parent Tract size as of May 1, 1996	Total acres permitted
10-15 acres	1
16-50 acres	2
51-100 acres	3
101-180 acres	4
181-260 acres	5
More than 260 acres	5 plus 1 acre for each 80 acres above 260 acres

This schedule shall not apply when the land to be subdivided shall be used for Agricultural Operations or Forestry.

(b) All contiguous land held in the same ownership as of May 1, 1996 shall be considered as one tract for purposes of this Section 402.6. Man-made or natural boundaries such as streets, roads, waterways, survey lines or symbolic separators shall be ignored for the purpose of determining if tracts are contiguous.

(c) Prior to the subdivision of the Parent Tract, the owner shall prepare a plan setting forth all proposed lots or tracts to be subdivided from the Parent Tract, showing location and size. While this plan of proposed lots shall not be binding, it shall be considered in the review and approval of all future subdivisions of the Parent Tract. Any deviation from the same must be explained.

(d) All lots or tracts subdivided from the Parent Tract must be contiguous and have frontage on an existing state, local or other public road. Where possible, the area to be subdivided shall be the least desirable agricultural lands.

(e) The subdivision plan for the lots or tracts to be subdivided shall include all the information required by Chapter 22 of the Code of Ordinances of East Buffalo Township, plus the following:

(1) Size of the Parent Tract on May 1, 1996.

(2) Total acreage permitted to be subdivided under this Section 402.6.

(3) The size and location of all lots or tracts previously subdivided from the Parent Tract and the date of the approval of the subdivision.

(4) The proposed location and size of any additional lots or tracts.

(5) A statement, where appropriate, that the right to subdivide additional acreage in keeping with the above schedule is either reserved to the portion of the Parent Tract remaining or transferred with the tract or tracts being subdivided. Such a statement shall be included in any deed transferring the tract that was subdivided.

(6) The restriction as to the number of acres that can be subdivided and utilized for residential purposes is a function of the Township Zoning Ordinance and not a private covenant or restriction. The restriction may only be enforced by the Township and shall remain in effect until the tract or tracts of land are rezoned or the Township zoning provisions change to provide otherwise.

(f) This §402.6 shall not apply to PSES installation, provided the area utilized for PSES is not subdivided and ownership is transferred.

(As amended by Ordinance 369, adopted November 10, 2014; as amended by Ordinance 429, adopted November 24, 2025)

§403. Agricultural Residential (A-R). The provisions of this §403 shall not be construed to preempt any laws, ordinances, statutes, rules or regulations enacted or promulgated by the Commonwealth of Pennsylvania or any agency or department thereof. In the event any of the provisions of this section conflict with any laws, ordinances, statutes, rules or regulations enacted or promulgated by the Commonwealth of Pennsylvania or any agency or department thereof, said state laws, ordinances, statutes, rules or regulations shall apply.

§403.1 Permitted Principal Uses.

(a) Agricultural Operation (see §513); Agricultural Business.
(b) Riding Stables (see §514).
(c) Kennels (see §515).
(d) Veterinary Clinics (see §507).
(e) Outdoor Recreation (see §516).
(f) Churches.
(g) Single Family Detached Dwellings.
(h) Bed and Breakfast Establishments (see §525).
(i) Wireless Telecommunications (see §506).
(j) Principal Solar Energy System (see §509).
(k) Small Cell Wireless Facility (see §510).
(l) Animal Husbandry.
(m) Forestry (see §529).
(n) Farmettes (see §525).
(o) Brewery, Distillery, Winery (see §527).
(p) Event Space/Venue (see §528).
(q) Domestic Livestock (see §512).
(r) Model Homes.

§403.2 Permitted Accessory Uses.

(a) Farm stands for the sale of farm products grown on the premises, provided at least two (2) off-street parking spaces are available for customers (see §521).
(b) Private garage or parking areas.
(c) Signs (see §504).
(d) Home Occupations (see §502).
(e) Customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business pursuant to this Chapter (see §503).
(f) Cemeteries, as an accessory use to Churches (see §517).
(g) No Impact Home Based Business (see §522).
(h) Parochial School (see §523).
(i) Agritourism (see §526).

§403.3 Conditional Uses. The following uses are Conditional Uses and require the approval of the Board of Supervisors of East Buffalo Township subject to the provisions of this Chapter.

(a) Indoor Recreation (see §403.5(a) for Conditional Use criteria).

§403.4 Area, Yard, Coverage and Height Requirements.

(a) Agricultural Operations (non-residential buildings or structures); Agricultural Business.

(1) Minimum acreage – 40 acres.
(2) Minimum Lot Width – 150 feet.
(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there

is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 20 feet.
(c) Rear Yard – 25 feet.
(d) Setbacks for animal confinement, feeding, sheltering, manure storage treatment and/or breeding facilities shall be in compliance with the provisions of the "Nutrient Management Act" or any similar act as amended from time to time or 100 feet, whichever is greater.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 100 feet.

(b) Riding Stables.

(1) Minimum Lot Size – 10 acres.
(2) Minimum Lot Width – 150 feet.
(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 20 feet.
(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(c) Kennels.

(1) Minimum Lot Size – 3 acres.
(2) Minimum Lot Width – 150 feet.
(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 20 feet.
(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(d) Veterinary Hospitals.

(1) Minimum Lot Size – 3 acres.
(2) Minimum Lot Width – 150 feet.
(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there

is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 20 feet.
(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(e) Outdoor Recreation.

(1) Minimum Lot Size – 1 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 20 feet.
(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 50 feet.

(f) Churches.

(1) Minimum Lot Size – 2 acres; Maximum Lot Size – 5 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 20 feet.
(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 50 feet.

(g) Single Family Detached Dwellings.

(1) Minimum Lot size – 2 acres; Maximum Lot size – 5 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 20 feet.

(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(h) Bed and Breakfast Establishments.

(1) Minimum Lot Size – 3 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 20 feet.

(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(7) Bed and Breakfast Establishments shall comply with the off-street parking schedule contained in §505.3 of this Chapter.

(i) Wireless Telecommunications.

(1) Minimum Lot Size (outside of rights-of-way) – Minimum lot size in Zoning District OR area needed to accommodate the wireless telecommunications facility, support structures and fall zone, guy wires, equipment, building, fencing and screening, whichever is greater. Provided, however, that DAS and DCU facilities installed in Zoning Districts where wireless telecommunications are not permitted, shall comply with the minimum lot size as set forth in the Zoning District regulations in this Part 4.

(2) Setbacks (Towers outside of rights-of-way) – Setback from property lines a distance equal to the combined height of the wireless support structure and antenna OR the underlying Zoning District requirements, whichever is greater. Provided, however: 1) that the setback from property lines shall be increased to 110% of the combined height where the applicant has not demonstrated that a collapse of the support structure will not exceed the height of the support structure (see §506.4(a)(10) application requirements); 2) that the setback shall be increased by an additional 25 feet where the use abuts a residential Zoning District or residential use; and, 3) that DAS and DCU facilities installed in Zoning Districts where wireless telecommunications are not permitted shall comply with the setback requirements as provided in the Zoning District regulations set forth in this Part 4.

(3) Setbacks (Equipment and Buildings outside of rights-of-way) – Underlying Zoning District setback for principal use.

(4) Maximum Height – Wireless telecommunications facilities shall be designed to minimum functional height (see

506.4(a)(10) application requirements). Provided, however, that DAS and DCU facilities installed in Zoning Districts where wireless telecommunications are not permitted shall not exceed the height permitted for buildings in said Districts as provided in this Part 4.

(j) Principal Solar Energy Systems.

(1) Minimum Lot Size – 5 acres; Maximum Lot Size – 50% of the tract of land not otherwise used for structures, driveways, parking lots or other similar uses, not to exceed 50 acres.

(2) Setbacks

(a) Fence – 25 feet.

(b) Panels –

(1) Front Yard – 50 feet.

(2) Side Yard – 50 feet.

(3) Rear Yard – 50 feet.

(c) In all cases, there shall be a minimum distance of 100 feet between the boundary line of adjacent non-participating lands utilized for residential purposes or situate in the R-1, R-2, H-C, G-C and I Zoning Districts and any component of the PSES including buildings, panels, fencing, screening and other equipment.

(d) In the case where the PSES development encompasses multiple tracts of land, the setback requirements shall apply to the development and not the individual tracts of land. The setbacks shall apply to the perimeter of the entire development.

(3) Maximum Impervious Coverage –

(a) The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system shall be considered impervious and subject to the impervious surfaces limitations provided for in the applicable Zoning District, statutes, ordinances, rules and regulations and if the PSES impervious surface exceed the permitted impervious area, the developer shall comply with the said statutes, ordinances, rules and regulations.

(b) The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the proposed project:

(1) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

(2) All mechanical equipment of PSES including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.

(3) Gravel or paved access roads servicing the PSES.

(4) Maximum Height – Ground mounted PSES shall not exceed 10 feet in height as measured vertically from the top of the component and the ground below the component.

(k) Small Cell Wireless Facility.

(1) Maximum Height (existing utility pole) – not more than 5 feet above the existing utility pole.

(2) Maximum Height (new or replacement utility pole) – the maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

(l) Animal Husbandry.

(1) Minimum Lot Size – 40 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 20 feet.

(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(m) Concentrated Animal Operation.

(1) Minimum Lot Size – 40 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 50 feet.

(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(n) Farmettes.

(1) Minimum Lot Size – 3 acres; maximum lot size – 5 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 20 feet.

(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 50 feet.

(o) Brewery, Distillery, Winery.

(1) Minimum Lot Size – 5 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 20 feet.

(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(p) Event Space/Venue. An Event Space/Venue shall be permitted as an accessory use, subject to the following:

(1) Minimum Lot Size – 5 acres.

(2) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 100 feet.

(b) Side Yard – 100 feet.

(c) Rear Yard – 100 feet.

(d) All structures shall be setback 150 feet from buildings located on adjacent properties.

(e) Parking – there shall be a buffer yard of 75 feet from any building or structure.

(3) Maximum Impervious Coverage – 40% of total gross lot area.

(4) Maximum Building Coverage – 10% of total gross lot area.

(5) Maximum Building Height – 40 feet.

(q) Model Homes.

(1) Minimum Lot size – 2 acres; Maximum Lot size – 5 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 20 feet.

(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

§403.5 Conditional Uses. The following uses are Conditional Uses and require the approval of the Board of Supervisors of East Buffalo Township subject to the provisions of this Chapter.

(a) Indoor Recreation. The Board of Supervisors shall attach appropriate conditions and safeguards related to dimensional criteria and operations for the proposed facility including, but not limited to the following:

(1) Minimum lot area – 2 acres.

(2) Setbacks.

(a) Front Yard – 30 feet from the edge of the public right-of-way line.

(b) Side Yard – 15 feet from the property line.

(c) Rear Yard – 20 feet from the property line.

(3) The hours of operation for the facility shall be from 9 a.m. until 9 p.m.

§403.6 Subdivision of Land in the Agricultural-Residential District. The subdivision of lands within the Agricultural-Residential District for residential purposes shall be in compliance with Chapter 22 of the Code of Ordinances of East Buffalo Township and the following provisions:

(a) The number of acres that may be subdivided from a tract of land in the Agricultural-Residential District for residential uses shall depend on the size of the tract on May 1, 1996, and shall be in accordance with the following schedule:

Parent Tract size as of May 1, 1996	Total acres permitted
10-15 acres	2
16-50 acres	4
51-100 acres	6
101-180 acres	8
181-260 acres	10
More than 260 acres	10 plus 2 acres for each 80 acres above 260 acres

(b) All new lots or tracts created though the subdivision of lands shall have a minimum lot size of two (2) acres and a maximum lot size of five (5) acres.

(c) All new lots or tracts created though the subdivision of lands must be contiguous and must have frontage on an existing state, local or other public road as of April 14, 2025. Where possible, the area to be subdivided shall be the least desirable agricultural lands.

(As amended by Ordinance 369, adopted November 10, 2014; as amended by Ordinance 429, adopted November 24, 2025)

§404. Low-Density Residential (R-1).

§404.1 Permitted Principal Uses.

(a) Single Family Detached Dwellings.
(b) Horticulture.
(c) Churches.
(d) Private and Public Schools (see §519).
(e) Outdoor Recreation.
(f) Open Space Subdivision (see Part 9 of this Chapter).
(g) Small Cell Wireless Facility (see §510).
(h) Keeping of Chickens (see §511).
(i) Domestic Livestock (see §512).

(j) Personal Care Facility (if less than 40 beds) (see §532).
(k) Group Home (see §531).
(l) Forestry (see §529).

§404.2 Permitted Accessory Uses.
(a) Private Garage or parking areas.
(b) Signs (see §504).
(c) Accessory Uses customary and incidental to the principal use located on the same parcel or tract of land (see §503).
(d) No Impact Home Based Business (see §522).
(e) Home Occupations (see §502)

§404.3 Conditional Uses. The following uses are Conditional Uses and require the approval of the Board of Supervisors of East Buffalo Township subject to the provisions of this Chapter.
(a) Indoor Recreation (see §404.5(a) for Conditional Use criteria).

§404.4 Area, Yard, Coverage and Height Requirements.
(a) Single Family Detached Dwelling.
(1) Minimum Lot Size –
(a) On-lot sewage system – 30,000 sq. ft.
(b) Public sewage system – 15,000 sq. ft.
(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 100 feet.
(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).
(a) Front Yard – 30 feet.
(b) Side Yard – 15 feet.
(c) Rear Yard – 20 feet.
(4) Maximum Impervious Coverage – 35% of total gross lot area.
(5) Maximum Building Coverage – 20% of total gross lot area.
(6) Maximum Building Height (above natural grade) – 35 feet.

(b) Horticulture; Churches; Private and Public Schools; Outdoor Recreation.
(1) Minimum Lot Size –
(a) On-lot sewage system – 88,000 sq. ft.
(b) Public sewage system – 44,000 sq. ft.
(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 150 feet.
(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).
(a) Front Yard – 50 feet.
(b) Side Yard – 20 feet.
(c) Rear Yard – 30 feet.
(4) Maximum Impervious Coverage – 50% of total gross lot area.

(5) Maximum Building Coverage – 30% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(c) Open Space Subdivision.

(1) Minimum Lot Size – 10 acres.

(2) Minimum Lot Width – 150 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 20 feet.

(c) Rear Yard – 25 feet.

(4) Maximum Impervious Coverage – 20% of total gross lot area.

(5) Maximum Building Coverage – 10% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(d) Small Cell Wireless Facility.

(1) Maximum Height (existing utility pole) – not more than 5 feet above the existing utility pole.

(2) Maximum Height (new or replacement utility pole) – the maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

(e) Domestic Livestock. The keeping of Domestic Livestock for noncommercial, personal uses shall be subject to the provisions of §512 of this Chapter and the following conditions:

(1) Minimum Lot Size – ten (10) acres, excluding public street rights-of-way.

(2) Setbacks. All buildings or structures used to house or shelter Domestic Livestock and all storage of manure shall be set back:

(a) At least one hundred (100') feet from property line(s);

(b) At least two hundred (200') feet from occupied buildings or structures other than those occupied by the person or persons keeping the said Domestic Livestock;

(c) At least one hundred (100') feet from any public right-of-way; and

(d) At least one hundred (100') feet from any water course or body of water.

No pasturing area, grazing area, outdoor feed lot or similar activity shall be permitted within twenty-five (25') feet of any property line(s).

(3) Slaughtering and butchering of Domestic Livestock shall be prohibited.

(4) Areas in which Domestic Livestock are to be kept shall be secured to prevent Domestic Livestock from escaping from said areas and to prevent others from entering the said areas.

(5) A written narrative providing the number of animals to be kept upon the tract of land, the method of handling, storing

and disposing of manure, description of the provisions for the handling, storage and delivery of feed and the placement and size of outdoor lighting, if any, shall be provided.

(6) Traffic generated by the keeping of Domestic Livestock, especially traffic arising from the delivery of feed of the disposition of manure, shall not create a nuisance or an unsafe condition for the residents of the Township or the travelling public, nor shall equipment or vehicles utilized or operated that will create noise, dust, fumes, or vapors that are a nuisance to adjacent landowners.

(f) Personal Care Facility; Group Home.

(1) Minimum Lot Size – 88,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 15 feet.
(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 60% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

§404.5 Conditional Use criteria.

(a) Indoor Recreation. The Board of Supervisors shall attach appropriate conditions and safeguards related to dimensional criteria and operations for the proposed facility including, but not limited to the following:

(1) Minimum lot area – 2 acres.
(2) Setbacks.
(a) Front Yard – 30 feet from the edge of the public right-of-way line.
(b) Side Yard – 15 feet from the property line.
(c) Rear Yard – 20 feet from the property line.
(3) The hours of operation for the facility shall be from 9 a.m. until 9 p.m.
(4) Screening for parking areas in compliance with this Chapter may be required.

(As amended by Ordinance 369, adopted November 10, 2014; as amended by Ordinance 429, adopted November 24, 2025))

§405. Medium-Density Residential (R-2).

§405.1 Permitted Principal Uses.

(a) Single Family Detached Dwellings.
(b) Single Family Semi-Detached Dwellings.
(c) Duplex Dwellings.
(d) Multi-Family Dwellings (not to exceed four (4) units per structure).
(e) Churches.

(f) Public or Quasi-Public Uses.
(g) Private and Public Schools (see §519).
(h) Public Libraries.
(i) Funeral Homes.
(j) Small Cell Wireless Facility (see §510).
(k) Personal Care Facility (see §532).
(l) Group Home (see §531).
(m) Forestry (see §529).

§405.2 Permitted Accessory Uses.

(a) Private Garage or Parking Areas.
(b) Home Occupation (see §502).
(c) Signs (see §504).
(c) Accessory Uses customary and incidental to the principal use located on the same parcel or tract of land (see §503).
(d) No Impact Home Based Business (see §522).

§405.3 Conditional Uses. The following uses are Conditional Uses and require the approval of the Board of Supervisors of East Buffalo Township subject to the provisions of this Chapter.

(a) Residential Conversions (see §405.5(a) for Conditional Use criteria).
(b) Indoor Recreation (see §405.5(b) for Conditional Use criteria).

§405.4 Area, Yard, Coverage and Height Requirements. All uses must have access to Central Sewage and Water.

(a) Single Family Detached Dwelling.
(1) Minimum Lot Size – 8,000 sq. ft.
(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet.
(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).
(a) Front Yard – 25 feet.
(b) Side Yard – 10 feet.
(c) Rear Yard – 20 feet.
(4) Maximum Impervious Coverage – 35% of total gross lot area.
(5) Maximum Building Coverage – 20% of total gross lot area.
(6) Maximum Building Height (above natural grade) – 35 feet.

(b) Single Family Semi-Detached Dwelling.
(1) Minimum Lot Size – 10,000 sq. ft.
(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 60 feet.
(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).
(a) Front Yard – 25 feet.
(b) Side Yard – 10 feet.
(c) Rear Yard – 20 feet.

(4) Maximum Impervious Coverage – 35% of total gross lot area.

(5) Maximum Building Coverage – 20% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(c) Duplex Dwelling.

(1) Minimum Lot Size – 10,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 80 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 25 feet.

(b) Side Yard – 10 feet.

(c) Rear Yard – 20 feet.

(4) Maximum Impervious Coverage – 35% of total gross lot area.

(5) Maximum Building Coverage – 20% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(d) Multi-Family Dwelling (not to exceed four (4) units per structure).

(1) Minimum Lot Size – 3,000 sq. ft. per unit

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 100 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 25 feet.

(b) Side Yard – 10 feet.

(c) Rear Yard – 20 feet.

(4) Maximum Impervious Coverage – 35% of total gross lot area.

(5) Maximum Building Coverage – 20% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(e) Churches; Public or Quasi-Public Uses; Private or Public Schools; Public Libraries; Funeral Homes.

(1) Minimum Lot Size – 20,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 100 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 40 feet.

(b) Side Yard – 10 feet.

(c) Rear Yard – 20 feet.

(4) Maximum Impervious Coverage – 50% of total gross lot area.

(5) Maximum Building Coverage – 30% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(f) Small Cell Wireless Facility.

(1) Maximum Height (existing utility pole) – not more than 5 feet above the existing utility pole.

(2) Maximum Height (new or replacement utility pole) – the maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

(g) Personal Care Facility; Group Home.

(1) Minimum Lot Size – 88,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 15 feet.

(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 60% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

§405.5 Conditional Use Criteria.

(a) Residential Conversions. In addition to all other provisions of this Chapter, the following criteria shall apply to Residential Conversions:

(1) Minimum lot area per dwelling unit shall be four thousand (4,000) square feet for the first two (2) dwelling units, and three thousand (3,000) square feet for each additional dwelling unit.

(2) Each dwelling unit shall require two (2) off-street parking spaces.

(3) Minimum open space on the lot proposed for conversion shall be five hundred (500) square feet per dwelling unit.

(4) Off-site parking shall be permitted within five hundred (500') feet of the lot proposed for conversion.

(b) Indoor Recreation. The Board of Supervisors shall attach appropriate conditions and safeguards related to dimensional criteria and operations for the proposed facility including, but not limited to the following:

(1) Minimum lot area – 2 acres.

(2) Setbacks.

(a) Front Yard – 30 feet from the edge of the public right-of-way line.

(b) Side Yard – 15 feet from the property line.

(c) Rear Yard – 20 feet from the property line.

(3) The hours of operation for the facility shall be from 9 a.m. until 9 p.m.

(As amended by Ordinance 369, adopted November 10, 2014; as amended by Ordinance 429, adopted November 24, 2025)

§406. Residential-Urban (R-U).

§406.1 Permitted Principal Uses.

(a) Single Family Detached Dwellings.
(b) Single Family Semi-Detached Dwellings.
(c) Duplex Dwellings.
(d) Multi-Family Dwellings.
(e) Planned Residential Developments (not including commercial uses).
(f) Private and Public Schools (see §519).
(g) Public Parks or Playgrounds.
(h) Churches.
(i) Public Uses.
(j) Bed and Breakfast Establishments (see §525).
(k) Indoor Recreation.
(l) Outdoor Recreation.
(m) Sewage Treatment Facilities.
(n) Business and Professional Offices.
(o) Small Cell Wireless Facility (see §510).
(p) Continuous Care Facility (see §530).
(q) Nursing/Convalescent Home (see §532).
(r) Personal Care Facility (see §532).
(s) Group Home (see §531).
(t) Forestry (see §529).

§406.2 Permitted Accessory Uses.

(a) Home Occupation (see §502).
(b) Private Recreation Areas.
(c) Signs (see §504).
(d) Accessory Uses customary and incidental to the principal use located on the same parcel or tract of land (see §503).
(e) No Impact Home Based Business (see §522).

§406.3 Reserved for future Conditional Uses.

§406.4 Area, Yard, Coverage and Height Requirements. All new subdivisions of five (5) or more lots shall provide Central Sewage and Water. The Minimum Lot Size for all residential uses listed below shall be determined per dwelling unit.

(a) Single Family Detached Dwelling.
(1) Minimum Lot Size –
(a) On-lot sewage and water – 44,000 sq. ft.
(b) Central Sewage ***or*** Water – 15,000 sq. ft.
(c) Central Sewage ***and*** Water – 8,000 sq. ft.
(2) Minimum Lot Width (to be measured at Front Yard Setback Line) –
(a) On-lot sewage and water – 150 feet
(b) Central Sewage ***or*** Water – 100 feet
(c) Central Sewage ***and*** Water – 75 feet
(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there

is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 25 feet.
(b) Side Yard – 10 feet.
(c) Rear Yard – 30 feet.

(4) Maximum Impervious Coverage – 50% of total gross lot area.

(5) Maximum Building Coverage – 25% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(b) Single Family Semi-Detached Dwelling.

(1) Minimum Lot Size –
(a) On-lot sewage and water – 30,000 sq. ft.
(b) Central Sewage ***or*** Water – 10,000 sq. ft.
(c) Central Sewage ***and*** Water – 6,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) –
(a) On-lot sewage and water – 150 feet
(b) Central Sewage ***or*** Water – 100 feet
(c) Central Sewage ***and*** Water – 75 feet

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).
(a) Front Yard – 25 feet.
(b) Side Yard – 10 feet.
(c) Rear Yard – 30 feet.

(4) Maximum Impervious Coverage – 50% of total gross lot area.

(5) Maximum Building Coverage – 25% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(c) Duplex Dwelling.

(1) Minimum Lot Size –
(a) On-lot sewage and water – 30,000 sq. ft.
(b) Central Sewage ***or*** Water – 12,000 sq. ft.
(c) Central Sewage ***and*** Water – 5,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) –
(a) On-lot sewage and water – 150 feet
(b) Central Sewage ***or*** Water – 100 feet
(c) Central Sewage ***and*** Water – 75 feet

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).
(a) Front Yard – 25 feet.
(b) Side Yard – 10 feet.
(c) Rear Yard – 30 feet.

(4) Maximum Impervious Coverage – 50% of total gross lot area.

(5) Maximum Building Coverage – 30% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(d) Multi-Family Dwelling.

(1) Minimum Lot Size –

(a) On-lot sewage and water – 20,000 sq. ft.

(b) Central Sewage ***or*** Water – 10,000 sq. ft.

(c) Central Sewage ***and*** Water – 4,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) –

(a) On-lot sewage and water – 150 feet

(b) Central Sewage ***or*** Water – 100 feet

(c) Central Sewage ***and*** Water – 75 feet

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 25 feet.

(b) Side Yard – 10 feet.

(c) Rear Yard – 30 feet.

(4) Maximum Impervious Coverage – 50% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(e) Planned Residential Developments (not including commercial uses)(see Part 6 of this Chapter).

(f) Private or Public Schools (must be connected to Central Sewage and Water).

(1) Minimum Lot Size – 88,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 15 feet.

(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 60% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(g) Public Parks and Playgrounds.

(1) Minimum Lot Size – 44,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 15 feet.
(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 60% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(h) Churches (must be connected to Central Sewage and Water).

(1) Minimum Lot Size – 40,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 15 feet.
(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 60% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade; church steeples shall not be included in the height calculation) – 40 feet.

(i) Public Uses (must be connected to Central Sewage and Water).

(1) Minimum Lot Size – 25,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 15 feet.
(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 60% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(j) Bed and Breakfast Establishments.

(1) Minimum Lot Size – 20,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) –

(a) On-lot sewage and water – 150 feet
(b) Central Sewage ***or*** Water – 100 feet
(c) Central Sewage ***and*** Water – 75 feet

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there

is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 25 feet.
(b) Side Yard – 10 feet.
(c) Rear Yard – 30 feet.

(4) Maximum Impervious Coverage – 50% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(k) Indoor Recreation.

(1) Minimum Lot Size – 88,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 15 feet.
(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 60% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(l) Outdoor Recreation.

(1) Minimum Lot Size – 5 acres.

(2) Minimum Lot Width – 300 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 100 feet.
(b) Side Yard – 50 feet.
(c) Rear Yard – 100 feet.

(4) Maximum Impervious Coverage – 5% of total gross lot area.

(5) Maximum Building Height (above natural grade) –
(a) Public Uses – None.

(m) Open Space Subdivisions (see Part 9 of this Chapter).

(n) Sewage Treatment Facilities.

(1) Minimum Lot Size – 2 acres.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet

(3) Setbacks – All setbacks shall be measured from the property line(s).

(a) Front, Side and Rear Yard – 100 feet.

(4) Maximum Impervious Coverage – 60% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(7) Open tanks shall be protected by a well-maintained locked security fence of between eight (8') feet and twelve (12') feet in height.

(o) Business and Professional Offices.

(1) Minimum Lot Size – 60,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 15 feet.

(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 60% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

(p) Small Cell Wireless Facility.

(1) Maximum Height (existing utility pole) – not more than 5 feet above the existing utility pole.

(2) Maximum Height (new or replacement utility pole) – the maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

(q) Continuous Care Facility; Group Home; Nursing/Convalescent Home; Personal Care Facility.

(1) Minimum Lot Size – 88,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.

(b) Side Yard – 15 feet.

(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 60% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

§406.5 Reserved for future Conditional Use Criteria.

(As amended by Ordinance 369, adopted November 10, 2014; as amended by Ordinance 429, adopted November 24, 2025)

§407. Bucknell University (B-U).

§407.1 Permitted Principal Uses.

(a) University Buildings for Classroom, Laboratory, Administrative, Maintenance, Cultural or related uses.

(b) Single Family Detached Dwellings.

(c) Single Family Semi-Detached Dwellings.

(d) Duplex Dwellings.

(e) Multi-Family Dwellings (not to exceed four (4) units per structure).

(f) Fraternity or Sorority Houses.

(g) Outdoor Recreation.

(h) Golf Course.

(i) Agriculture (see §513).

(j) Wireless Telecommunications (see §506).

(k) Public or Quasi-Public Uses.

(l) Principal Solar Energy System (see §509).

(m) Small Cell Wireless Facility (see §510).

(n) Bed and Breakfast Establishments (see §525).

(o) Forestry (see §529).

§407.2 Permitted Accessory Uses.

(a) Private Garage or Parking Areas.

(b) Signs (see §504).

(c) Accessory Uses customary and incidental to the principal use located on the same parcel or tract of land (see §503).

(d) No Impact Home Based Business (see §522).

§407.3 Reserved for future Conditional Uses.

§407.4 Area, Yard, Coverage and Height Requirements. The following requirements shall be applicable to all uses within the B-U District, subject to any specific limitations contained therein and pursuant to this Chapter.

(a) Single Family Detached Dwelling.

(1) Minimum Lot Size – 8,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 25 feet.

(b) Side Yard – 10 feet.

(c) Rear Yard – 20 feet.

(4) Maximum Impervious Coverage – 35% of total gross lot area.

(5) Maximum Building Coverage – 20% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(b) Single Family Semi-Detached Dwelling.

(1) Minimum Lot Size – 10,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 60 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there

is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 25 feet.
(b) Side Yard – 10 feet.
(c) Rear Yard – 20 feet.

(4) Maximum Impervious Coverage – 35% of total gross lot area.

(5) Maximum Building Coverage – 20% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(c) Duplex Dwelling.

(1) Minimum Lot Size – 10,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 80 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 25 feet.
(b) Side Yard – 10 feet.
(c) Rear Yard – 20 feet.

(4) Maximum Impervious Coverage – 35% of total gross lot area.

(5) Maximum Building Coverage – 20% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(d) Multi-Family Dwelling (not to exceed four (4) units per structure).

(1) Minimum Lot Size – 3,000 sq. ft. per unit

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 100 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 25 feet.
(b) Side Yard – 10 feet.
(c) Rear Yard – 20 feet.

(4) Maximum Impervious Coverage – 35% of total gross lot area.

(5) Maximum Building Coverage – 20% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(e) Bed and Breakfast Establishments.

(1) Minimum Lot Size – 30,000 sq. ft.

(2) Minimum Lot Width – None

(3) Setbacks –

(a) Front Yard – 75 feet from the centerline of any public road or 50 feet from the edge of any public right of way, whichever is greater.

(1) For lands abutting S. 7th Street between Moore Avenue and River Road, the Front Yard Setback shall be 20 feet.

(b) Side Yard – None

(1) Where the Side Yard abuts real estate not owned by Bucknell University, the Side Yard Setback shall be 50 feet.

(c) Rear Yard – None

(1) Where the Rear Yard abuts real estate not owned by Bucknell University, the Rear Yard Setback shall be 50 feet.

(f) Small Cell Wireless Facility.

(1) Maximum Height (existing utility pole) – not more than 5 feet above the existing utility pole.

(2) Maximum Height (new or replacement utility pole) – the maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

(g) Outdoor Recreation.

(1) Minimum Lot Size – 5 acres.

(2) Minimum Lot Width – 300 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 100 feet.

(b) Side Yard – 50 feet.

(c) Rear Yard – 100 feet.

(4) Maximum Impervious Coverage – 5% of total gross lot area.

(5) Maximum Building Height (above natural grade) –

(a) Public Uses – None.

(h) All Other Uses.

(1) Minimum Lot Size – None

(2) Minimum Lot Width – None

(3) Setbacks –

(a) Front Yard – 75 feet from the centerline of any public road or 50 feet from the edge of any public right-of-way, whichever is greater.

(1) For lands abutting S. 7th Street between Moore Avenue and River Road, the Front Yard Setback shall be 20 feet.

(b) Side Yard – None

(1) Where the Side Yard abuts real estate not owned by Bucknell University, the Side Yard Setback shall be 50 feet.

(c) Rear Yard – None

(1) Where the Rear Yard abuts real estate not owned by Bucknell University, the Rear Yard Setback shall be 50 feet.

(4) Maximum Impervious Coverage – 50% of total land area owned by or leased by Bucknell University.

(5) Maximum Building Coverage – None

(6) Maximum Building Height (above natural grade) – 60 feet.

(7) Notwithstanding anything herein to the contrary, a structure utilized to illuminate or light Outdoor Recreation Facilities shall not exceed 80 feet above the existing natural grade.

§407.5 Reserved for future Conditional Use Criteria.

(As amended by Ordinance 369, adopted November 10, 2014; as amended by Ordinance 429, adopted November 24, 2025)

§408. Highway-Commercial (H-C). All non-residential and multi-family uses shall be required to submit an approved Land Development Plan, pursuant to Chapter 22, Subdivision and Land Development Regulations with the application for a Zoning Permit.

§408.1 Permitted Principal Uses.

(a) Restaurants.
(b) Hotels and Motels.
(c) Business and Professional Offices.
(d) Golf Courses and Miniature Golf Courses.
(e) Retail Stores.
(f) Wholesale Operations.
(g) Financial Institutions.
(h) Gasoline and/or Diesel Fuel Service Stations.
(i) Car and Truck Sales with Accessory Use Service Facilities (see §503).
(j) Public Uses.
(k) Model Homes.
(l) Indoor Recreation.
(m) Personal Storage Warehouse.
(n) Mixed Use Structures.
(o) Shopping Centers or Malls.
(p) Small Cell Wireless Facility (see §510).
(q) Health Care Facilities.
(r) Forestry (see §529).

§408.2 Permitted Accessory Uses.

(a) Off-Street Parking (see §505).
(b) Signs (see §504).
(c) Accessory Uses customary and incidental to the principal use located on the same parcel or tract of land (see §503).
(d) No Impact Home Based Business (see §522).
(e) Service Facilities for Car and Truck Sales (see §503).

§408.3 Reserved for future Conditional Uses.

§408.4 Area, Yard, Coverage and Height Requirements.

(a) Restaurants; Hotels and Motels; Business and Professional Offices; Golf Courses and Miniature Golf Courses; Retail Stores; Wholesale Operations; Financial Institutions; Gasoline and/or Diesel Fuel Service Stations; Car and Truck Sales; Public Uses; Model Homes; Indoor Recreation; Personal Storage Warehouse; Mixed Use Structures; Health Care Facilities.

(1) Minimum Lot Size – 40,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 200 ft.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 20 feet.
(c) Rear Yard – 30 feet.

(4) Maximum Impervious Coverage – 50% of total gross lot area.

(5) Maximum Building Coverage – 50% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(b) Shopping Centers or Malls.

(1) Minimum Lot Size – 5 acres.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 200 ft.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 20 feet.
(c) Rear Yard – 30 feet.

(4) Maximum Impervious Coverage – 50% of total gross lot area.

(5) Maximum Building Coverage – 50% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 35 feet.

(c) Small Cell Wireless Facility.

(1) Maximum Height (existing utility pole) – not more than 5 feet above the existing utility pole.

(2) Maximum Height (new or replacement utility pole) – the maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

§408.5 Reserved for future Conditional Use Criteria.

§408.6 Parking, Residential Uses and Mixed Use Structures.

(a) Off-Street Parking and Loading.

(1) All Off-Street Parking and Loading Facilities shall comply with the provisions of this Chapter.

(2) No more than 50% of any required yard depth may be used for Off-Street Parking or Loading.

(3) No Off-Street Parking shall be permitted within 25 feet of a right-of-way of any arterial or collector street.

(4) Screening shall be provided in accordance with this Chapter.

(b) Residential Uses.

(1) Residential Uses shall only be permitted in this district in existing structures.

(2) Residential Uses shall only be permitted on collector or local streets. No Residential Uses shall be permitted on arterial roads.

(c) Mixed Use Structures.

(1) Mixed Use (Residential/Commercial) Structures shall only be permitted in existing structures.

(2) Mixed Use Structures shall be treated as non-residential structures for the purposes of this Chapter.

§408.7 Traffic Access and Controls.

(a) Common curb cuts may be required as a condition of approval.

(b) All means of ingress and egress shall be located at least 200 feet from any street intersection.

(c) The purchase and erection of any traffic control or safety structures or devices shall be at the developer's expense.

(d) The Board of Supervisors may attach additional conditions based upon a "Traffic Impact Study" required to be submitted with the Land Development Plan.

§408.8 Use and Maintenance of Yards. All required yard areas not required for screening or parking and loading areas shall be kept clear of obstructions and shall be planted in grass, suitable landscaping and/or trees.

§408.9 Screening. All uses provided for in this Zoning District shall comply with the screening requirements set forth in this Chapter.

(As amended by Ordinance 369, adopted November 10, 2014; as amended by Ordinance 429, adopted November 24, 2025)

§409. General-Commercial (G-C). All uses shall be required to submit an approved Land Development Plan, pursuant to Chapter 22, Subdivision and Land Development Regulations with the application for a Zoning Permit.

§409.1 Permitted Principal Uses.

(a) Retail Stores.

(b) Business and Professional Offices.

(c) Financial Institutions.

(d) Restaurants.

(e) Car and Truck Sales with Accessory Use Service Facilities (see §503).

(f) Car Wash.

(g) Bed and Breakfast Establishments (see §5265.

(h) Model Homes.

(i) Public School Affiliated Programs (see §409.4(b)).

(j) Veterinary Clinics (see §507).

(k) Indoor Recreation.

(l) Personal Storage Warehouse.

(m) Public or Quasi-Public Use.

(n) Small Cell Wireless Facility (see §510).

(o) Brewery, Distillery, Winery (see §527).

(p) Continuous Care Facility (see §530).

(q) Nursing/Convalescent Home (see §532).

(r) Personal Care Facility (see §532).

(s) Forestry (see §529).
(t) Churches.

§409.2 Permitted Accessory Uses.
(a) Off-Street Parking and Loading Areas (see §505).
(b) Signs (see §504).
(c) Accessory Uses customary and incidental to the principal use located on the same parcel or tract of land (see §503).
(d) No Impact Home Based Business (see §522).
(e) Service Facilities for Car and Truck Sales (see §503).

§409.3 Reserved for future Conditional Uses.

§409.4 Area, Yard, Coverage and Height Requirements.
(a) Retail Stores; Business and Professional Offices; Financial Institutions; Restaurants; Car and Truck Sales; Car Wash; Bed and Breakfast Establishments; Model Homes; Public School Affiliated Programs; Veterinary Clinics; Indoor Recreation; Personal Storage Warehouse; Public or Quasi-Public Uses; Brewery, Distillery, Winery; Churches.
(1) Minimum Lot Size – 30,000 sq. ft.
(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 200 ft.
(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).
(a) Front Yard – 50 feet.
(b) Side Yard – 30 feet.
(c) Rear Yard – 30 feet.
(d) These requirements may be altered for Planned Residential Developments, Cluster Subdivisions and Open Space Subdivisions.
(4) Maximum Impervious Coverage – 65% of total gross lot area.
(5) Maximum Building Coverage – 50% of total gross lot area.
(6) Maximum Building Height (above natural grade) – 35 ft.

(b) Public School Affiliated Programs. Public School Affiliated Programs involving no more than thirty (30) students, grade seven (7) or above, shall be permitted, provided: 1) such programs provide drop-off/pick-up sites located only in the side yards of structures not facing a public street, road or alley, and 2) such activities occur only inside structures.

(c) Small Cell Wireless Facility.
(1) Maximum Height (existing utility pole) – not more than 5 feet above the existing utility pole.
(2) Maximum Height (new or replacement utility pole) – the maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

(d) Continuous Care Facility; Nursing/Convalescent Home; Personal Care Facility.
(1) Minimum Lot Size – 88,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 15 feet.
(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 60% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

§409.5 Reserved for future Conditional Use Criteria.

§409.6 Off-Street Parking and Loading Area Requirements. Off-Street Parking and Loading Areas shall comply with the provisions of this Chapter.

§409.7 Traffic Access and Controls. All uses shall comply with the provisions of this Chapter.

§409.8 Use and Maintenance of Yards. All uses shall comply with the provisions of this Chapter.

§409.9 Screening. All uses provided for in this Zoning District shall comply with the screening requirements set forth in this Chapter.

(As amended by Ordinance 369, adopted November 10, 2014; as amended by Ordinance 429, adopted November 24, 2025)

§410. Industrial (I-1). All uses shall be required to submit an approved Land Development Plan, pursuant to Chapter 22, Subdivision and Land Development Regulations with the application for a Zoning Permit.

§410.1 Permitted Principal Uses.

(a) Wholesale Commercial Operations.
(b) Business and Professional Offices.
(c) General Industrial Uses.
(d) Retail Uses.
(e) Public Uses.
(f) Wireless Telecommunications (see §506).
(g) Indoor Recreation.
(h) Personal Storage Warehouse.
(i) Warehousing Facility.
(j) Financial Institutions.
(k) Medical Marijuana Grower/Processor and Medical Marijuana Dispensary (see §508).
(l) Principal Solar Energy System (see §509).
(m) Small Cell Wireless Facility (see §510).
(n) Continuous Care Facility (see §530).
(o) Nursing/Convalescent Home (see §532).
(p) Personal Care Facility (see §532).
(q) Forestry (see §529).
(r) Cryptocurrency and Data Mining Operations (see §533).

§410.2 Permitted Accessory Uses.

(a) Off-Street Parking and Loading Areas (see §505).

(b) Signs (see §504).

(c) Restaurants, cafeterias or recreational facilities to be used only by employees of the Permitted Principal Use.

(d) Accessory Uses customary and incidental to the principal use located on the same parcel or tract of land (see §503).

(e) Unenclosed Storage.

§410.3 The following uses are Conditional Uses and require the approval of the Board of Supervisors of East Buffalo Township subject to the provisions of this Chapter.

(a) Adult Uses (see §410.5(a) for Conditional Use criteria).

(b) Special Exception Use - Data Center and Data Center Accessory Uses (see §533 for minimum supplemental regulations to be satisfied).

§410.4 Area, Yard, Coverage and Height Requirements. All uses must have Central Sewage and Water. Wholesale Commercial Operations, General Industrial Uses and Retail Uses shall be conducted in an enclosed building.

(a) Wholesale Commercial Operations; Business and Professional Offices; General Industrial Uses; Retail Uses; Public Uses; Wireless Telecommunications; Indoor Recreation; Personal Storage Warehouse; Warehousing Facility; Financial Institutions; Medical Marijuana Grower/Processor and Medical Marijuana Dispensary.

(1) Minimum Lot Size – 44,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 150 ft.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 60 feet.

(b) Side Yard – 40 feet.

(c) Rear Yard – 40 feet.

(d) Side and Rear Yards adjoining the residential uses –

(1) Setbacks shall be 50 feet.

(2) The twenty (20) feet of the said Side and Rear Yards immediately adjoining the residential uses shall be landscaped to visually screen the use from adjoining residential uses in conformance with the provisions of this Chapter relative to visual screening.

(4) Maximum Impervious Coverage – 80% of total gross lot area.

(5) Maximum Building Coverage – 60% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 60 feet.

(b) Principal Solar Energy System.

(1) Minimum Lot Size – 5 acres; Maximum Lot Size – 50% of the tract of land not otherwise used for structures, driveways, parking lots or other similar uses, not to exceed 50 acres.

(2) Setbacks

(a) Fence – 25 feet.

(b) Panels –

(1) Front Yard – 50 feet.

(2) Side Yard – 50 feet.

(3) Rear Yard – 50 feet.

(c) In all cases, there shall be a minimum distance of 100 feet between the boundary line of adjacent non-participating lands utilized for residential purposes or situate in the R-1, R-2, H-C, G-C and I Zoning Districts and any component of the PSES including buildings, panels, fencing, screening and other equipment.

(d) In the case where the PSES development encompasses multiple tracts of land, the setback requirements shall apply to the development and not the individual tracts of land. The setbacks shall apply to the perimeter of the entire development.

(3) Maximum Impervious Coverage –

(a) The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system shall be considered impervious and subject to the impervious surfaces limitations provided for in the applicable Zoning District, statutes, ordinances, rules and regulations and if the PSES impervious surface exceed the permitted impervious area, the developer shall comply with the said statutes, ordinances, rules and regulations.

(b) The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the proposed project:

(1) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

(2) All mechanical equipment of PSES including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.

(3) Gravel or paved access roads servicing the PSES.

(4) Maximum Height – Ground mounted PSES shall not exceed 10 feet in height as measured vertically from the top of the component and the ground below the component.

(c) Small Cell Wireless Facility.

(1) Maximum Height (existing utility pole) – not more than 5 feet above the existing utility pole.

(2) Maximum Height (new or replacement utility pole) – the maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

(d) Continuous Care Facility; Nursing/Convalescent Home; Personal Care Facility.

(1) Minimum Lot Size – 88,000 sq. ft.

(2) Minimum Lot Width (to be measured at Front Yard Setback Line) – 75 feet.

(3) Setbacks – All setbacks shall be measured from the edge of the public right-of-way of the affected parcel. If there is no public right-of-way, setbacks shall be measured from the property line(s).

(a) Front Yard – 50 feet.
(b) Side Yard – 15 feet.
(c) Rear Yard – 50 feet.

(4) Maximum Impervious Coverage – 60% of total gross lot area.

(5) Maximum Building Coverage – 40% of total gross lot area.

(6) Maximum Building Height (above natural grade) – 40 feet.

§410.5 Conditional Use Criteria.

(a) Adult Uses.

(1) No Adult Use shall be located within five hundred (500') feet of any residential use or district.

(2) No Adult Use shall be located within one thousand (1,000') feet of any public park or playground, school or church.

(3) No Adult Use shall be located within five hundred (500') feet of any other Adult Use.

(4) No Adult Use shall be conducted in any manner that permits the observation of any material depicting, describing or related to specified sexual activities or specified anatomical areas from any public way or from any property not utilized as an Adult Use. This provision shall apply to any display, decoration, sign, show, window, door or other opening.

(5) No Adult Use shall be conducted in any manner that violates any of the provisions of this Chapter.

(6) The entire perimeter of any lot containing an Adult Use shall be screened in compliance with the provisions of this Chapter, except for parking lot entrance and exit.

(7) For purposes of compliance with this Chapter, Adult Uses shall be classified as a Public Auditorium/Theater.

(8) Setbacks –

(a) Front Yard – 75 feet.
(b) Side Yard – 50 feet.
(c) Rear Yard – 50 feet.

§410.6 Screening. All uses provided for in this Zoning District shall comply with the screening requirements set forth in this Chapter.

(As amended by Ordinance 369, adopted November 10, 2014; as amended by Ordinance 429, adopted November 24,2025)

CHAPTER 27

ZONING

Part 5

Supplemental Regulations

§500. Application. These Supplemental Regulations shall apply in all districts except where otherwise specified herein.

(As Amended by Ordinance 369, adopted November 10, 2014)

§501. Additional Requirements for All Zoning Districts.

§501.1 Visibility at Intersections. No obstruction to vision (except street signs, approved by the Township or existing buildings) shall be erected, placed, planted or allowed to grow in a manner which would impede vision between a height of 2 1/2 feet to 10 feet above the grade of the centerlines of intersecting streets within the hereinafter defined clear sight triangle. The clear sight triangle is defined as follows:

(a) No stop streets - At intersections where motor vehicles are not required to stop before entering the intersection, the clear sight triangle is a triangle whose three (3) corners are located as follows: (1) the intersection of the center lines of the 2 intersecting streets, and (2) a point on the center line of each intersecting street 75' from the point of intersection of the 2 center lines.

(b) All stop streets - Where motor vehicles are required to stop before entering the intersection on all streets of the intersection, the clear sight triangle is a triangle whose three (3) corners are located as follows: (1) the intersection of the center lines of the 2 intersecting streets, and (2) a point on the center lines of each intersecting street 35' from the location of the stop sign on said street extended to the center line of said street.

(c) Combination of stop streets and non-stop streets - Where motor vehicles are required to stop on some but not all of the streets in the intersection before entering the intersection the clear sight triangle is a triangle whose 3 corners are defined as follows: (1) the intersection of the center lines of each intersecting street, (2) a point on the center line of the stop street 35' from the location of the stop sign on said street extended to the center line of said street, and (3) a point on the center line of the non-stop street 75' from the intersection of the center lines of the said street. (As amended by Ordinance 204, adopted October 14, 1996; Ordinance 209, adopted March 10, 1997)

§501.2 Fences and Walls. No fence, wall, or similar structure shall hereafter be erected in East Buffalo Township except in accordance with the following provisions.

(a) Said structures shall not exceed 8 feet in height except in the Agricultural Zoning District which there shall be no restrictions on height.

(b) Said structures shall not be erected within the public right of way.

(c) Said structures shall comply with the provisions of this Chapter related to clear sight triangle.

(d) Said structures shall not be erected within 2 feet of the property lines except where the abutting landowner shall agree in writing that the same may be erected within the said 2 feet or on the abutting owner's property line and shall grant an easement for the maintenance of the said structure and the land between the structure and the said property line. Said easement shall bind said abutting property owners his, her, their or its heirs, administrators, executors, successors and assigns. Said written agreement and written easement shall be recorded in the Office of the Recorder of Deeds in and for Union County, Pennsylvania, prior to the erection of said structure.

(e) Said structure shall not be constructed of or have attached to it any materials that may cause injury such as barbed wire, razor wire, etc., except in the Agricultural Zoning District where barbed wire can be used.

(f) No such structure, except one erected as part of an agricultural operation and then only if utilized to confine or repel animals shall be electrified. This provision shall not apply to underground fences commonly used to confine pets.

(g) No such structure shall be erected except in compliance with all applicable local, state and federal ordinances, laws, statutes, rules and regulations.

(h) The within height limitations shall not apply where some other provisions in this Chapter permits a greater height for screening or other purpose in which case the greater height shall be permitted.

(i) The setback requirement for placement of said structures shall not apply where said structure is being utilized to control or contain animals or wildlife in conjunction with an agricultural operation provided such exceptions is necessary and appropriate with regard to such use. This exception does not apply to residential districts.

(j) The finished side of said structures, if there be one, shall face adjacent lands.

(Ordinance 309, December 10, 2007)

§501.3 Erection of More Than One Principal Structure or Building on a Lot. More than one structure or building housing a principal permitted use may be erected on a single lot, provided that all area, yard, bulk, coverage and other requirements of this ordinance shall be determined for each structure or building as though it were located on an individual lot.

§501.4 Exceptions to Height Regulations. The height limitations contained herein shall not apply to barns, spires, cupolas, silos, antennas, water tanks, ventilators, chimneys, microwave, television or radio towers or other similar types of appurtenances, usually required to be placed above the roof level and not intended for human occupancy.

§501.5 Buildings to Have Access. All buildings hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Board of Supervisors. All buildings shall be located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking. All buildings hereafter erected or moved shall be located on lots in conformance with the provisions of this Chapter. (Ordinance 293, January 22, 2007)

§501.6 Corner Lot Restriction. On all corner lots there shall be provided on each side thereof adjacent to a public street or right-of-way a yard equal in depth to the required front yard of the zoning district in which the corner lot is situate.

§501.7 Lots in Two or More Districts. Where a district boundary line(s) divides any lot in single or joint ownership at the time such line is established, the more restrictive district regulations shall apply.

§501.8 Lot Area and Lot Width for Lots Not Served with Public Water and/or Sanitary Sewers. Any lot not served by a public water supply and/or sanitary sewerage system and where Municipal, County, State or Federal Regulations require a higher standard for lot area or lot width than are provided for in this ordinance, shall be subject to the more restrictive standards.

§501.9 Front Yard Exceptions. Where an unimproved lot is situated between two improved lots with front yard setbacks less than those required for the District, the front yard required may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that in no case shall the front yard be reduced by more than fifty percent (50%) of the required front yard for that district.

§501.10 Restrictions for Air Pollution. All sources of air pollution shall comply with all Rules and Regulations as defined and established by any Municipal, County, State or Federal Statute, Regulation or Ordinance.

§501.11 Restrictions for Solid Waste Disposal. All methods and practices of Solid Waste Disposal shall comply with all applicable Municipal, County, State or Federal Statutes, Regulations or Ordinances.

§501.12 Restrictions for Sewage and Liquid Waste Disposal. All sewage and liquid waste disposal practices shall comply with all applicable Municipal, County, State or Federal Statutes, Regulations or Ordinances.

§501.13 Right-of-Way Line. For purposes of measuring front yard requirements, the right of way line shall be established by actual deed or plan description. If no deed or plan description exists, said right-of-way line shall be established in all districts at a distance of twenty-five feet (25′) from the center line of the road or street or one half (1/) of the road or street right-of-way, whichever is greater.

§501.14 Through Lots. Where a single lot under individual or joint ownership extends from one (1) public street to another parallel or nearly parallel public street or alley, the Planning Commission shall determine which street shall be considered the front street. No principal structure shall be erected on the rear of the lot.

§501.15 Changes to Conforming Uses or Buildings. Any conforming use or building may be repaired, maintained, restored or rebuilt to the same dimensions existing at the time that use or building was originally constructed or started. Any enlargement or addition to any conforming use must comply with all applicable provisions of this Ordinance.

§501.16 Projections into Yards. Exception to the yard requirements in this Chapter shall be permitted only in the following instances:

(a) Canopies, eaves, uncovered first floor steps or landings or other architectural features not required for structural support may project into required side, rear or front yards, but by no more than three feet (3').

(b) Porches may project into the required front yard in the R-U District a maximum of three feet (3'), and into the rear yard of all residential districts a maximum of ten feet (10').

(c) Fire escapes and stairs may project into the side or rear yard no more than twenty feet (20').

(d) Off-street parking areas as required in this Chapter.

(Ordinance 293, January 22, 2007)

(As Amended by Ordinance 369, adopted November 10, 2014)

§502. Home Occupation Regulations. Permits for Home Occupations shall be subject to the below listed requirements.

§502.1 Home Occupation Regulations Applicable to all Districts.

(a) A single Home Occupation per dwelling unit may be permitted as an accessory use in the WP, AP, and AR Districts. A single Home Occupation per dwelling unit may be permitted as a Special Exception in the R1, R2 and RU Districts.

(b) Such Home Occupations shall be conducted only by the resident(s) of that dwelling unit, who shall not employ more than one (1) full-time or two (2) part-time employees.

(c) No evidence of a home occupation shall be reflected in the exterior appearance of the dwelling structure, which shall be maintained in its residential character, other than a sign not exceeding two (2) square feet in area.

(d) Off-street parking, in compliance with the provisions of this Chapter, shall be provided.

(e) Home occupations shall not occupy more than twenty-five percent (25%) of the gross floor area of the dwelling unit.

(f) No Home occupation shall involve display windows, frequent (more than weekly) truck deliveries, or the production of offensive noise, smoke, glare, vibration, dust, odors or excessive heat.

(g) All home occupations shall comply with the provisions of this Chapter.

(Ordinance 293, January 22, 2007)

§502.2 Home Occupations in Woodland Preservation, Agricultural Preservation and Agricultural Residential Districts.

(a) Permitted Home Occupations shall include:

(1) Sculpturing; pottery and woodworking; arts and crafts workshops; television, radio or electronic repair shops; furniture making and repair; antique shops or similar activities.

(2) Training and/or tutoring of no more than six (6) persons in small classes.

(3) In-home child care services of no more than six (6) children who are not related by blood, marriage, adopted or agency placed for foster care, upon licensing and certification by the Commonwealth of Pennsylvania.

(4) Custom dressmaking, millinery, or tailoring.

(5) Photographic studios, graphic design studios or artist workshops.

(b) No new building or structure shall be erected on the lot nor shall the rural character of neighborhood be adversely impacted.

§502.3 Home Occupations in R-1, R-2 and R-U Districts.

(a) Permitted Home Occupations shall include:

(1) Professional Offices.

(2) Training and/or tutoring of no more than six (6) persons in small classes.

(3) In-Home child care services of no more than six (6) children who are not related by blood, marriage, adopted or agency placed for foster care, upon licensing and certification by the Commonwealth of Pennsylvania.

(4) Custom dressmaking, millinery or tailoring.

(5) Beauty salons, hairdressers, barber shops of similar activities.

(6) Photographic studios, graphic design studios, and artist workshops.

(b) Home occupations in these districts shall have access to a public street.

(c) Home occupations in these districts shall not adversely impact the residential character of the neighborhood.

§502.4 Upon approval of a home occupation, the Zoning Officer shall issue a permit, which shall be valid for a period of not more than two years and may be renewed upon a site inspection by the Zoning Officer to determine compliance with this Ordinance and/or any permit conditions.

§502.5 The Zoning Officer shall provide an annual report to the Board of Supervisors listing all permitted home occupations and the expiration date of such permits.

§502.6 A home occupation that is solely used for the purpose of receiving phone calls, mail and keeping business records in connection with any profession or occupation shall be known as “an address of convenience” and shall not require a home occupation permit.

§502.7 Hobbies, such as boat building or repair, furniture making or repair, automobile repair and rebuilding, and other activities not normally carried on extensively in an agricultural or residential district shall not be permitted to the extent that they are a nuisance to nearby residential occupants. Such uses which involve the use of power tools or the creation of noise not usual to a residential district shall not be permitted between the hours of 10:00 p.m. and 7:00 a.m.

§502.8 Delivery of materials to and from the premises of any home occupation shall not involve the use of vehicles over 2 ton capacity, except for U.S. Postal Vehicles or commercial delivery service vehicles such as United Parcel Service, Federal Express, etc.

§502.9 There shall be not more than one use constituting a permitted home occupation per dwelling unit.

§502.10 No impact home based business shall be subject to the following requirements:

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

(2) The business shall employ no employees other than family members residing in the dwelling.

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

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

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

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

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

(8) The business may not involve any illegal activity.

(Amended by Ordinance 246, December 9, 2002)

(As Amended by Ordinance 369, adopted November 10, 2014)

§503. Accessory Buildings, Structures and Uses. All accessory structures shall conform to the bulk, area, height and yard requirements established in each individual zoning district, except as permitted below.

§503.1 Unattached Structures Accessory to Residential Uses. Unattached residential structures shall not be erected less than ten feet (10') from any portion of the residential structure.

§503.2 Reserved for future use

§503.3 Accessory Pool Structures. Private non-commercial swimming pools which are designed to contain a water depth of twenty four inches (24") or more shall be located only in a rear or side yard. Such pools shall have a continuous childproof barrier or fence not less than four feet (4') in height above the ground or surrounding deck level.

§503.4 Home Gardening. Home gardening and accessory structures used for such purposes shall be permitted in residential districts.

§503.5 Nothing in this Section shall be construed to limit other accessory uses not mentioned, so long as such uses are demonstrably accessory to the principal permitted use of the lot and do not create a threat to the Public Health, Safety and Welfare.

(As Amended by Ordinance 369, adopted November 10, 2014)

§503.6 Accessory Residential Ground Mount Solar. Unattached ground mount Accessory Solar Energy Systems accessory to a residential use of no more than four (4) residential units shall be located in rear and side yards and shall be at least fifteen feet (15') from all side and rear property lines, with a maximum height of eight feet (8').

(1) Glare

(a) The system shall use solar photovoltaic cells that utilize anti-reflecting coating in accordance with industry standards. At the time of the application, the owner/developer shall submit evidence that the solar photovoltaic cells utilize anti-reflecting coatings by either (1) supporting documentation indicating the panels are Tier-1 panels as listed by Bloomberg New Energy Finance or (2) a technical specification sheet from the manufacturer that directly shows the panel has an anti-reflective coating.

(b) The system shall be placed such that concentrated solar radiation or glare does not project onto structures located outside the boundary of the land upon which it is to be installed or on public or private roads, streets, alleys or driveways.

(c) If, in the opinion of the Zoning Officer, based upon the location of the system and/or its proximity to structures located outside the boundary of the land upon which it is to be installed or proximity to public or private roads, streets, alleys or driveways, the owner/developer may be required to provide a solar glare assessment by an independent person or entity qualified to perform such assessment.

(Ordinance 395, July 13, 2020)

§503.7 All Other Accessory Ground Mount Solar. Unattached ground mount Accessory Solar Energy Systems, other than those set forth in §503.6, shall comply with the following:

(1) Glare

(a) The system shall use solar photovoltaic cells that utilize anti-reflecting coating in accordance with industry standards. At the time of the application, the owner/developer shall submit evidence that the solar photovoltaic cells utilize anti-reflecting coatings by either (1) supporting documentation indicating the panels are Tier-1 panels as listed by Bloomberg New Energy Finance or (2) a technical specification sheet from the manufacturer that directly shows the panel has an anti-reflective coating.

(b) The system shall be placed such that concentrated solar radiation or glare does not project onto structures located outside the boundary of the land upon which it is to be installed or on public or private roads, streets, alleys or driveways.

(c) If, in the opinion of the Zoning Officer, based upon the location of the system and/or its proximity to structures located outside the boundary of the land upon which it is to be installed or proximity to public or private roads, streets, alleys or driveways, the owner/developer may be required to provide a solar glare assessment by an independent person or entity qualified to perform such assessment.

(2) The layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as adopted by the Township, with all other applicable fire and life safety requirements and with all applicable statutes, ordinances, rules and regulations. The layout, design and installation shall be subject to review and approval of the Township, the costs of said review and approval to be paid by applicant.

(3) The underground placement of on-site electrical lines or cables and plumbing lines shall be utilized whenever possible consistent with the standard industry practices.

(4) No portion shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment provided they comply with the prevailing sign regulations.

(5) No trees or landscaping required by state, federal or Township statutes, laws, ordinances, rules or regulations or as provided in the approval of any plan, application or permit may be removed, except upon approval of the Township and then only for reasons of safety or public welfare.

(6) The owner and/or operator shall maintain a phone number and address of a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number, address and name to the Township, the same to be updated when changed. The owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints no later than three (3) days after the inquiry or complaint was filed.

(7) Owners shall maintain all panels, structures and equipment and shall repair or replace any damaged or visibly degraded components in a manner consistent with industry standards. Components shall be replaced in kind, or with equivalent parts or materials, consistent with the original design and manufacturer's specifications and shall be completed within ninety (90) days of the mailing of a notice by the Township of the need to make repairs or replacement. Said notice to be

mailed by First Class Mail to the said responsible person provided for herein.

(8) A Contingency Plan of Emergency Procedures shall be developed by the facility owner consistent with standard operating practices of the industry. The Plan shall be submitted to the fire department servicing the area where the facility is located for its review and approval. A copy of the Plan along with the written approval of the fire department shall be submitted to the Township with the application. The same shall be reviewed and updated, if necessary, every five (5) years.

(9) Decommissioning

(a) The owner is required to notify the Township immediately upon cessation or abandonment of the operation. After the start of operations of the facility, the facility shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of six (6) continuous months or repairs or replacements are not completed as herein provided.

(b) Upon providing notice to the Township regarding cessation or abandonment of the operation or if the facility is presumed to be discontinued or abandoned or if repairs or replacements are not completed as herein provided, the PSES owner shall provide to the Township a recycling/disposal plan for the solar facility components, the same to include consideration of scrap value, subject to the approval of the Township. The Township shall approve or disapprove the recycling/disposal plan. If disapproved, the Township may recommend a plan for recycling/disposal to the PSES owner. Should the owner of the facility fail to provide a recycling/disposal plan or to implement a plan approved by the Township, the Township may utilize the financial security to recycle/dispose of the solar facility components in a manner satisfactory to the Township. (Ordinance 433, adopted April 13, 2026)

(i) The recycling/disposal plan shall comply with the provisions of Chapter 20, Part 2, Section 204 of the Township Code of Ordinances relating to the recycling of alternative energy components.

(c) The owner shall then have six (6) months in which to dismantle and remove the facility including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property to a minimum depth of thirty-six (36”) inches and in compliance with an approved recycling/disposal plan. If the owner fails to dismantle and/or remove the facility within the established timeframes, the municipality may complete the decommissioning at the owner’s expense, the same to include the implementation of an approved recycling/disposal plan. The Board of Supervisors may authorize one six (6) month extension for just cause shown by the owner. Provided however, that the building and road are not required to be removed if the owner can demonstrate, to the

satisfaction of the Township, that the same can be repurposed and such repurposing is in compliance with all Township Ordinances. (Ordinance 433, adopted April 13, 2026)

(d) Failure to decommission the facility in compliance with the above shall constitute a public nuisance. Violations of this Section shall be enforced by an action brough before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83(c). The fine for a violation of this Section shall not exceed $1,000.00 and/or imprisonment to the extent allowed by law for punishment of summary offenses.

(As amended by Ordinance 406, adopted June 13, 2022)

(10) Prior to the issuance of a zoning permit, applicant must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (1) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property; or (2) the right to prohibit the development on or growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property.

(11) The owner shall comply with the Township subdivision and land development requirements. The installation and operation of the system shall be in compliance with all applicable statutes, ordinances, permit requirements, codes and regulations.

(12) The area upon which the system is located shall not exceed forty percent (40%) of the lot or tract not otherwise utilized for structures, driveways, parking lots or other similar uses and shall be in compliance with all other provisions of Township ordinances.

(13) No facilities shall be located in the front yard and shall comply with the rear and side yard requirements for the zoning district in which it is located.

(14) In all cases, there shall be a minimum distance of thirty feet (30') between the boundary line of the lot or tract upon which the facility is located and any component of the facility, which shall in include the required fencing and screening.

(15) Ground mounted facilities shall not exceed twelve (12') feet in height as measured vertically from the top of the component and the ground below the component.

(a) Exceptions to the height limitation may be made for shared agricultural uses, including cattle raising, and for parking canopies. (Ordinance 433, adopted April 13, 2026)

(16) Impervious Coverage

(a) The area beneath the ground mounted facilities is considered impervious cover and shall not exceed a slope of ten (10%) percent. However, use of impervious construction materials under the system shall be considered impervious and subject to the impervious surfaces limitations provided for in the applicable zoning district, statutes, ordinances, rules and regulations and if the impervious surface exceeds the permitted impervious area, the owner shall comply with the said statutes, ordinances, rules and regulations.
(Ordinance 433, adopted April 13, 2026)

(b) The following components shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the proposed project:

(i) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
(ii) All mechanical equipment including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY,** the solar modules themselves, however, are not included as impervious cover.
(iii) Gravel or paved access roads servicing the facility.

(17) Owners are required to follow the current **PA DEP Guidelines for Solar Collectors** as a best management practice for storm water management.

(18) Screening. Screening shall be installed on the exterior of the fencing required herein, subject to the following provisions:

(a) Screening shall consist of evergreen trees or shrubs;

(b) Screening shall be installed on the exterior of said fencing;

(i) When the fence faces adjacent land utilized for residential purposes and the land is located within 100 feet of the fence.
(ii) When the fence faces an adjacent road or street that meets the definition of a collector road or street as defined by the PA Department of Transportation.

(c) The trees or shrubs shall be a minimum of eight feet (8') in height at time of planting and of sufficient size and placed in such location as to visibly obscure the fence within three (3) years of planting. The said trees or shrubs shall be replaced as needed to comply with this provision.

(d) A screening plan shall be submitted with the application for a land development plan.

(19) In Agricultural Preservation and Agricultural Residential Zoning Districts, no more than twenty percent (20%) of the entire area for development shall consist of Class I and Class II prime agricultural soils as defined by the then current version of the NRCS Custom Soil Resource Report.

(20) Ground mounted facilities shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed or natural storm water conveyance system.

(21) Security

(a) All ground mounted facilities shall be completely enclosed by an eight foot (8') high fence and with gates being locked, except when persons are physically on site making inspections, servicing, repairing or dismantling the facility.

(b) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on each side of the area utilized for facilities outside the required screening every fifty (50')feet. The said sign shall be 2' x 2' in size, informing individuals of potential voltage hazards.
(Ordinance 433, adopted April 15, 2026)

(22) Access

(a) An access road, in compliance with the Township regulations on driveways, must be provided from a state or township roadway into the site.

(b) Service roads within the area of the facility, at a minimum of sixteen feet (16') width, shall be provided to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles to all areas within the facility.

(23) The facilities shall not be artificially lighted except in compliance with all applicable federal, state, or local statutes, ordinances, rules and regulations, the primary purpose of said lighting being for safety purposes.

(24) If a ground mounted facility is removed, the same shall be in accordance with all applicable federal, state and Township statutes, ordinances, rules and regulations.

(25) The owner shall execute an agreement with the Township authorizing the Township, its employees, agents and contractors to enter upon the real estate for the purpose of making inspections, repairs, replacements, dismantling and/or removal as provided herein, the same to include a release of liability for any damages caused by the Township, its employees, agents or contractors and an indemnification of the Township, its employees, agents or contractors. The said agreement shall be prepared by the Township at the owner's expense and shall be submitted with the application for a permit signed by said owner.

(26) The applicant for a Zoning Permit shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten percent (110%) of the estimated cost to decommission the facility, including the costs of recycling/disposing of solar components. The estimated cost shall be prepared by an engineer and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the Township. The agreement and financial security shall remain in effect until the facility is decommissioned and the land restored to its original condition.

The financial security may be utilized by the Township to pay the costs of repair, replacement, dismantling, removal, recycling/disposal of solar components and/or restoration of the facility or the land as provided herein.

Every five (5) years, a new estimate of the said costs, prepared by an engineer, shall be submitted to the Township in writing by the owner. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten percent (110%) of the said estimated costs.

In the event the Township utilizes the said financial security as herein provided, the owner shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten percent (110%).

The Township shall be entitled to an administrative fee of ten percent (10%) of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.

Should the financial security not be sufficient to pay the costs and the fee, the owner shall be liable for the costs and fees not paid from the financial security, the same may be collected as permitted by law, including the filing of a Municipal Claim.

The agreement referred to herein shall be prepared by the Township.

All costs, expenses and fees incurred by the Township in preparing the agreement, reviewing the estimates or enforcing the said agreement shall be paid by the owner within ten (10) days of receiving a bill for the same.

(Ordinance 395, July 13, 2020; as amended by Ordinance 406, adopted June 13, 2022)

§504. Sign Regulations. No new sign shall hereafter be erected, constructed, or altered except as herein provided and until a permit has been issued by the Zoning Officer.

§504.1 All Signs shall comply with the following requirements:

(a) Except as otherwise provided herein, no lot shall have erected thereon a sign or signs the maximum area of which shall exceed

one and one-half (1 1/2) square feet of signage for each lineal foot of principal building face erected thereon parallel or substantially parallel to a Public Right of Way Line.

(b) No single sign shall exceed sixty-four (64) square feet in gross area, except for off-premises freestanding sign.

(c) Where a principal structure fronts on more than one (1) street, the gross sign area allowed shall be determined by the smallest building frontage.

(d) There shall be no limit on the total number or types of signs, provided that the maximum gross sign area for the lot, as determined herein, is not exceeded.

(e) Gross sign area shall be defined as the entire surface area of the sign on which copy could be placed. Supporting structure or bracing shall not be counted as part of the sign area. Where a sign has more than one face, all areas, which can be viewed simultaneously, shall be considered gross sign area.

(f) No sign shall be erected in any public right of way.

(g) No sign shall be erected which in any manner obstructs free and clear vision at any intersection.

(h) No sign shall be erected where, by reason of position, shape or color it may interfere with or obstruct the view of, or be confused with any authorized traffic sign, signal or device.

(i) Every sign permitted by this Chapter must be constructed of durable materials and kept in good condition or repair. When any sign becomes insecure, in danger of falling or is otherwise unsafe or if any sign shall be unlawfully erected or installed, the Zoning Officer shall order the removal of said sign, upon written notice. The Zoning office shall have the power to remove said sign if the order is not complied with within ten (10) days of issuance or immediately in the case of immediate danger to the public, with the approval of the Governing Body. The cost of the removal of shall be borne by the owner of the sign.

(j) All signs and/or sign messages shall be removed by the owner or lessee from the premises upon which any on-premise sign is located when the use it advertises is no longer conducted. Such removal shall be completed within thirty (30) days of the vacation of the premises. The cost of removal shall be borne by the owner of the sign.

(k) No sign shall be painted or mounted on rocks, trees or other natural features.

(l) Any sign legally existing at time of passage of this Chapter that does not conform to the standards contained in this Chapter shall be considered a non-conforming use and may continue until such time as the sign may be replaced, relocated or the structure or size of the sign is altered in any way.

(m) Prohibited Signs.

(1) Flashing, rotating or motorized signs that are visible from a public street.

(2) Signs which obstruct the free ingress or egress to or from any door, window fire escape or other exit; or which

obstructs a window, door or other opening providing light or air; or which interferes with the normal functioning of any building.

(3) Signs which make use of the words "stop", "look" "danger" or other words, phrases, symbols or characters in a manner which would tend to interfere with, mislead or confuse traffic or persons.

(4) String lights, used in connection with commercial premises for commercial purposes, other than traditional decorations associated with holiday streamers.

(5) Any display which makes use of spinners and/or streamers.

(6) Off premises signs other than general directional signs or commercial center signs as defined in this Chapter.

(7) Off premises directional signs related to any adult use as defined in this Chapter. (As amended by Ordinance 206, adopted December 9, 1996)

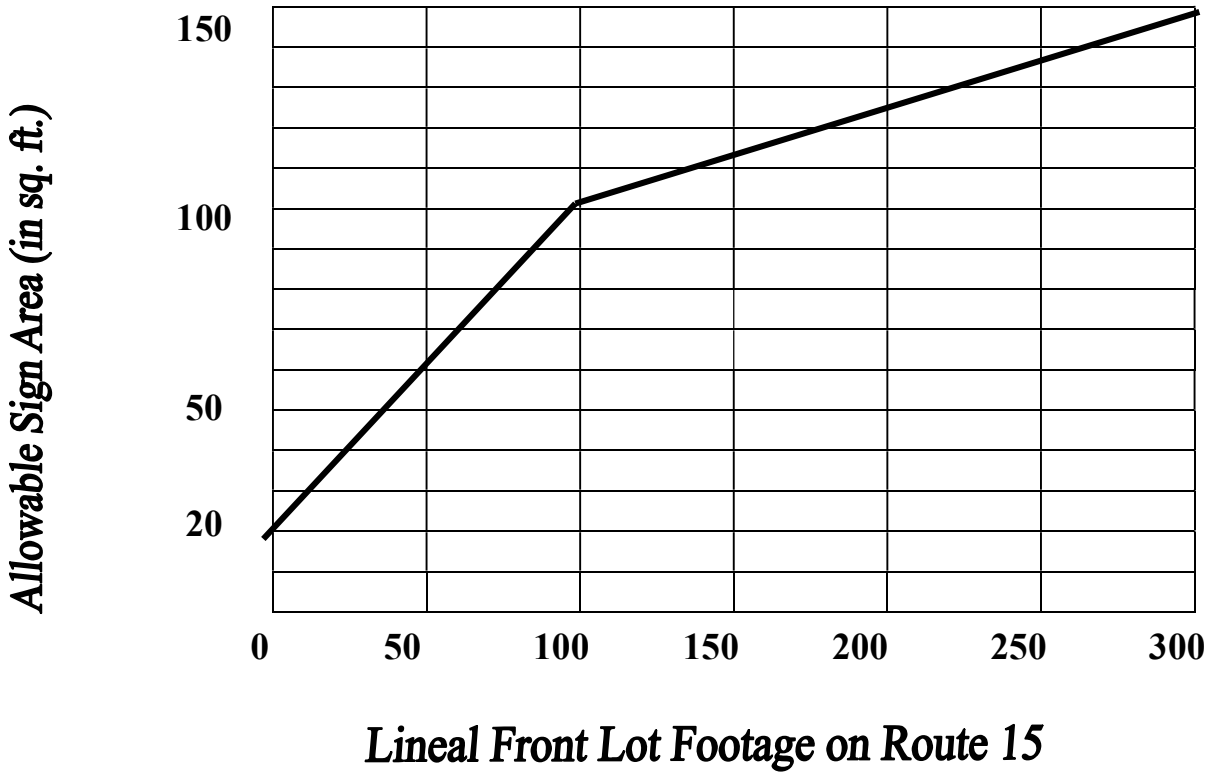
(8) Signs which make use of words commonly considered as profanity or, by definition, considered vulgar or obscene. (As added by Ordinance 400, adopted May 10, 2021)

(Ordinance 293, January 22, 2007)

TABLE 504.1

On Premise Free Standing Signs Located on Route 15

Maximum Total Area of Signage



§504.2 Height. No sign that is part of, or supported by, a building shall be erected upon the roof of said building, nor shall such sign extend above the height of the building measured at the lowest part of the roof.

§504.3 Projecting Signs.

(a) No sign(s) shall project beyond four feet (4') from the building or structure to which it (they) are attached.

(b) All projecting signs shall allow a nine foot (9') clearance from finish grade.

(c) All signs overhanging any public right-of-way (including sidewalks) shall be covered by a liability insurance policy with a company authorized to conduct business in the Commonwealth of Pennsylvania, naming East Buffalo Township as the co-insured and such amounts as shall be established by the Township Supervisors. Certificate of said insurance shall be filed annually with the Zoning Officer.

(d) The Zoning Officer shall provide an annual report to the Board of Supervisors listing all projecting signs, the insurance carrier, the amount of said insurance and the expiration dates of such insurance policies.

(e) The Zoning Officer may be authorized by the Board of Supervisors to immediately remove any uninsured projecting signs.

§504.4 Illumination. Signs may be lighted with non-glaring lights or may be illuminated by shielded floodlights. No signs shall be of an intermittent or flashing type or be erected so that, by reason of its location, brilliance, shape or color might be confused with or obstruct the view of any official traffic sign, signal or traffic marking. All electrically illuminated signs shall conform to the requirements of the Township Building Code and Township Electrical Code. Internally illuminated signs are prohibited except as hereinafter specifically provided.

§504.5 Placement. For purposes of this Chapter, signs shall be exempt from front yard setbacks. No sign or portion of any free standing sign shall be located within five feet (5') of any side lot line. Notwithstanding anything herein to the contrary, no sign shall be erected in such a manner as to create an unsafe condition for motor vehicles, bicycles or pedestrian traffic. (Ordinance 293, January 22, 2007)

§504.6 Free Standing Signs. There shall be only one (1) free standing sign per lot, with the exception of directional signs intended to guide or direct pedestrian or vehicular traffic. Freestanding signs shall have no more than two (2) faces. Directional signs shall not exceed two square feet in sign area. Directional Signage area shall be included in the total allowable gross signage area for a lot.

§504.7 Wall Signs. No wall sign shall project more than twelve inches (12") from the building service, nor extend beyond the ends of the wall to which it is attached.

§504.8 Shopping, Office, or Commercial Center Signs. Occupants of a Shopping, Office or Commercial Center, Mall or Complex are permitted one on-premises identification sign in addition to the common sign identifying the occupants of such a center or complex. Said common sign identifying the occupants of such a center or complex is the Shopping, Office or Commercial Center Sign.

§504.9 Window Signs. The total area of any window sign shall not exceed thirty percent (30%) of the total glass area of that window and such sign shall advertise only on-premise use, activity, goods, services or products.

§504.10 Directional Signs.

(a) Real and Personal Property. No permit shall be required for a directional sign advertising the sale of real or personal property at the premises upon which it is situate or directing potential buyers to said premises .No more than two (2) such signs shall be permitted regardless of their location. Such sign shall not exceed six (6) square feet in area.

(b) Entrance/Exit. Directional signs designed to guide or direct vehicular and/or pedestrian traffic are permitted without restriction as to number, provided such signs contain no advertising copy and do not exceed two (2) square feet in area. The top of such sign shall be no greater than three feet in height above the grade of the public street abutting or adjacent to said sign.

§504.11 Address Signs. Notwithstanding anything herein to the contrary, one sign displaying the street number or name of the occupant of the premises upon which is erected or both, shall be permitted and no permit shall be required, provided, however, that:

(a) Such sign may be attached to a post not more than six feet (6') in height and at least three feet (3') from any right of way line;

(b) Such sign shall not exceed two (2) square feet in area;

(c) Such sign may include identification of a profession, as defined in this Ordinance, conducted upon the premises, upon which the sign is erected;

(d) Such sign may be in addition to such other signs as are permitted by the provisions of this Section and shall be in addition to the maximum allowable sign area as established herein.

§504.12 Non-Permanent Signs. Non-Permanent signs may be utilized in any zoning district in the Township, subject to the following:

(a) A zoning permit shall not be required for the placement of a Non-Permanent Sign.

(b) No Non-Permanent Sign shall be placed within ten (10') feet of boundary line of the lot or parcel upon which it is placed, nor within ten (10') feet of any street right-of-way line abutting the lot or parcel upon which it is placed.

(c) Non-Permanent Signs in the Agricultural Residential (A-R), Agricultural Preservation (A-P), Woodland Preservation (W-P), General Commercial (G-C), Highway Commercial (H-C) and Industrial (I-1) Zoning Districts shall not exceed twenty (20) square feet in area. Non-Permanent Signs in the Low Density Residential (R-1), Medium Density Residential (R-2) and Residential Urban (R-U) Zoning Districts shall not exceed six (6) square feet in area.

(d) Non-Permanent Signs shall not be placed within any public right-of-way.

(e) Non-Permanent Signs within the clear sight triangle shall not exceed two (2') feet in height.

(f) No Non-Permanent Sign within the A-R, A-P, W-P, G-C and I Zoning Districts shall be placed within twenty-five (25') of a sign previously placed.

(g) No Non-Permanent Sign within the R-1, R-2 and R-U Zoning Districts shall be placed within ten (10') feet of a sign previously placed.

(h) Non-Permanent Signs shall not be placed upon or attached to utility poles, street sign poles, traffic signs, traffic light poles, trees or similar vertical structures.

(i) Non-Permanent Signs shall not be internally or directly illuminated.

(j) Signs offering the sale or rental of the premises upon which the sign is erected, shall be permitted without a permit, provided that not more than one (1) such sign may be erected on the premises to be sold or rented, unless such premises fronts on more than one street, in which case, one (1) sign may be erected on each street frontage. Such signs shall be removed within seven (7) days after sale or leasing of the premises.

(k) Non-Permanent Signs for contractors, developers, architects, engineers, builders, artisans and lenders, erected and maintained on the premises where the work is being performed, shall be allowed without a zoning permit. Such signs shall be removed within seven (7) days after the work is completed.

(l) Signs indicating "No Trespassing", private use of a road, driveway or premises, or signs controlling fishing or hunting on the said premises, shall be allowed without a permit.

(m) Non-Permanent Signs required by law or any government agency shall be allowed without a zoning permit and shall be posted for a period of time as provided by said law or government agency.

(n) All Non-Permanent Signs shall be removed within seven (7) days after the purpose for the placement of the sign has been achieved.

(Ordinance 400, adopted May 10, 2021)

§504.13 through §504.16 – REPEALED

(Ordinance 400, adopted May 10, 2021)

§504.17 Real Estate Development. Signs advertising subdivisions or Planned Residential Developments (as defined in this Chapter) shall be permitted provided there shall be no more than one such sign per street frontage. Such signs shall be removed when 75% of the lots or units in the said subdivision or planned residential development have been sold or leased. The maximum area for such signs shall be twenty (20) square feet. One (1) permanent identification sign shall be permitted, provided that the said sign contains no advertising. Maximum area for such sign shall be twenty (20) square feet. Provision for the maintenance of such sign, acceptable to the East Buffalo Township Supervisors shall be required. All such signs shall require permits. (Ordinance 293, January 22, 2007)

§504.18 Signs permitted in Residential (R1, R2 & RU) Districts.

(a) Address Signs. (No permit is required).

(b) Home Occupation Signs.

(c) Political Signs (No permit is required).

(d) Sign, bulletin or announcement board or identification sign for schools, churches, hospitals, clubs, multifamily dwellings or other principal uses in the building other than the residential use. Such sign shall be on the same lot therewith and shall not exceed twenty (20) square feet in area. Not more than one such sign shall be erected on any one street frontage.

(e) Signs denoting rooms for leasing in a rooming house, tourist home or bed and breakfast. Such signs are limited to one window sign for each street frontage.

(f) All internally illuminated signs are prohibited.

§504.19 Signs permitted in Woodland and Agricultural (WP, AP & AR) Districts.

(a) Address Signs. (No permit is required).

(b) Home Occupation Signs.

(c) Political Signs. (No permit is required).

(d) Signs offering for sale farm products, grocery products or livestock produced or raised on the premises upon which the sign is erected. Such signs shall not exceed six (6) square feet in area and not more than one such sign shall be erected on any one street frontage. (No permit is required).

(e) Signs denoting membership in an agricultural cooperative or indicating specialization in a particular breed of livestock or a particular highbred or strain of plant. Such signs shall not exceed six (6) square feet in area and not more than one such sign shall be erected on any one street frontage. (No permit is required).

(f) Internally illuminated signs are prohibited.

§504.20 Sign Regulations applicable to the Industrial District.

(a) The maximum sign area for any free standing sign shall be twenty-five (25) square feet, except in cases where there are three (3) or more distinct and separate uses on the same lot, in which case the maximum sign area shall not exceed fifty (50) square feet.

(b) The maximum height for any freestanding sign shall be twenty (20) feet above finish grade.

(c) Internally illuminated signs are permitted.

(d) Sign Regulations applicable to adult uses.

(1) Maximum area for any sign shall be twenty-four (24) square feet.

(2) No sign shall be internally illuminated.

(3) No projecting signs shall be allowed for such uses.

(4) No freestanding signs shall be allowed for such uses.

(As amended by Ordinance 206, adopted December 9, 1996)

§504.21 Sign Regulations applicable to the General Commercial District.

(a) The maximum sign area for any free standing sign shall be twenty-five (25) square feet, except in cases where there are three (3) or more distinct and separate uses on the same lot, in which case the maximum sign area shall not exceed fifty (50) square feet.

(b) The maximum height for any freestanding sign shall be twenty (20) feet above finish grade.

(c) Internally illuminated signs shall be permitted.

§504.22 Sign Regulations applicable in the Highway Commercial District.

(a) Off premise signs conforming to this Chapter are permitted.

(1) The maximum sign area for off premise signs shall be three hundred (300) square feet.

(2) Off premise signs shall have a minimum front yard setback of fifty feet (50') from the road right-of way line or seventy- five feet (75') from the center line of the road, whichever is greater.

(Ordinance 293, January 22, 2007)

(b) Maximum sign area for on premise, free standing signs, with frontage on Route 15 and situate in this District shall not exceed the requirements contained in Table 504.1.

(c) Maximum sign area for any free standing sign in this District not having frontage on Route 15, shall be thirty (30) square feet for each face, excepting where there are three (3) or more distinct and separate uses on the same lot, in such case the maximum sign area shall not exceed fifty (50) square feet for each face. Such signs shall have no more than two (2) faces.

(d) In the case of a group of business uses, other than a Shopping, Office or Commercial Center, one free standing sign shall be permitted, which may include individual panels identifying the specific establishments at that location. Such Signs shall not exceed the maximum sign area(s) provided for in this Chapter.(Ordinance 293, January 22, 2007)

§504.23 Sign Regulations applicable to the Bucknell University (BU) District.

(a) No signs shall be erected within any public or private street right-of way.

(b) Signs that, by reason of their size, location, content, color or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or detracting from the visibility of any official traffic sign, signal or device erected upon public roads, streets or rights-of-way, are prohibited.

(Ordinance 293, January 22, 2007)

(As Amended by Ordinance 369, adopted November 10, 2014)

§505. Off Street Parking.

§505.1 General Regulations.

(a) The minimum size for all passenger vehicle parking spaces shall be 9 feet wide and 18 feet in length.

(b) Parking spaces for motorcycles, bicycles or other similar motor vehicles shall be clearly marked with pavement markings and signs and shall not be considered as part of the required number of parking spaces.

(c) All parking facilities shall have a through or service lane which provides access to or from each parking spaces and which permit vehicles to safely back out of a parking stall. The said through or service lane shall be at least 24 feet wide. In no case shall any parking lot be design that allows vehicles to back out of a parking space into/onto a public street, road or alley.

(d) All off street parking facilities shall be graded for proper stormwater run-off and surfaced with durable dustless material and shall be designed to provide for the orderly and safe parking and storage of vehicles and equipment and shall meet the applicable ADA requirements. Any parking facility containing 5 or more parking spaces shall be surfaced with bituminous paving material, concrete or other durable solid material of which a Professional Engineer shall provide the minimum standards of the depth of the sub-base and surface materials to meet the anticipated traffic volume, type of vehicles and/or equipment that are part of the proposed use of the land. All parking areas, regardless of the size and surface material shall be considered as impervious for the purpose of stormwater management. The use of permeable paving material as part of stormwater shall be permitted pursuant to review and recommendation of the Township's Engineer.

(e) Off street parking for residential uses shall be located on the same lot as the dwelling unit(s) being served and may be unenclosed or enclosed. In no case shall any parking for residential uses be developed where the residents or occupants must cross any street, road or alley between the parking area and the residential unit.

(f) Parking facilities for multi-family uses shall contain sidewalks providing a means for pedestrians to enter into or depart from the parking facility without crossing or passing through traffic lanes or service roads within the facility.

(g) All parking facilities shall be designed and clearly marked for the safe movement of traffic and pedestrians. Signs shall be required to provide directional controls, stopping points, pedestrian crossing(s), turning directions, handicap parking, entrance(s) and exits and for any other type of traffic control required to provide safety for motorist and pedestrians.

(h) There shall be a limit of one curb cut (entrance, exit or combination) per lot per street frontage provided however more than one curb cut shall be permitted on the street where the lot frontage exceeds 400 continuous feet which is uninterrupted and undivided provided however, the said curb cuts comply with the minimum distances and standards set forth in applicable township, state and federal ordinances, statutes, laws, rules and regulations. Provided, further

that, there shall be no more than one curb cut per 400 continuous feet of frontage. Said curb cuts shall be at least 400 feet apart.

(i) Curbs, or wheel blocks shall be required at or on the perimeter lines of the parking facilities where applicable to prevent motor vehicles from rolling or drifting onto or into any sidewalk, street, road, required buffer or screening area or lands owned by others.

(j) All entrances and exits shall be designed to meet the minimum requirements as set forth in applicable local, state and federal ordinances, statutes, laws, rules and regulations.

(k) Setbacks for nonresidential shared parking facilities located in the General Commercial, Industrial or Highway Commercial Zoning District may have a zero side or rear set back subject to the approval of a land development plan meeting all applicable Township Ordinances, a written permanent easement for the parking facility the same to be recorded and a written maintenance and use agreement for the shared facilities between the land owners suitable for recording.

(l) Setbacks for non-residential uses shall be a minimum of 20 feet from any side or rear lot line and 25 feet from the edge of any public right-of-way.

(m) Where the parking facilities for a multifamily residential use exceed 5 parking spaces, visual screening shall be required when the parking facility abuts a rear or side lot line.

(n) Visual screening for non-residential uses shall be required when either a side or rear lot line of the use abuts or adjoins a residential district or a lot or parcel containing a residential dwelling used as living quarters.

(o) In the case where more than one use occupies a lot, parcel or building the sum of the required parking spaces per each use shall be required, however if the hours of operation do not overlap or coincide with each other these uses can share the parking spaces provided that the use that requires the highest number of spaces shall determine the number of parking spaces required. Any change in use shall comply with the provisions of this Chapter.

(p) All parking facilities shall provide for handicap parking as required by the Americans with Disabilities Act (ADA), or any other local, federal, or state ordinances, statutes, laws, rules or regulations.

(q) Notwithstanding anything herein to the contrary, off site or remote parking shall be permitted when (1) the land on which the off street or remote parking is located and the land on which the use to be served by the off-site or remote parking is owned by the same person (2) traffic control devices to permit safe passage to and from the off-site or remote parking, satisfactory to the Township, are in place and (3) pedestrians can travel from the off-site or remote parking location to the use served by the said parking without crossing over any street or road containing more than 2 traffic lanes or cross more than one street.

§505.2 Screening regulations.

(a) Screening shall consist of walls, solid fences, evergreen trees or any other plant material that is not deciduous. In no case

shall any plant or tree that sheds or loses its foliage at any time during the year be considered as suitable screening material.

(b) Fences or walls, when used for screening shall be a minimum of 5 feet in height and a maximum of 8 feet. The fence or wall shall be installed in such a manner that the finished, good side, faces outward toward the adjacent property. No chain link fences shall be permitted as screening.

(c) No screening shall be placed in any clear sight triangle, or any other location that may cause danger or create a safety hazard by obscuring the vision of motorist entering or exiting the facility. No fence or wall shall be constructed, or have additions added to the tops that have pointed or barbed ends, nor shall any barbed wire be permitted.

(d) Landscape screening shall be a minimum of 4 foot in height at the time of planting, planted in staggered rows overlapping one another to create a barrier which will provide a visual shield from adjacent properties at the same grade level.

(e) A detailed plan showing the location of the screening, specifying the types and size of the plantings, where plantings are used, shall be submitted as part of the application for any subdivision/land development, or land development or zoning permit and shall be prepared by a registered Landscape Architect, Engineer, Architect, or an individual with certification of horticultural knowledge.

(f) The landscape plan shall contain the following note. "The Developer/Owner shall be responsible for the replacement of all plantings that either have died or no longer satisfy the requirements for effective screening immediately following the determination that replacements are needed. The replacement shall occur within the next growing season. The Developer/Owner shall maintain all fences and walls in good repair.

(g) No fence, wall or screening material used or required for screening shall be installed or planted closer than 5 feet from any property line.

§505.3 Off street parking Schedule. Any use not provided in this schedule shall use the ITE (Institute for Transportation Engineers) Trip Generation manual, latest version, or its successor or any other engineering manual acceptable to the Township Planning Commission and the Township's engineer to determine the required number of parking spaces to be required.

Use	Minimum Required Number of Spaces
Single family and duplex residential dwelling units	2 for each dwelling unit
Bed and Breakfast establishments	2 for each bedroom, plus one per employee
Home occupations	2 per dwelling unit plus 2 spaces for customer/client
Boarding or rooming homes	2 for each dwelling unit plus 1 per boarder
Mobile home parks	2 per lot within the park

Multi-Family, i.e. Townhouses, (more than 2 dwelling units per structure)	2 per dwelling unit plus 1 additional for every 3 units per structure
Family day care facilities when conducted as part of an approved residential use	2 for each dwelling unit plus 2 additional spaces, and 1 per employee in the maximum work shift
Nursing or personal care homes and retirement centers/homes	1 for each 4 beds plus 1 per employee in the maximum work shift
Hospitals or health care facilities	1 for each 2 beds plus 1 per employee in the maximum work shift
Group homes or institutional residences	1 for each 2 residents plus 1 per employee in the maximum work shift
Group daycare facilities, and group day care homes	1 for every 5 occupants plus 1 per employee in the maximum work shift
Elementary schools	1 per teacher and/or staff member plus 1 for every 3 class rooms
Middle or High schools or post secondary facilities	1 for every 4 seats in the auditorium or gymnasium capacity whichever is greater, plus 1 for each teacher or staff member
Churches, social halls, banquet halls, (either public or private) governmental buildings, community buildings	1 per employee in the maximum work shift, plus 1 for each 3 seats or occupancy load of the total facility capacity
Jails, prisons, or similar facilities	1 for every 5 persons of the facility capacity plus 1 per employee in the maximum work shift
Libraries, museums, or other cultural facilities	1 for every 200 square feet of the gross usable space of the facility
Police or fire stations	1 for every 500 square feet of the gross usable space plus 1 per employee, or staff person in the maximum work shift
Retail or wholesale stores	1 for every 200 square feet of retail or wholesale floor space plus 1 per employee in the maximum work shift(Ordinance 321, 9/22/08)
Convenience stores or markets	1 for every 150 square feet of gross usable space plus 1 per employee in the maximum work shift
Restaurants, sit down	1 for every 100 square feet of the gross floor area of the facility plus 1 per employee in the maximum work shift
Deli stores, takeout orders, no seating	1 for each 100 square feet in the ordering/waiting area plus 1 per employee in the maximum work shift
Drive through food services	1 per employee plus a stacking lane capable of holding 5 vehicles at a minimum space of 25 feet per vehicle. The stacking lane shall be outside of the public right-of-way and not interfere with the entrance and exit lane(s)of the facility

Business or professional offices including financial institutions	1 for each 400 square feet of usable space plus 1 per employee in the maximum work shift
Medical, including dental, optometry, therapy, and rehabilitation offices	5 spaces per doctor or practitioner plus 1 per employee or staff member in the maximum work shift
Funeral homes	1 per each 50 square feet of assembly area, a minimum of 12 spaces, plus 1 per employee
Kennels or veterinary hospitals/office	1 for each 300 square feet of usable space plus 1 per employee in the maximum work shift
Hotels, motels and similar lodging	1 space per room, plus 1 per employee in the maximum work shift
Automotive service stations, repair garages	1 per each 300 gross square feet, plus 1 per employee in the maximum work shift
Automotive sales	1 per each 300 square feet of show room and office area plus 1 per employee in the maximum work shift
Distribution centers, wholesale or retail	1 for each 500 square feet of gross area, plus 1 per employee in the maximum work shift
Mineral extraction (mining) operations, land fills	1 per employee in the maximum work shift
Manufacturing or industrial operations, warehouse facilities, and data centers and data center accessory uses (Amended by Ordinance 435, adopted October 26, 2026)	1 per employee in the maximum work shift
Lumber yards (not including hardware sales) and/or saw mills, contractor's yards	1 per employee in the maximum work shift plus 5 customer spaces
Junk yards and/or automotive salvage operations	1 per employee in the maximum work shift plus 3 customer spaces
Public, semi-public or private parks, playgrounds or recreation areas	1 per each 5 persons of the total occupancy capacity, plus 1 per employee in the maximum work shift
Campgrounds or RV parks	2 spaces for each camping site plus 1 additional for every 5 sites

§505.4 Lighting regulations. Every parking facility shall be illuminated to provide safe passage for motorist and pedestrians during the hours of darkness in compliance with the following regulations.

(a) All lighting fixtures used to illuminate parking facilities and pedestrian pathways shall be shielded to direct light in a downward direction upon the area being illuminated.

(b) The maximum height of the light fixtures shall not exceed 20 feet from the grade of the parking facility or pathway to which the fixture is affixed.

(c) No light fixture which is used to light a parking facility or pedestrian walkway shall be mounted on a building or structure at a height greater than 20 feet from the grade of the parking facility or pedestrian walkway.

(d) No lighting shall cast beyond the property lines or the line of any public right-of-way in excess of 0.2 footcandles measured at ground level. A lighting plan shall be submitted with any application or plan for parking facilities providing the foot candles of each fixture at the lot lines and/or rights-of-way and shall include the details of the light fixtures.

(e) No lighting fixture shall be installed within any public right-of-way or within any clear sight triangle, or within 10 feet of any property line.

(f) All uses that are open 24 hours per day shall reduce the amount of parking facilities lighting by a minimum of 50% from 10 PM to 6 AM prevailing time. All other uses shall reduce the amount of light by a minimum of 75% during the hours from 10 PM to 6 AM prevailing time. Exemptions: Prisons, jails, or other similar types of institutions, manufacturing facilities that operated continuously, hospitals, or other uses that the Planning Commission determines to be of "high risk" for the safety of the users of the facility.

§505.5 Off Street Loading Requirements.

(a) All off street loading and unloading docks or berths shall be located on the same lot or parcel as the use served by the same. In no case shall any loading or unloading off site.

(b) All loading and unloading docks or berths shall be located in the rear or side of the lot or tract and shall conform with the building setbacks of the applicable Zoning District.

(c) Loading and unloading areas and spaces shall be paved with bituminous paving material or concrete designed by an Engineer to meet the demands of the anticipated use.

(d) Loading or unloading docks or berths shall be designed to safely accommodate delivery vehicles without the need to back onto or into any public street, road or alley, or any required yard setback, or any portion of any customer or client parking facility.

(e) Each loading and unloading dock or berth shall not be less than 12 feet in width and 70 feet in length with a clear overhead height of 14 feet 6 inches measured from the average grade at the entrance and exit of the loading/unloading dock or berth.

(f) No loading or unloading dock or berth located in any Zoning District other than the Industrial District shall be permitted to be used as an overnight parking area unless the entire dock or berth is completely enclosed.

(g) No refrigerated trucks or trailers nor motor vehicles shall be permitted to operate (engine, compressor or motor running) at any time except when loading or unloading when it is situate on lands that

are adjacent to a residential zoning district or an occupied residential dwelling.

(h) All loading and unloading docks or berths situate in an area that faces or adjoins a residential zoning district or an occupied residential dwelling unit shall be screened from view by a fence, wall, building or structure with a minimum height of 14 feet. Any loading or unloading dock or berth that is totally enclosed or situate between buildings or structures which are at least 14 feet in height shall satisfy the requirement of screening.

(i) Professional offices, financial offices, public or private assembly buildings, churches, recreation centers or health care facilities (not including hospitals), motels and/or hotels with in house laundry services and no food preparation services, day care or group day care centers are exempt from the requirement to provide loading and unloading docks or berths.

(j) The number of loading or unloading spaces are set forth in the following:

Gross Floor Area	Number of loading or unloading docks or berths
0 – 10,000 sq. ft.	One (1)
10,001 – 50,000 sq. ft.	Two (2)
50,001 – and greater	Two (2) plus one for each Additional 50,000 sq. ft.

(Ordinance 293, January 22, 2007; as amended by Ordinance 354, April 9, 2012)

Table 505.3 - Calculation of Required Off-Street Loading Areas.

Type of Use	Unit Measure	No. of Spaces/Berths
Retail Uses*	Per 100 parking spaces	1
Service Uses	Per 200 parking spaces	1
Office Uses*	Per 200 parking spaces	1
Medical Uses	Per 200 parking spaces	1
Additional passenger loading/unloading spaces	Per 100 parking spaces	5
Hotel/Motel Uses*	Per 100 parking spaces	1
Additional passenger loading/unloading spaces	Per 100 parking spaces	2
Supermarkets	Per 10,000 Sq. Ft. GFA	1
Shopping Centers	Per 7,500 Sq. Ft. GFA	1
Furniture Stores	Per 12,500 Sq. Ft. GFA	1
Hardware Stores	Per 10,000 Sq. Ft. GFA	1
Appliance Stores	Per 12,500 Sq. Ft. GFA	1
Industrial Uses	Per 25,000 Sq. Ft. GFA	1
Transportation Uses	Per 20,000 Sq. Ft. GFA	1
Wholesale Uses	Per 20,000 Sq. Ft. GFA	1
Public Uses	Per 100,000 Sq. Ft. GFA	1
Public Utilities	Per 40,000 Sq. Ft. GFA	1
Outdoor Uses	Per 20,000 Sq. FT. GFA	1

GFA shall mean Gross Floor Area and shall include all enclosed square footage within any structure(s) housing any use on the site. For uses, which are carried on outside of a structure, GFA shall include the total land area designated for a particular use.

(As Amended by Ordinance 369, adopted November 10, 2014)

§**506. Wireless Telecommunications.** The purpose of this Section is to establish standards and procedures for the construction, modification, siting, design, permitting, maintenance, operations and use of wireless telecommunications facilities in the Township which conform to the provisions of Pennsylvania's Wireless Broadband Collocation Act and The Telecommunications Act and is to the benefit of the health, safety and welfare of the Township's residents and property owners.

§506.1 Definitions. **T**he following words and phrases shall have the following meanings when used in this Section:

ACCESSORY EQUIPMENT – Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

ANTENNA – Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities. An antenna shall not include private residence-mounted satellite dishes or television antennae or amateur radio equipment including, without limitation, ham or citizen band radio antennae.

BASE STATION – A station at a specified site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

COLLOCATION – The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the municipality. The term includes the placement, replacement or modification of accessory equipment within a previously approved equipment compound.

DISTRIBUTED ANTENNA SYSTEMS (DAS) – Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DATA COLLECTION UNIT (DCU) **–** Equipment, utilized primarily by electric utility providers, that communicate with smart meters to obtain meter readings, restore outages and improve operational control.

ELECTRICAL TRANSMISSION TOWNER – An electrical transmission structure used to support overhead power lines consisting of 69 kilovolt or greater conducting lines, generally of steel construction and having a height of at least 75 feet. The term shall not include any utility pole having a height of less than 75 feet.

EQUIPMENT COMPOUND – An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.

MODIFICATION OR MODIFY – The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

REPLACEMENT OR REPLACE – The replacement of existing wireless telecommunication facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair, or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

SMALL CELL FACILITY – Either (i) a personal wireless service facility as defined by the Telecommunications Act of 1996, as amended, or (ii) a wireless service facility that meets both of the following qualifications: (a) each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet and (b) primary equipment enclosures are no larger than 17 cubic feet in volume, provided that the following may be located outside the enclosure and are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems (excluding combustion engines), grounding equipment , power transfer switch and cut-off switch.

STEALTH TECHNOLOGY – State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize their visual impact.

SUBSTANTIAL CHANGE OR SUBSTANTIALLY CHANGE – Any increase in the height of the wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless telecommunications facility may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas. Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

TOWER – A self-supporting lattice tower, guy tower, monopole, or any other pole, that is constructed primarily to support an antenna for receiving and/or transmitting a wireless signal.

TOWER-BASED WIRELESS TELECOMMUNICATIONS FACILITY – Wireless telecommunications facility, including DAS hub facilities, installed on a tower, including, but not limited to, self-supporting lattice towers, guy towers and monopoles.

WATER TOWER – A standpipe or an elevated tank situated on a support structure, both of which shall be constructed of steel, have a height of at last 75 feet and be used as a reservoir or facility to deliver water.

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

WIRELESS SUPPORT STRUCTURE – A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure that could support the placement or installation of wireless telecommunications facilities if approved by the Township.

WIRELESS TELECOMMUNICATIONS FACILITY – The set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunications services. The term shall not include the wireless support structure.

§506.2 Permitted Uses.

(a) Tower based wireless telecommunication facilities meeting the requirements of this section are permitted by right on property located in those Zoning Districts where the same are permitted pursuant to the district regulations set forth in Chapter 27, Part 4 of the Code of Ordinances of East Buffalo Township, Union County, Pennsylvania.

(b) Non-tower based wireless telecommunication facilities, including DAS, DCU and small cell facilities, meeting the requirements of this Section are permitted by right within the rights-of-way of US Route 15 and shall not be within thirty (30) feet of a residential dwelling.

§506.3 Collocation, Replacement or Modification.

(a) Collocation, replacement or modification of or to wireless telecommunications facilities and wireless support structures covered by this Section, as determined upon application of the definitions in §506.1 and the pre-application submission provisions of §506.3(c), are subject to the following.

(b) No zoning permit is required for modification, replacement or collocation that meets all of the following requirements, provided, however, that a written statement shall be submitted to the Zoning Officer containing sufficient information to permit the Zoning Officer to make a determination as to compliance with this section. A fee in

the amount established by Resolution shall be paid at the time of the submission of the written statement.

(1) The proposed modification, replacement or collocation does not substantially change the physical dimensions of the wireless support structure to which the wireless telecommunications are to be attached.

(2) The proposed modification, replacement or collocation does not further increase the height of a wireless support structure which has already been extended by more than 10% of its original approved height or by the height of one additional antenna array.

(3) The proposed modification, replacement or collocation does not increase the dimensions of the existing approved equipment compound.

(4) The proposed modification, replacement or collocation complies with the applicable conditions of approval attached to the initial wireless telecommunications facilities, equipment compound and wireless support structure.

(5) The proposed modification, replacement or collocation may not exceed the applicable wind loading and structure loading requirement for the wireless support structure.

(c) Pre-Application Submission; Determination of Need for Filing of Application for a Zoning Permit.

(1) Modifications, replacements and collocations of wireless support structures shall submit the following information for a determination of the need for the filing of an application for a zoning permit:

(i) Plan depicting the type, location and dimensions of existing wireless support structure and wireless telecommunications facility.

(ii) Plan depicting the type, location and dimensions of the proposed modification or replacement of the existing wireless support structure and wireless telecommunications facility or proposed collocation of wireless telecommunications facility.

(iii) Written certification with supporting information demonstrating that the proposed modification, replacement or collocation conforms to the requirements of subsection (b).

(iv) Written certification with supporting information demonstrating that the proposed modification, replacement or collocation conforms to the initial zoning and/or land use approval issued for the previously approved wireless support structure or wireless telecommunications facility.

(v) Copies of all written documentation, permits and approvals required or issued by any governmental agencies or bodies

(vi) The pre-application submission shall be signed by the owner(s) and the operator(s) of the wireless structure and the wireless telecommunications facility and shall bear the following statement:

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

(d) An application for modification or collocation of a wireless telecommunications facility shall be acted upon within 10 days or the most recent timeframe established by the Federal Communications Commission of the receipt of an application by written determination that a zoning permit is not required. In the event a zoning permit is determined to be required, the procedures set forth in §506.4 apply.

§506.4 Zoning Permit Required; Application Review Procedures.

(a) Zoning Permit; Application. Except as otherwise provided by §506.3, a zoning permit is required for any use regulated by this Section. Application for the zoning permit shall be made on the form prescribed by the Township and shall contain all information generally required for such application as set forth on the form, as well as the additional information required below:

(1) Applicant. Statement and necessary proof that the person signing and submitting the application is an "applicant" as defined by the Pennsylvania Municipalities Planning Code. If the owner of the land upon which the facility is to be placed is not the applicant the name, address, telephone number and e-mail address of the owner shall be provided along with recording information for the owners' deed.

(2) Operator. If the applicant is not the intended operator of the proposed use, the name, address, telephone number and email address of the operator.

(3) Narrative. Narrative description of the proposed wireless telecommunications facility and related support and equipment, including a description of dimensions, materials, color and lighting. The narrative shall describe the planned frequency, modulation and direction of all antenna. The narrative shall describe the manner of collapse and the fall zone in the event of a structural failure of the proposed wireless support structure.

(4) Facility Plan. Scaled plan depicting the type and dimensions of the proposed wireless telecommunications facility and related support and equipment, the fall zone of the wireless support structure in the event of a structural failure, lighting, signage and fencing.

(5) Site Plan. Scaled plan, prepared by a Commonwealth-registered professional engineer or surveyor, depicting the location and dimensions of the proposed wireless telecommunications facility, property lines, names of abutting property owners, leasehold lines (if applicable), access, parking, landscaping, and all buildings within 500 feet of the proposed facility.

(6) Visibility Map. Scaled depiction and photographs of the proposed facility as it would be observed from each applicable public road and public lands and all abutting properties.

(7) Construction Drawings. Construction drawings, prepared by a professional structural engineer, describing the proposed wireless telecommunications support structure and all equipment and network components and depicting the manner of collapse and the fall zone in the event of a structural failure of the support structure. A certification of the geotechnical suitability and stability of the site to support the proposed support structure, facility and equipment shall accompany the construction drawings.

(8) Collocation.

(i) Any application for approval of a new tower-based wireless telecommunications facility shall include a comprehensive inventory of all existing towers and other suitable structures within a four mile radius from the proposed tower, unless the applicant demonstrates to the satisfaction of the Township that a reduced distance is more reasonable, and shall demonstrate conclusively why collocation on an existing tower or other suitable structure cannot be utilized.

(ii) The applicant shall provide the municipality with a written commitment, binding on the applicant's successors, that it will allow other service providers to collocate antennae, where technically and economically feasible.

(9) Coverage. An applicant for wireless telecommunications facility shall demonstrate that a significant gap in wireless coverage or capacity exists with respect to the applicant in the area where proposed and that the type of wireless telecommunications facility proposed is the least intrusive means by which to fill that gap in wireless coverage or capacity.

(10) Height. An applicant for wireless telecommunications facility proposed to exceed a height of 90 feet must demonstrate that the height of the proposed facility or support is the minimum height functionally necessary.

(11) FCC Compliance. The applicant shall demonstrate that the proposed wireless telecommunications facility complies with all applicable standards established by the Federal Communications Commission.

(12) Cost of Removal. An independent and registered professional structural engineer shall calculate and state an estimate of the cost of removal of the proposed wireless telecommunications facility, support and equipment, without regard to salvage value of the equipment.

(13) Indemnification. The applicant shall provide a written and executed indemnification to indemnify and save the Township, its officials, employees, solicitor, special counsel, consultants and agents harmless from any and all claims, suits, demands, causes of action, awards or damages in either law or equity arising out of or caused by the placement, construction, modification, use, operations, maintenance, repair, replacement, modification or removal of the facility, to include but not be limited to, attorney's fees, consultant, expert and witness fees, and any costs incurred by the Township, its officials, employees, solicitor, special counsel, consultants and agents in defending against such claims.

(14) Easements. Copies of access easement, if applicable, the same to be in recordable form.

(15) Preparer. Each application supporting document required by §506.4 shall include the name, title (if applicable), business name (if applicable) and contact information of the preparer, shall state the preparer's qualifications (training, education, certification, licensing, etc.) to prepare the document, shall be signed by the preparer, shall contain a certification of accuracy and correctness, and shall bear the following statement immediately preceding the signature of the preparer:

> I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

(b) Pre-Application Meeting. It is recommended, but not required, that the applicant discuss the application with the Zoning Officer prior to its submission to familiarize the applicant with this Section and to familiarize the Township with the applicant's proposed use.

(c) Complete Application. Upon receipt of the application, the Township shall perform an administrative completeness review and within 30 calendar days of the date that an application for a wireless telecommunications facility is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete the application. Such writing must specify the provision, application instruction, or otherwise publicly-stated procedure that required the information to be submitted. In the event the applicant fails to provide the missing information, the Township shall within 10 days notify the applicant in writing of the still-missing information.

(d) New Wireless Telecommunications Facility – Review Period. An application for a new wireless telecommunications

facility shall be acted upon within 150 days or the most recent timeframe established by the Federal Communications Commission of the receipt of the application by issuance of a zoning permit or written notice of denial stating the grounds for denial. Such period may be tolled for any period of incompleteness (30 days or a single additional period of 10 days) provided the Township has met the notice requirements set forth in §506.4(c).

(e) Modified or Collocated Wireless Telecommunications Facility Requiring a Zoning Permit – Review Period. An application for modification or collocation of a wireless telecommunications facility that does not meet the requirements of subsection 506.3 shall be acted upon within 90 days or the most recent timeframe established by the Federal Communications Commission of the receipt of an application by issuance of a zoning permit or written notice of denial stating the grounds for denial.

(f) Retention of Consultants. The Township, in its discretion, may engage a consultant(s) as necessary to assist the Township in reviewing and evaluating the application and, once the proposed wireless telecommunications facility is approved and operating, in reviewing and evaluating any potential violations of this Section. The applicant, or its successor in title or interest, shall reimburse the municipality for all costs incurred by the municipality for such consultation. The reimbursement for review and evaluation of the application shall be paid prior to issuance of the permit and within 15 days of billing. Reimbursement of cost associated with evaluating potential violations shall be paid within 15 days of billing.

(g) Administrative Fees. The Township may by resolution assess appropriate and reasonable administrative fees not to exceed the Township's actual costs in reviewing and processing the application.

(h) Release. Applicant shall, prior to the issuance of a zoning permit or prior to the determination made by the Zoning Officer as provided in §506.3(b), submit a release releasing the Township from any and all liability for damage to any facilities located within public rights-of-way or on lands of the Township that occurred as a result of an act of the Township, its employees, officers or agents.

§506.5 Bulk and Area Requirements.

		Outside of rights-of-way	In rights-of-way
Height		Wireless telecommunications facilities shall be designed to minimum functional height. (See §506,4(a)(10) application requirements); provided, however, that DAS and DCU facilities, installed in Zoning Districts where wireless communications are not permitted, shall not exceed the height permitted for buildings in said districts as provided in the Zoning District regulations set forth in Chapter 27, Part 4 of the Code of Ordinances of East Buffalo Township, Union County, Pennsylvania.	Wireless telecommunications facilities shall be designed to minimum functional height. (See §506.4(a)(10) application requirements); provided, however, that DAS and DCU facilities, installed in Zoning Districts where wireless communications are not permitted, shall not exceed the height permitted for buildings in said districts as provided in the Zoning District regulations set forth in Chapter 27, Part 4 of the Code of Ordinances of East Buffalo Township, Union County, Pennsylvania.
Lot Size		Minimum lot size in Zoning District OR Area needed to accommodate the wireless telecommunications facility, support structure and fall zone, guy wires, equipment, building, fencing, screening, whichever is greater; provided, however, that DAS and DCU facilities, installed in zoning districts where wireless telecommunications are not permitted, shall comply with the minimum lot size as set forth in the zoning district regulations in Chapter 27, Part 4 of the Code of Ordinances of East Buffalo Township, Union County, Pennsylvania.	Not applicable.
Setbacks	Towers:	Setback from property lines a distance equal to the combined height of the	Not applicable.

		wireless support structure and antenna, or the underlying zone requirements, whichever is greater; provided, however, that the setback from property lines shall be increased to 110% of the combined height where the applicant has not demonstrated that a collapse of the support structure will not exceed the height of the support structure (See §506.4(a)(10) application requirements); provided, however, that the setback shall be increased by an additional 25 feet where the use abuts a residential Zoning District or residential use; Provided, however, that DAS and DCU facilities, installed in zoning districts where wireless telecommunications are not permitted, shall comply with the setback requirements as provided in the zoning district regulations set forth in Chapter 27, Part 4 of the Code of Ordinances of East Buffalo Township, Union County, Pennsylvania.	
	Equipment buildings:	Underlying Zoning District applicable setback for principle use	Not applicable.

§506.6 Design, Construction, Operations.

(a) Compliance with Law. All wireless telecommunications facilities shall be designed, constructed, inspected, operated, maintained, repaired, modified and removed in strict compliance with all current applicable federal and state technical, building and safety codes and the requirements of this Section.

(b) Obstruction. No wireless telecommunications facilities placed within a public right-of-way shall be located so as to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the municipality.

(1) The Township reserves the right to determine the time, place and manner of construction, maintenance, repair and/or removal of all wireless telecommunications facilities located in the public rights-of-way based on public safety; traffic

management; physical burden on the right-of-way; construction, repair or maintenance of a public improvement in the right-of-way; and related considerations.

(c) Least Intrusive Design. All wireless telecommunications facilities shall consist of the smallest and least visibly intrusive equipment feasible.

(d) Interference. No wireless telecommunications facility shall interfere with public safety communications or the reception of broadband, television, radio or other communication services.

(e) Signage. Each wireless telecommunication facility shall be posted, in a manner and design readable by a member of the public, with the name of the owner, the name of the operator, a 24/7 telephone number and an email address in the event of an emergency, and Federal Communication Commission (FCC) registration number (if applicable). Such signage shall not exceed four square feet in size.

(f) Lighting. Wireless telecommunications facilities shall not be artificially lighted beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, as required by §506.4(a)(5) demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

(g) Access and Parking. An access road, turnaround space and a parking area, sufficient in dimension for two vehicles, shall be provided to ensure adequate emergency and service access to tower-based wireless telecommunications facilities. The access road shall be improved to a minimum of 10 feet in width and with a dust-free, all weather surface. Where applicable, the wireless telecommunications facility owner shall present documentation to the municipality of the grant of an easement for access to the proposed facility for emergency and maintenance responsibilities and proof of the recording of the same.

(h) Fencing. A security fence with a minimum height of 8 feet shall surround any tower-based wireless telecommunications facility. All other related buildings and equipment shall be secured and maintained in such manner as to prevent access by persons other than those authorized to operate or service the facility.

(i) Stealth Technology. The wireless telecommunications facility shall employ the most current stealth technology available; at a minimum, facilities shall be painted an appropriate color to harmonize with the character of the area and surrounding land uses.

(j) Landscaping and screening. Tower-based wireless telecommunications facilities located outside the right-of-way shall submit a landscape plan for ground mounted equipment that meets the screening provisions of this Chapter.

(k) Small Cell Facility. No combustion engine providing back-up power for Small Cell Facilities shall be permitted.

§506.7 Liability Insurance. Before the issuance of a zoning permit, the owner and operator shall obtain public liability insurance with an insurance company authorized to do business in the Commonwealth for personal injury, death and property damage in the amount of $2,000,000.00 per occurrence. The policy shall list the Township, its officials, employees, solicitor, special counsel, consultants and agents as additional insured. The then-current owner/operator of the wireless telecommunications facility shall maintain coverage at all times through the removal of the facility and related support structure.

§506.8 Discontinuation, Abandonment and Removal.

(a) Nonconforming Wireless Telecommunications Facilities. Any nonconforming wireless telecommunications facility which, after the effective date of this Ordinance, is damaged or destroyed due to any reason or cause may be repaired and restored at its former location, but only with full compliance with this Section.

(b) Discontinuation. In the event that use of a wireless telecommunications facility is planned to be discontinued, the owner shall provide written notice to the municipality of its intent to discontinue use and the date when the use shall be discontinued. Failure to use such facility for a period of 180 days (consecutive or non-consecutive) in any 365 day period, excepting for purposes of active repair or modification), shall constitute a discontinuation.

(c) Removal. Discontinued or abandoned wireless telecommunications facilities or portions of wireless telecommunications facilities shall be removed as follows:

(a) All discontinued or abandoned wireless telecommunications facilities shall be removed within six months of the cessation of operations, unless a time extension is approved by the municipality for good cause. Upon failure of the owner of the wireless telecommunications facilities to remove the facility, the Township, in its discretion, may remove the facility and assess the cost of removal against the property upon which located, the property owner and/or the most recent operator of the wireless telecommunications facility.

§506.9 Performance Security.

(a) The applicant shall post and maintain performance security for removal of all structures associated with the wireless communications facility, in an amount equivalent to the identified removal costs demonstrated and affirmed by the applicant pursuant to §506.4(a)(12) of this Section. Following the commencement of operations, the performance security shall be maintained by the wireless telecommunications facility's then-current owner and/or operator. The performance security shall be posted and maintained with a bonding company or federal or Commonwealth-chartered lending institution chosen by the facility owner or operator, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth. The performance security shall specifically provide for the Township's right to seek release of the secured funds to the Township to perform the removal work in the event

of the owner/operator's default. The form of the performance security shall be subject to review and approval by the Township Solicitor.

(b) The then-current owner of the wireless telecommunications facility shall retain an independent and registered professional structural engineer to estimate the cost of removal, without regard to salvage value of the equipment, upon the conclusion of the first year of operation and every five years thereafter, and to submit such estimate in writing to the Township. In the event the posted performance security is less than said estimate, the then current owner/operator must post additional performance security meeting the requirements of subsection (a) above with the Township within 30 days of the Township's written demand for additional performance security.

(Section 506, originally added by Ordinance 238, adopted May 6, 2002, as amended by Ordinance 369, November 10, 2014, was repealed and replaced in its entirety by Ordinance 376, adopted March 14, 2016)

§507. Veterinary Clinics Regulations.

§507.1 Except for emergencies, no animals shall be housed within a Veterinary Clinic overnight. In the event such an emergency shall occur which shall require an animal to be housed within the Veterinary Clinic overnight, immediate steps shall be taken to eliminate the need to house said animal overnight provided the same shall not put the said animal at risk medically.

§507.2 There shall be no outside runs, kennels, holding areas or similar facilities in conjunction with the Veterinary Clinic, except for an area provided for animals visiting the Veterinary Clinic to defecate and urinate. The said area shall be enclosed by a fence or wall six feet in height with a gate.

§507.3 Daily, the exterior premises of the Veterinary Clinic shall be inspected and all feces shall be removed and disposed of in a manner acceptable to the Township.

§507.4 A written plan shall be submitted to the Township with the Application for a Zoning Permit for a Veterinary Clinic, which shall set forth the manner in which feces, animal waste and medical waste shall be collected, stored and disposed. Said plan is subject to the approval of the Township Board of Supervisors.

§508. Medical Marijuana Growers/Processors and Medical Marijuana Dispensaries.

(a) Medical Marijuana Growers/Processors and/or Medical Marijuana Dispensaries shall meet the following minimum lot and yard requirements:

(1) Minimum lot area 2 acres

(2) Minimum lot width, maximum impervious, maximum building coverage and height shall be those of the underlying district regulations as amended from time to time.

(3) Minimum setbacks:

(a) Front yard from edge of right of way 60 feet

(b) Side yards 40 feet when abutting lots within the same zoning district, 100 feet when abutting a residential use or a zoning district other than the underlying zoning interest.

(c) Rear yards 40 when abutting lots within the same zoning district, 100 feet when abutting a residential use or a zoning district other than the underlying.

(d) Additional buffer set back requirements: a setback of 1000 feet from any public or private school or daycare.

(4) Parking facilities and loading/unloading facilities shall be designed to meet the applicable requirements for setback, screening, lighting and number of spaces as set forth in this Chapter.

(b) Applicant shall provide proof of compliance with the provisions of the Pennsylvania Medical Marijuana Act 16, as amended from time to time or replaced when applying for a zoning permit. All documents, letters, applications, permits, forms or certificates provided as evidence of compliance shall be certified or bear a seal and signature of an individual certifying their authenticity.

(1) The applicant shall complete an application form provided by the Township and submit a fee, as established by the Township from time to time, for the permit to the zoning officer for review of compliance with the applicable Township Ordinances.

(2) In the event the applicant cannot provide evidence of compliance with the provisions of the Pennsylvania Medical Marijuana Act at the time of the submission of an application for a zoning permit due to the procedure of the Commonwealth of Pennsylvania agency or agencies administering the Medical Marijuana Act, the applicant may provide, at the time of submission of the application for a zoning permit and the payment of the fee, a signed statement, prepared by the Township, acknowledging that the said evidence of compliance has not been provided and that any zoning permit issued shall be conditioned upon applicant providing said evidence of compliance within 180 days of the submission of the said application. Should applicant fail to provide the zoning officer with said evidence of compliance within the said 180 days, any zoning permit issued shall be automatically revoked and the zoning officer shall provide notice of the same to the applicant. No improvements shall be made nor business conducted until such time as said evidence of compliance has been provided to the zoning officer. The said application fee shall not be refunded and applicant shall be responsible for the cost of preparing the said statement.

(3) No building or structure shall be occupied nor shall any business be conducted without first obtaining an Occupancy Permit.

(c) The applicant may be required to have a Subdivision and/or Land Development Plan approved by the Township in accordance with Chapter 22 of the Code of Ordinances of East Buffalo Township of Union County, Pennsylvania. Approval of a Subdivision and/or Land Development Plan shall not constitute approval for the purpose of growing, processing or dispensing Medical Marijuana, said use being contingent upon compliance with the provision of this Chapter.

(d) In the event the applicant complies with all of the provisions of this Chapter and Chapter 22 and a zoning permit is issued, applicant or his/her/its heir, executor, administrator, successor and assigns shall keep and maintain all licenses, permits and authorizations required in full force and effect and, should the applicant or his/her/its heir, executor, administrator, successor and assigns fail to do so, the said zoning permit shall be automatically revoked and the zoning officer shall provide notices of the same.

(Ordinance 388, adopted August 14, 2017)

(As Amended by Ordinance 369, adopted November 10, 2014)

§509. Solar Energy.

(a) Applicability. The following shall apply to all Principal Solar Energy Systems.

(b) Principal Solar Energy System Design and Regulation.

(1) The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as adopted by the Township, with all other applicable fire and life safety requirements and with all applicable statutes, ordinances, rules and regulations. The PSES layout, design and installation shall be subject to review and approval of the Township, the costs of said review and approval to be paid by applicant.

(2) The underground placement of on-site electrical lines or cables, transmission lines and plumbing lines shall be utilized whenever possible consistent with the standard industry practices.

(3) The applicant shall provide the Township with an executed copy of its contract with a public utility company or the Regional Transmission Operator (RTO) to which the PSES will be connected, the same to be subject to review and approval of the Township.

(4) No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

(5) Glare

(a) The system shall use solar photovoltaic cells that utilize anti-reflecting coating in accordance with industry standards. At the time of the application, the owner/developer shall submit evidence that the solar photovoltaic cells utilize anti-reflecting coatings by either (1) supporting documentation

indicating the panels are Tier-1 panels as listed by Bloomberg New Energy Finance or (2) a technical specification sheet from the manufacturer that directly shows the panel has an anti-reflective coating.

(b) The system shall be placed such that concentrated solar radiation or glare does not project onto structures located outside the boundary of the land upon which it is to be installed or on public or private roads, streets, alleys or driveways.

(c) If, in the opinion of the Zoning Officer, based upon the location of the system and/or its proximity to structures located outside the boundary of the land upon which it is to be installed or proximity to public or private roads, streets, alleys or driveways, the owner/developer may be required to provide a solar glare assessment by an independent person or entity qualified to perform such assessment.

(6) No trees or landscaping required by state, federal or Township statutes, laws, ordinances, rules or regulations or as provided in the approval of any plan, application or permit may be removed, except upon approval of the Township and then only for reasons of safety or public welfare.

(7) The PSES owner and/or operator shall maintain a phone number and address of a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number, address and name to the Township, the same to be updated when changed. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints no later than 3 days after the inquiry or complaint was filed.

(8) PSES owners shall maintain all panels, structures and equipment and shall repair or replace any damaged or visibly degraded components in a manner consistent with industry standards. Components shall be replaced in kind, or with equivalent parts or materials, consistent with the original design and manufacturer's specifications and shall be completed within ninety (90) days of the mailing of a notice by the Township of the need to make repairs or replacement. Said notice to be mailed by First Class Mail to the said responsible person provided for herein.

(9) A Contingency Plan of Emergency Procedures shall be developed by the PSES owner consistent with standard operating practices of the industry. The plan shall be submitted to the fire department servicing the area where the PSES is located for its review and approval. A copy of the Plan along with the written approval of the fire department shall be submitted to the Township with the application. The same shall be reviewed and updated, if necessary, every five (5) years.

(10) Decommissioning

(a) The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. After the start of commercial operations of the PSES, the PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of six (6)

continuous months or repairs or replacements are not completed as herein provided.

(b) Upon providing notice to the Township regarding cessation or abandonment of the operation or if the facility is presumed to be discontinued or abandoned or if repairs or replacements are not completed as herein provided, the PSES owner shall provide to the Township a recycling/disposal plan for the solar facility components, the same to include consideration of scrap value, subject to the approval of the Township. The Township shall approve or disapprove the recycling/disposal plan. If disapproved, the Township may recommend a plan for recycling/disposal to the PSES owner. Should the owner of the facility fail to provide a recycling/disposal plan or to implement a plan approved by the Township, the Township may utilize the financial security to recycle/dispose of the solar facility components in a manner satisfactory to the Township.
(Ordinance 433, adopted April 13, 2026)

(i) The recycling/disposal plan shall comply with the provisions of Chapter 20, Part 2, Section 204 of the Township Code of Ordinances relating to the recycling of alternative energy components.

(c) The owner shall then have six (6) months in which to dismantle and remove the facility including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property to a minimum depth of thirty-six (36") inches and in compliance with an approved recycling/disposal plan. If the owner fails to dismantle and/or remove the facility within the established timeframes, the municipality may complete the decommissioning at the owner's expense, the same to include the implementation of an approved recycling/disposal plan. The Board of Supervisors may authorize one six (6) month extension for just cause shown by the owner. Provided however, that the building and road are not required to be removed if the owner can demonstrate, to the satisfaction of the Township, that the same can be repurposed and such repurposing is in compliance with all Township Ordinances.
(Ordinance 433, adopted April 13, 2026)

(d) Failure to decommission the PSES in compliance with the above shall constitute a public nuisance. Violations of this Section shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83(c). The fine for a violation of this Section shall not exceed $1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

(As amended by Ordinance 406, adopted June 13, 2022)

(11) Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not

and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (1) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property; or (2) the right to prohibit the development on or growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property.

(12) PSES shall comply with the Township subdivision and land development requirements. The installation and operation of PSES shall be in compliance with all applicable statutes, ordinances, permit requirements, codes and regulations.

(c) Ground Mounted Principal Solar Energy Systems. Notwithstanding any other provisions in this Chapter, the following shall apply to Ground Mounted PSES:

(1) Minimum and maximum area lot size:

ZONING DISTRICT	MINIMUM AREA	MAXIMUM AREA
Agricultural Preservation (A-P)	5 acres	50% of the tract of land not otherwise used for structures, driveways, parking lots or other similar uses, not to exceed 50 acres
Agricultural Residential (A-R)	5 acres	50% of the tract of land not otherwise used for structures, driveways, parking lots or other similar uses, not to exceed 50 acres
Bucknell University (B-U)	5 acres	50% of the tract of land not otherwise used for structures, driveways, parking lots or other uses, not to exceed 50 acres; for purposes of this provision, athletic fields used solely by students shall not be considered other uses
Industrial (I)	5 acres	90% of the tract not otherwise used for structures, driveways, parking lots or other uses

(2) Minimum yards:

(a) PSES shall comply with the following minimum setback requirements measured from the property line:

Fence: 25 ft.
Panels:
Front: 50 ft.
Side: 50 ft.
Rear: 50 ft.

(b) In all cases, there shall be a minimum distance of one hundred (100) feet between the boundary line of adjacent non-participating lands utilized for residential purposes or situate in the R-1, R-2, R-U, H-C, G-C and I Zoning Districts and any component of the PSES including buildings, panels, fencing, screening and other equipment.

(c) In the case where the PSES development encompasses multiple tracts of land, the setback requirements shall apply to the development and not the individual tracts of land. The setbacks shall apply to the perimeter of the entire development.

(3) Height: Ground mounted PSES shall not exceed twelve (12') feet in height as measured vertically from the top of the component and the ground below the component.

(a) Exceptions to the height limitation may be made for shared agricultural uses, including cattle raising, and for parking canopies. (Ordinance 433, adopted April 13, 2026)

(4) Impervious Coverage

(a) The area beneath the ground mounted facilities is considered impervious cover and shall not exceed a slope of ten (10%) percent. However, use of impervious construction materials under the system shall be considered impervious and subject to the impervious surfaces limitations provided for in the applicable zoning district, statutes, ordinances, rules and regulations and if the impervious surface exceeds the permitted impervious area, the owner shall comply with the said statutes, ordinances, rules and regulations.
(Ordinance 433, adopted April 13, 2026)

(b) The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the proposed project:

(i) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
(ii) All mechanical equipment of PSES including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.
(iii) Gravel or paved access roads servicing the PSES.

(5) PSES owners are required to follow the current **PA DEP Guidelines for Solar Collectors** as a best management practice for storm water management.

(6) Screening. Screening shall be installed on the exterior of the fencing required herein, subject to the following provisions:

(a) Screening shall consist of evergreen trees or shrubs;

(b) Screening shall be installed on the exterior of said fencing in the following:

(i) When the fence faces adjacent land utilized for residential purposes and the land is located within 100 feet of the fence.

(ii) When the fence faces an adjacent road or street that meets the definition of a collector road or street as defined by the PA Department of Transportation.

(iii) When the fence faces adjacent lands in the R-1, R-2, R-U, H-C, and G-C Zoning District.

(c) The trees or shrubs shall be a minimum of eight feet (8') in height at the time of planting and of sufficient size and placed in such location as to visible obscure the fence within 3 years of planting. The said trees or shrubs shall be replaced as needed to comply with this provision.

(d) A screening plan shall be submitted with the application for a land development plan.

(7) In Agricultural Preservation and Agricultural Residential Zoning Districts, no more than 20 percent of the entire area for development shall consist of Class I and Class II prime agricultural soils as defined by the then current version of the USDA NRCS Custom Soil Resource Report.
(Ordinance 433, adopted April 13, 2026)

(8) Ground mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed or natural storm water conveyance system.

(9) Security

(a) All ground mounted PSES shall be completely enclosed by an eight foot (8') high fence and with gates being locked, except when persons are physically on site making inspections, servicing, repairing or dismantling the facility.

(b) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on each side of the area utilized for facilities outside the required screening every fifty (50')feet. The said sign shall be 2' x 2' in size, informing individuals of potential voltage hazards.
(Ordinance 433, adopted April 13, 2026)

(10) Access

(a) An access road, in compliance with the Township regulations on driveways, must be provided from a state or township roadway into the site.

(b) Service roads within the area of the PSES, at a minimum 16’ width, shall be provided to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles to all areas within the PSES.

(11) The ground mounted PSES shall not be artificially lighted except in compliance with all applicable federal, state and Township statutes, ordinances, rules and regulations, the primary purpose of said lighting being for safety purposes.

(12) If a ground mounted PSES is removed, the same shall be in accordance with all applicable local, state and federal laws, ordinances, statutes, rules and regulations.

(d) Roof and Wall Mounted Principal Solar Energy System

(1) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and the building code of the Township and that the roof or wall supporting the system is capable of holding the load imposed on the structure.

(2) PSES mounted on the roof or wall of any building shall be subject to and shall comply with the appropriate regulations of the underlying zoning district.

(e) The landowner and developer shall execute an agreement with the Township authorizing the Township, its employees, agents and contractors to enter upon the real estate for the purpose of making inspections, repairs, replacements, dismantling and/or removal as provided herein, the same to include a release of liability for any damages caused by the Township, its employees, agents or contractors and an indemnification of the Township, its employees, agents or contractors. The said agreement shall be prepared by the Township at the landowner’s and developer’s expense and shall be submitted with the application for a permit signed by said owner and developer.

(f) The applicant for a Zoning Permit and the owner of the land upon which the facility is to be located shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) percent of the estimated cost to decommission the facility, including the costs of recycling/disposing of solar components. The estimated cost shall be prepared by an engineer and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the Township. The agreement and

financial security shall remain in effect until the facility is decommissioned and the land restored to its original condition.

The financial security may be utilized by the Township to pay the costs of repair, replacement, dismantling, removal, recycling/disposal of solar components and/or restoration of the facility or the land as provided herein.

Every five (5) years, a new estimate of the said costs, prepared by an engineer, shall be submitted to the Township in writing by the owner. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten (110%) percent of the said estimated costs.

In the event the Township utilizes the said financial security as herein provided, the owner shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten (110%) percent.

The Township shall be entitled to an administrative fee of ten (10%) percent of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.

Should the financial security not be sufficient to pay the costs and the fee, the owner and land owner shall be liable for the costs and fees not paid from the financial security, the same may be collected as permitted by law, including the filing of a Municipal Claim.

The agreement referred to herein shall be prepared by the Township.

All costs, expenses and fees incurred by the Township in preparing the agreement, reviewing the estimates or enforcing the said agreement shall be paid by the owner within ten (10) days of receiving a bill for the same.

(Ordinance 395, July 13, 2020; as amended by Ordinance 406, adopted June 13, 2022)

§ 510. Small Cell Wireless Facility.

A. Use of Right-of-Way for Small Wireless Facilities and Utility Poles with Small Wireless Facilities Attached.

1. Applicability. The provisions of this section shall only apply to activities of a wireless provider within the right-of-way to deploy small wireless facilities and associated new utility poles with small wireless facilities attached.

2. Exclusive Use Prohibited. The Township shall not enter into an exclusive arrangement with any person for use of the right-of-way for:

a. collocation; or

b. the installation, operation, modification or replacement of utility poles with small wireless facilities attached.

3. Right-of-Way Rates and Fees. Subject to the fee adjustment requirements under subsection D.3., the Township shall have the right to charge an annual fee for the use of the right-of-way. An annual right-of-way fee shall not exceed $270.00 per small wireless facility or $270.00 per new utility pole with a small wireless facility unless the Township demonstrates all of the following:

a. The annual right-of-way fee is a reasonable approximation of the Township's costs to manage the right-of-way.

b. The Township's costs under subsection a. are reasonable.

c. The annual right-of-way fee is nondiscriminatory.

4. Right of Access.

a. Under the provisions of this section, in accordance with applicable codes, and with the permission of the owner of the structure, a wireless provider shall have the right to perform the following within the right-of-way:

1. Collocate.

2. Replace an existing utility pole or install a new utility pole with attached small wireless facilities.

b. All structures and facilities shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way by the Township and utilities.

5. Size Limits.

a. Each new or modified small wireless facility installed in the right-of-way shall be installed on an existing utility pole or a new utility pole subject to the following:

1. The installation of a small wireless facility on an existing utility pole shall not extend more than five feet above the existing utility pole.

2. If collocation on an existing utility pole cannot be achieved under Chapter 13, Part 3, Section 302 I, a small wireless facility may be installed on a new or replacement utility pole. The maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

b. Subject to the provisions of this section, a wireless provider may collocate or install a new utility pole with small wireless facilities attached that exceeds these height limits by including a height limit waiver request or variances in the application. Height limit waivers or variances shall be processed subject to applicable codes.

6. Underground District. A wireless provider shall comply with reasonable and nondiscriminatory requirements that prohibit communications service providers from placing or installing structures in the right-of-way in an area designated solely for underground or buried cable facilities and utility facilities if the Township:

a. Requires all cable facilities and utility facilities, other than municipal poles and attachments, to be placed underground by a date certain that is three months prior to the submission of the application.

b. Does not prohibit the replacement of municipal poles in the designated area.

c. Permits wireless providers to seek a waiver of the underground requirements for the installation of a new utility pole to support small wireless facilities. Upon the submission of a request for a waiver by a wireless provider, the Township may require a public hearing and, with the approval of the property owner, permit a waiver request. Waivers shall be addressed in a nondiscriminatory manner and in accordance with applicable codes.

7. Historic District or Building. Except for facilities excluded from evaluation for effects on historic properties under 47 CFR §1.1307(a)(4)(relating to actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared), the Township may require reasonable, technically feasible, nondiscriminatory and technologically neutral design or concealment measures in a historic district or on historic buildings. Any design or concealment measures may not have the effect of prohibiting any provider's technology or be considered a part of the small wireless facility for purposes of the size restrictions of small wireless facilities.

8. Design Guidelines. The Township may develop objective design guidelines for a small wireless facility regarding the minimization of aesthetic impact in accordance with the following:

a. The design guidelines shall be technically feasible.

b. The design guidelines may not have the effect of prohibiting the wireless provider's technology.

c. The design guidelines may not unreasonably discriminate among wireless providers of functionally equivalent services.

9. Damage and Repair. A wireless provider shall repair all damage to the right-of-way or any other land so disturbed, directly caused by the activities of the wireless provider or the wireless provider's contractors and return the right-of-way in as good of condition as it existed prior to any work being done in the right-of-way by the wireless provider. If the wireless provider fails to make the repairs required by the Township within 30 days after written notice, the Township may perform those repairs and charge the wireless provider the reasonable, documented cost of the repairs plus a penalty not to exceed $500.00. The Township may suspend the ability of an

applicant to receive a new permit from the Township until the applicant has paid the amount assessed for the repair costs and the assessed penalty. The Township may not suspend the ability of an applicant to receive a new permit that has deposited the amount assessed for the repair costs and the assessed penalty in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

10. Communications Services. The approval of the installation, placement, maintenance or operation of a small wireless facility under this section shall not authorize the provision of any communications services without compliance with all applicable laws or the installation, placement, maintenance or operation of any communications facilities other than wireless facilities and associated utility poles in the right-of-way.

B. Access to Municipal Poles within Right-of-Way.

1. Applicability. The provisions of this section shall apply to activities of the wireless provider within a right-of-way.

2. Exclusive Use Prohibited. The Township may not enter into an exclusive arrangement with any person for the right to collocate on municipal poles.

3. Collocation. The Township shall allow collocation on municipal poles using the process required under this Part, Chapter 13, Part 3 of the Code of Ordinances of East Buffalo Township and applicable codes unless the small wireless facility would cause structural or safety deficiencies to the municipal pole, in which case the Township and applicant shall work together for any make-ready work or modifications or replacements that are needed to accommodate the small wireless facility. All structures and facilities shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way.

4. Rates. Subject to the fee adjustment requirements under subsection D.3., the Township shall not charge a wireless provider a fee to collocate on municipal poles.

5. Implementation and Make-Ready Work.

a. The rates, fees and terms and conditions for the make-ready work to collocate on a municipal pole must be nondiscriminatory, competitively neutral and commercially reasonable and must comply with this Section 510 and Chapter 13, Part 3 of the Code of Ordinances of East Buffalo Township.

b. The Township shall provide a good faith estimate for any make-ready work necessary to enable the municipal pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within 60 days after receipt of a complete application. Make-ready work, including pole replacement, shall be completed within 60 days of written acceptance of the good faith estimate by the applicant. The Township may require replacement of the municipal pole only if the Township demonstrates that the collocation would make the municipal pole structurally unsound.

c. The Township shall not require more make-ready work than required to meet applicable codes or industry standards. Fees for make-ready work on a nonreplacement municipal pole shall not include costs related to preexisting or prior damage or noncompliance. Fees for make-ready work, including replacement, shall not exceed actual costs or the amount charged to other similarly situated communications service providers for similar work and shall not include any consultant fees or expenses that are charged on a contingency basis.

6. Future Use. The Township may reserve space on an existing municipal pole for future public safety or transportation uses in a documented and approved plan as adopted at the time an application is filed. A reservation of space shall not preclude collocation, the replacement of an existing utility pole or the installation of a new utility pole. If the replacement of a municipal pole is necessary to accommodate collocation and the reserved future use, the wireless provider shall pay for the replacement municipal pole and the municipal pole shall accommodate the future use.

C. Local Authority. Subject to the provisions of this Section and applicable Federal and State laws and regulations, nothing in this Section shall be construed to:

1. Limit or preempt the scope of the Township's zoning, land use, planning, streets and sidewalks, rights-of-way and permitting authority as it relates to small wireless facilities.

2. Grant the authority to the Township to exercise zoning jurisdiction over the design, engineering, construction, installation or operation of a small wireless facility located in an interior structure or on the site of a campus, stadium or athletic facility not owned or controlled by the Township. Nothing in this Section authorizes the Commonwealth or the Township to require small wireless facility deployment or to regulate wireless services.

D. Implementation.

1. Ordinances. The Township may adopt ordinances that comply with this Section 510 and shall amend existing ordinances as necessary to comply with this Section 510. If the Township does not adopt an ordinance that complies with this Section 510 within 60 days of the effective date of this section, applications seeking permits to collocate, modify or replace existing utility poles or install new utility poles shall be processed in compliance with the Small Wireless Facilities Deployment Act. The Township shall not require a wireless provider to enter into an agreement to implement this Section 510. Nothing in this subsection shall be construed to prohibit an agreement between the Township and a wireless provider to implement this Section 510 if nondiscriminatory and entered into voluntarily.

2. Agreements. All agreements between the Township and wireless service providers that are in effect on the effective date of this Section 510 shall remain in effect, subject to any termination provisions in the agreements. When an application is submitted after the effective date of this Section 510, a wireless provider may elect

to have the rates, fees, terms and conditions established under Chapter 13, Part 3 of the Code of Ordinances of East Buffalo Township apply to the small wireless facility or utility pole installed after the effective date of this Section 510.

3. Rate or Fee Adjustments.

a. If the FCC adjusts its levels for fees for small wireless facilities, the Township may adjust any impacted rate or fee under Section 510 A.3., Chapter 13, Part 3, Section 302 N or Section 510 B.4.(b)(4), on a pro rata basis, and consistent with the FCC's adjustment.

b. If, in a final adjudication not subject to further appeal or to review by the United State Supreme Court, a Federal court reviewing Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, et al., Declaratory Ruling and Third Report and Order, WT Docket No. 17-79 and WC Docket No. 17-84, FCC 18-133 (released September 27, 2018), reverses or repeals the rates outlined in that FCC order, then the monetary caps under Section 510 A.3., Chapter 13, Part 3, Section 302 N or Section 510 B.4. may increase 3% annually beginning January 1, 2021, at the discretion of the Township.

E. Indemnification. Except for a wireless provider with an existing agreement to occupy and operate in a right-of-way, a wireless provider shall fully indemnify and hold the Township and its officers, employees and agents harmless against any claims, lawsuits, judgments, costs, liens, expenses or fees or any other damages caused by the act, error or omission of the wireless provider or its officers, agents, employees, directors, contractors or subcontractors while installing, repairing or maintaining small wireless facilities or utility poles within the right-of-way. A wireless provider shall not be required to indemnify for an act of negligence or willful misconduct by the Township, its elected and appointed officials, employees and agents.

F. General Requirements for Uses of Rights-of-Way. The following apply:

1. Structures and facilities deployed by a wireless provider under this Section 510 shall be constructed, maintained and located in a manner as to not obstruct, endanger or hinder the usual travel or public safety on a right-of-way, damage or interfere with other utility facilities located within a right-of-way or interfere with the other utility's use of the utility's facilities located or to be located within the right-of-way.

2. The construction and maintenance of structures and facilities by the wireless provider shall comply with the 2017 National Electrical Safety Code and all applicable laws, ordinances and regulations for the protection of underground and overhead utility facilities.

3. An applicant or the applicant's affiliate shall ensure that a contractor or subcontractor performing construction, reconstruction, demolition, repair or maintenance work on a small wireless facility deployed under this Section 510 meets and attests to all of the following requirements:

a. Maintain all valid licenses, registrations or certificates required by the Federal Government, the Commonwealth or a local government entity that is necessary to do business or perform applicable work.

b. Maintain compliance with the act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L. 2897, No. 1), known as the Unemployment Compensation Law, and bonding and liability insurance requirements as specified in the contract for the project.

c. Has not defaulted on a project, declared bankruptcy, been debarred or suspended on a project by the Federal Government, the Commonwealth or a local government entity within the previous three years.

d. Has not been convicted or a misdemeanor or felony relating to the performance or operation of the business of the contractor or subcontractor within the previous 10 years.

e. Has completed a minimum of the United States Occupational Safety and Health Administration's 10-hour safety training course or similar training sufficient to prepare workers for any hazards that may be encountered during their work on the small wireless facility.

G. Construction.

1. Obligations. Nothing in this Section 510 shall be construed to impact, modify or supersede any construction standard, engineering practice, tariff provision, collective bargaining agreement, contractual obligation or right, Federal of State law or regulation relating to facilities or equipment owned or controlled by an electric distribution company or its affiliate, a telecommunications carrier, an electric cooperative or an independent transmission company that is not a wireless provider.

2. Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

ELECTRIC DISTRIBUTION COMPANY – The public utility providing facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners/operators that manage the internal distribution system serving such building or facility and that supply electric power and other related electric power services to occupants of the building or facility.

FACILITIES – All the plant and equipment of a public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with, the business of any public utility. Property owned by the

Commonwealth or any municipal corporation prior to June 1, 1937, shall not be subject to the Pennsylvania Public Utility Commission or to any of the terms of this Section 510, except as elsewhere expressly provided in this Section 510.

TELECOMMUNICATIONS CARRIER – An entity that provides telecommunications services subject to the jurisdiction of the Pennsylvania Public Utility Commission.

(Ordinance 405, adopted February 14, 2022)

§511. Keeping of Chickens. The keeping of chickens shall be permitted in the R-1 Zoning District, provided the following conditions are met.

(1) No more than six (6) hens shall be kept on a lot less than three (3) acres in size and shall be for noncommercial, personal use only. No person shall engage in chicken breeding, raising or fertilizer production for commercial purposes.

(2) Roosters shall not be permitted in the R-1 Zoning District on a lot less than five (5) acres in size.

(3) Permit. A Zoning Permit shall be applied for and a site plan submitted and approved prior to the keeping of chickens on any property mentioned herein. An owner shall be required to complete the following requirements:

(a) Complete an Application for Zoning Permit;

(b) Describe the proposed keeping of chickens and declare the number of chickens;

(c) Provide contact information of the person in charge (name, address, phone number and email address);

(d) Application/Permit fees due on submission; and

(e) In addition to the written narrative provided for in Part 4 of this Chapter, provide a site plan detailing deeded property lines, location of proposed coop and run area, setbacks from property lines and all owner's and adjoining owner's occupied structures, location(s) and define the type of ground level screening and provide the size, height and area of the proposed coop and run.

(4) Chicken Coops and Chicken Runs. Except for lots ten (10) acres or greater in area, all chickens must be kept in a chicken coop and/or chicken run at all times. Chickens shall be secured within the coop during nondaylight hours.

(a) Chicken coops and chicken runs shall not be located in front or side yards of any lot and shall be at least ten (10') feet from any occupied structure on the lot where the chicken coop or chicken run is located.

(b) Chicken coops shall be on a concrete slab or built at least one (1') foot off the ground so that rodents and other animals cannot dig and live under the coop.

(c) Chicken coops shall be solid, vermin and predator proof, enclosed on all sides, and have a roof and doors. Access doors must be able to be shut and locked at night. Openings, windows, and vents must be covered with vermin, predator, and bird-proof wire of one-half (1/2') inch hardware cloth.

(d) Chicken runs are permitted when physically attached to a chicken coop and shall have at least one (1) entrance to allow human access. The substrate in the run shall be composed of material that can be easily raked or regularly replaced to reduce odors and flies.

(e) Chicken runs shall be adequately fenced to contain the chickens on the property.

(f) The minimum chicken coop size shall be three (3) square feet per chicken. The maximum chicken coop size shall be six (6) square feet per chicken.

(g) Chicken runs shall be no larger than ten (10) square feet per chicken and shall be enclosed in a manner that contains the chickens and keeps predators out.

(h) Chicken coops and chicken runs shall be maintained with a neat, weed and other debris-free appearance and shall be screened from view at ground level from adjacent lots by using fencing, landscaping or a combination thereof.

(i) Chicken coops and chicken runs that are not used for a period of one (1) year shall be removed from the property.

(Ordinance 414, adopted August 14, 2023)

§512. Domestic Livestock. The keeping of Domestic Livestock shall be permitted in the R-1 Zoning District, provided the following conditions are met.

(1) Domestic Livestock shall include any member of the bovine, caprine, equine, ovine or porcine species, including but not limited to cows, steer, horses, ponies, pigs, sheep and goats, kept for noncommercial, personal uses.

(2) The minimum lot area shall be ten (10) acres.

(3) No more than three (3) animals shall be permitted.

(4) The keeping of Domestic Livestock shall be for the personal use and consumption of the occupiers of the lot or tract of land upon which the same shall occur.

(5) The keeping of Domestic Livestock other than for the purposes and in the manner and quantity set forth in this Section shall be an agricultural use and shall comply with the applicable provisions of this Chapter.

(6) Buildings in which Domestic Livestock are to be housed shall not hereafter be erected within one hundred (100') feet of all property lines.

(7) No compost, manure, or other similar unenclosed storage shall be located closer than two hundred (200') feet from any occupied dwelling (other than the owner's residence), nor closer than one hundred (100') feet from any watercourse, body of water or designated wetland.

(8) Landowners must obtain a Manure Management Plan through the Union County Conservation District.

(9) A pasture area for Domestic Livestock must be provided.

(Ordinance 414, adopted August 14, 2023)

§513. Agricultural Uses. All agricultural uses initiated after the effective date of this Chapter shall be subject to the following safeguards and regulations. The following general regulations shall apply to all agricultural or family farming uses, as appropriate.

(1) Private gardens shall be permitted in all zoning districts.

(2) The maintenance of livestock (including cattle, horses, pigs, etc.) and poultry may be authorized in the W-P, A-P and A-R Districts, as provided in the District Regulations. Commercial animal husbandry activities however may only be authorized in A-P and A-R Districts and only as provided in the District Regulations (See also Section 520 below). In the W-P District, livestock or poultry shall be limited to household pets or other animals intended for personal, domestic use.

(3) In the A-P and A-R Districts, the storage of hazardous materials, compost, manure or other similar storage shall meet all required setbacks as provided in Section 83.351 of the PA Nutrient Management Act.

(4) For the purposes of this Chapter, the first building constructed on a farm in the A-P and A-R Districts which is devoted to agricultural use will be considered to be the principal structure on the tract, and any subsequently constructed buildings on the same parcel which are associated with agricultural operations will be considered to be accessory structures. Pursuant to Act 170 of 1988, no land development approval will be required for the addition of such accessory structures provided the proposed structure satisfies the land development exemptions pursuant to Act 170 of 1988.

(5) All waste storage ponds, waste storage structures (including waste storage tanks and waste stacking facilities), and waste treatment lagoons established after the effective date of this Chapter shall be planned, designed, constructed, operated and maintained in accordance with all applicable Federal and State standards and specifications.

(6) To avoid potential safety problems, cultivation activities shall not be located within the clear sight triangle of any public street intersection.

(7) Nothing contained in this Chapter shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure.

§514. Riding Stables. The keeping of horses either at a Commercial Riding Stable or for personal use shall require adequate housing or pasture based on the number of horses maintained on the premises. Adequate sanitation shall be maintained at all times and stables or fencing shall secure horses so that they do not become a nuisance or safety hazard to neighbors or to the public.

(1) The fenced area and structure for the housing of horses shall be at least 50 ft. away from any habitable structure on adjoining property.

(2) Manure shall be collected and maintained in a sanitary manner so as to prevent offensive odors, fly breeding or other nuisances. A written manure management plan including the disposal location shall be provided to the Zoning Officer. Said manure management plan shall be subject to the approval of the Union County Conservation District.

§515. Kennels. Kennels, where permitted, shall comply with all local, state and federal ordinances, laws, statutes and regulations and the following standards:

(1) Prior to the issuance of a Zoning Permit, applicant shall deliver to the Township copies of all permits or licenses required by any agency or government entity for the operation of a kennel and shall deliver copies of any renewals of said permit or licenses as the same one issued as well as any new licenses and permits.

(2) Any and all outdoor lighting shall be mounted and shielded in such a way so as to avoid causing glare on adjacent lots or properties.

(3) All outdoor kennel areas shall be completely enclosed with a chain link fence or other suitable fence or wall.

(4) Outdoor kennel areas shall be located at least 250 feet from any residential structure, other than the owner's dwelling.

(5) Adequate arrangements shall be made by the applicant for the collection, storage and disposal of excrement, animal parts and other solid waste generated by the use to the satisfaction of the Township and the state agencies. Such arrangements shall be submitted to the Township for review as a part of the application evaluation process. Such wastes shall not create odor, dust or other noxious effects that could be considered public nuisances.

§516. Outdoor Recreation. If specific recreational facilities are not specified or regulated elsewhere in this Chapter, the following standards shall apply:

(1) A plan showing the proposed facilities and/or design of the recreational facility shall be provided by the applicant with his application for the use.

(2) Where appropriate, outdoor security lighting shall be provided for the facility. Such lighting shall be installed and shielded however to eliminate direct glare on adjacent properties or upon public streets.

(3) The proposed hours, rules, and security arrangements for the facility shall be included with the application for any such use.

Consideration shall be given not only to the convenience of the users, but the convenience, safety and welfare of the neighborhood or area in which the facility is to be located.

(4) Where the proposed activity involves a commercial or institutional recreation development or presents a potentially hazardous situation, additional precautions shall be taken by the applicant to ensure the safety of the public and such uses shall require Conditional Use approval from the Township Supervisors. In all such circumstances, the Supervisors shall review the precautions being proposed and shall determine their adequacy before authorizing the Conditional Use.

§517. Cemeteries. Cemeteries may be permitted only as authorized in the District Regulations, and shall be subject to the following standards. For the purposes of this Section, such standards shall be utilized for both public or private facilities.

(1) The minimum area required for a cemetery shall be 5,000 sq. ft. An additional 40 sq. ft. shall be required for each burial plot exceeding the minimum number.

(2) Every burial plot shall have a minimum dimension of 4 feet by 8 feet, and a minimum of four (4) burial plots shall be required for a cemetery.

(3) Cemeteries shall be set back 50 feet from any street right-of-way or waterway, and 25 feet from all side and rear lot lines.

(4) Private cemeteries shall be for the use of immediate family members only.

§518. Mining and Mineral Extraction. Mineral extraction, including the excavation and/or removal of sand, gravel, clay, shale, rock of other similar natural deposits shall be in compliance with all local, state and federal ordinance, laws, statutes and regulations, including but not limited to, the "Surface Mining Conservation and Reclamation Act", "Non-Coal Surface Mining Conservation and Reclamation Act", "Oil and Gas Act" and "Bituminous Mine Subsistence and Land Conservation Act", and all required permits shall be obtained prior to commencement of such activities and shall be maintained for as long as such activities continue. Copies of said permits shall be delivered to the Township prior to the commencement of such activities and at such other times as the Township shall request.

(1) Mineral extraction operations shall abut on or provide direct access to a street or highway capable of accommodating heavy trucks and employee traffic. Truck access to any excavation site shall be arranged to minimize danger to traffic and nuisance to surrounding properties.

(2) The Township Supervisors may require the applicant to post a highway performance bond in order to assure the maintenance of local municipal roads used for access and transportation of resources, materials and products of the operation. The amount of the bond shall be set by the Township Supervisors and shall be valid for one (1) year. An annual renewal and update of the Zoning Permit for the activity, including the amount of the bond, shall be required. The bond shall be administered in accordance with

the provisions of the PA Municipalities Planning Code, as amended, relating to improvement agreements.

(3) The applicant shall submit plans which indicate what precautions will be taken to avoid soil erosion and sedimentation problems wherever any excavation is proposed. The applicant shall consult the County Conservation District concerning these plans and shall obtain a report on the soil characteristics of the site and the acceptability of his erosion control plans. Exposed ground surfaces shall be stabilized or protected with a vegetative cover to prevent soil erosion, unless other erosion control techniques are approved.

(4) Screen plantings, buffering, and/or fencing shall be provided along the perimeter of the excavation site as may be required by State or Federal regulations. Where not specifically regulated by State or Federal standards, a buffer yard of 50 feet and screening in accordance with this Part shall be provided. In addition, in the case of open excavation, a fence, at least six (6) feet in height, shall completely surround the excavation area.

(5) The minimum performance standards for Manufacturing and Industrial Uses set forth in this Chapter shall be met by such operations or activities.

(6) The minimum performance standards contained in this Part shall be met by such operations.

(7) Where permitted, rock crushers, batching or mixing plants, or other grinding, polishing or cutting machinery shall be setback a minimum of 150 feet from all property lines and public rights-of-way and shall be subject to such additional conditions and safeguards deemed necessary by the Township Supervisors to protect the public health, safety and welfare.

(8) Following the extraction operation, the applicant shall restore the area to the contour satisfactory to the Township Supervisors. The applicant shall provide plans and proposals to the Township indicating the process to be followed to bring about this restoration as a part of his application for such a use.

(9) Compliance with all local, state and federal regulations, laws or ordinances, including but not limited to "Surface Mining Conservation and Reclamation Act", "Non-Coal Surface Mining Conservation and Reclamation Act", "Oil and Gas Act" and "Bituminous Mine Subsidence and Land Conservation Act". If any of the same are inconsistent herewith, the provisions which are more strict, in the opinion of the Township, shall have priority unless otherwise prohibited by law.

§519. Private and Public Schools. The following requirements shall apply:

(1) Limited to day school, nursing school, school for the blind, mentally or physically handicapped.

(2) Minimum lot size shall be five (5) acres.

(3) Shall have direct access to an arterial or collector street or major road.

§520. Concentrated Animal Operation. Concentrated animal operations (CAO) may only be permitted in the Agricultural Preservation District, and all new or expanded CAO shall require Conditional Use approval from the Township Supervisors prior to the issuance of a Zoning Permit for the activity. In addition, all applications for CAO shall satisfy the requirements of the Pennsylvania Nutrient Management Act (Act 38 of 2005)(Act), as may be hereafter amended, and the following criteria:

(1) All CAO shall meet the requirements set forth in the Act, as may hereafter be amended, for the preparation and submission of Nutrient Management Plans. In particular, all such operations shall meet the standards established in the Nutrient Management Act pertaining to nutrient application, manure management, and manure storage facilities.

(2) All applications to the Township for new or expanded CAO shall include the following information:

(a) A detailed written description of the type and size of operation being proposed, including number of animal equivalent units (AEUs) for the proposed operation;

(b) A site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner's residence); and

(c) A copy of the applicant's Nutrient Management Plan, reviewed and approved by the Union County Conservation District, their designated Nutrient Management Specialist, or other identified agent.

(3) All CAO shall meet all required setbacks as provided in Section 83.351 of the Pa Nutrient Management Act.

§521. Roadside/Farm Stands. The Temporary or permanent roadside stands or shelters shall meet the following criteria:

(1) Temporary stands shall not exceed 400 square feet in size and shall be removed during the season when not in use for the sale or display of products.

(2) A minimum of two (2) off-street parking spaces shall be provided where a temporary roadside stand is established. The off-street parking requirements set forth in this Chapter for such structures shall apply to all permanent stands.

(3) Roadside stands shall not be placed within any street right-of-way, shall be set back 5 feet from any property line and shall not be located within the clear sight triangle of any public street intersection.

(4) All signs used to advertise such facilities shall meet the requirements set forth in this Chapter.

§522. No Impact Home Based Business. The business or commercial activity must satisfy the following requirements:

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses;

(2) The business shall employ no employees other than family members residing in the dwelling;

(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature;

(4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights;

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

(6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;

(7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area;

(8) The business may not involve any illegal activity.

§523. Parochial School. Any land utilized for a parochial school shall be privately owned or subject to a lease between private person(s) and/or entities.

§524. Farmettes. The raising of livestock and/or poultry for personal use provided for in the District Regulations (see Chapter 27, Part 4) shall be subject to the following:

(1) Livestock shall include both domesticated and wildlife animals that are four-legged and hoofed.

(2) Poultry shall include both domesticated and wildlife birds.

(3) The minimum lot area shall be three (3) acres and the tract of land shall be suitable lands for the raising and keeping of said animals.

(4) No more than three (3) hoofed, four-legged animals and thirty (30) birds shall be permitted, except one (1) hoofed animal shall be permitted for each acre in excess of three (3) acres.

(5) The boarding or breeding of livestock and poultry shall be for the personal use and consumption of the occupiers of the lot or tract of land upon which the same shall occur.

(6) The raising of livestock and poultry other than for the purposes and in the manner and quantity set forth in this Section shall be deemed an Agricultural Operation and/or Agricultural Business and shall comply with the applicable provisions of this Chapter.

(7) Farmettes that store hazardous materials, compost, manure or other similar storage shall meet all required setbacks as provided in Section 83.351 of the PA Nutrient Management Act, if applicable.

(8) Must obtain a manure management plan through soil conservation if required by the PA Nutrient Management Act.

(9) Pasture area for livestock must be provided.

§525. Bed and Breakfast Establishments. Bed and Breakfast Establishments may be permitted only in those Zoning Districts as specified in this Chapter. In addition, the following standards shall also be met:

(1) Bed and Breakfast Establishments in the W-P, A-P and A-R Zoning Districts shall have a minimum lot area of three (3) acres. Bed and Breakfast Establishments in the R-U Zoning District shall have a minimum lot area of 20,000 sq. ft. Bed and Breakfast Establishments in the G-C and B-U Zoning Districts shall have a minimum lot area of 30,000 sq. ft.

(2) The operator of the facility shall reside on the premises while guests are attending.

(3) The maximum number of guests per bedroom shall not exceed two (2) adults and any children under the age of eighteen (18) years accompanying them.

(4) Dining facilities and services shall only be available to lodgers.

(5) Exterior alterations and expansion to existing structures shall be limited to those customarily associated with residential uses.

(6) Satisfactory evidence shall be provided by the applicant for a zoning permit indicating that the proposed facility will conform to all applicable state and local regulations (including regulations of the Pennsylvania Department of Health and Pennsylvania Department of Labor and Industry).

(7) Bed and Breakfast Establishments must comply with the requirements of §505.3 related to Off-Street Parking. In addition, motor vehicles of guests at Bed and Breakfast Establishments shall be parked for no more than ninety (90) days.

§526. Agritourism. Types of Agritourism shall include: farm markets/roadside stands, "U-pick" operations, ice cream/bakery facilities, Christmas tree farm/"cut your own", local products retail operations (i.e., local crafts, food products), corn mazes, farm-related interpretive facilities and exhibits, agriculturally related educational and learning experiences, agriculturally related events/fairs/festivals, on-site farm, garden and nursery tours, walking and bicycling tours and trails, farm stays, recreation related operations (i.e., outfitters, cross country skiing, fishing and hunting facilities, bird watching), and horseback riding. Agritourism Operators shall also be subject to the following:

(1) Farm must be an existing and operating working farm.

(2) Agritourism operation must be incidental to and directly supportive of the agricultural use of the property and will not have significant impacts on the agricultural viability or rural character of neighboring properties.

(3) Permanent farm structures shall meet the requirements of the applicable Zoning District.

(4) Agritourism Operator is required to provide proof that all required governmental permits and licenses have been obtained for proposed agricultural enterprises.

(5) Requirement of a sketch plan identifying the location and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, sanitary facilities, areas where visitors will be permitted and restricted, and landscaping, if required to buffer adjacent properties.

(6) Adequate off-street parking shall be provided. Parking areas and driveways shall be treated as necessary to control dust. Parking areas shall be screened from neighboring properties.

(7) No vehicles may be parked on adjacent shoulders of roads.

§527. Brewery, Distillery, Winery. A brewery, distillery, or winery shall meet the following standards:

(1) Breweries, Distilleries, or Wineries in the A-P and A-R Zoning Districts shall have a minimum lot area of five (5) acres. Breweries, Distilleries, or Wineries in the G-C Zoning District shall have a minimum lot area of 30,000 sq. ft.

(2) Permitted brewery, distillery, or winery activities shall be restricted to: 1) indoor and outdoor tasting and sale, by either glass or container; and, 2) sale of glassware, gifts, clothing, artwork and similar items related to breweries, distilleries, or wineries and/or vineyards, advertising or promoting the name and/or place of the permitted brewery, distillery, or winery.

(3) The sale of light food, snacks, cheeses and similar items customarily eaten in conjunction with a brewery, distillery or winery are permitted.

(4) Receptions, festivals, cultural events and similar activities, with or without entertainment, may be held, provided, any food provided for meals shall be prepared off premises.

(5) Parking requirements shall be calculated one (1) space per employee in the maximum shift, plus additional spaces in an amount equal to thirty-three percent (33%) of the occupancy load of the facility capacity.

(6) Buffering shall be required when the brewery, distillery, or winery abuts a residential district or occupied residential property. A building and/or structure, principal or accessory, shall be setback one hundred (100') feet from the property line(s).

(7) Buffer planting shall be provided along a property line where there is an abutting residence, and which are intended to screen views, lights and noise from the operation. Any proposed parking facilities located within one hundred (100') feet of any occupied residential structure shall be effectively screened to provide visual relief. All screening shall be a minimum of eight (8') feet at the time of planting in locations to visibly obscure affected neighboring properties. Planting shall be specified in the required sketch plan/land development.

(8) Outdoor lighting shall be installed and shielded to avoid causing glare on adjacent properties or creating a hazard for passing motorists. Outdoor lighting be reduced by 75% between the hours of closing and dawn.

(9) A brewery, distillery, or winery shall have a maximum occupancy of three hundred (300) people.

(10) All activities of breweries, distilleries, or wineries shall be in compliance with all applicable federal, state, local, and Commonwealth of Pennsylvania statutes, laws, ordinances, rules and regulations.

§528. Event Space/Venue. An Event Space/Venue shall be defined as a building or place thereof that is designed for public or private assembly for special events or regularly scheduled programs. Such events may include, but not be limited to, lectures, performances, weddings, receptions, banquets and fundraisers. Live music performances shall not present a nuisance to neighboring properties. All activities related thereto shall not create a public nuisance with loud noise or disorderly conduct. An Event Space/Venue shall also comply with the following:

(1) An Event Space/Venue in the W-P, A-P and A-R Zoning Districts shall have a minimum lot area of five (5) acres. An Event Space/Venue in the G-C and B-U Zoning Districts shall have a minimum lot area of 30,000 sq. ft.

(2) Buffering shall be required when the Event Space/Venue abuts a residential district or occupied residential property. A building and/or structure, principal or accessory, shall be setback one hundred (100') feet from the property line(s).

(3) Buffer planting shall be provided along a property line where there is an abutting residence, and which are intended to screen views, lights and noise from the operation. Any proposed parking facilities located within one hundred (100') feet of any occupied residential structure shall be effectively screened to provide visual relief. All screening shall be a minimum of eight (8') feet at the time of planting in locations to visible obscure affected neighboring properties. Planting shall be specified in the required sketch plan/land development.

(4) All ingress/egress and parking areas shall be located in such a manner to minimize traffic hazards associated with entering and exiting the public roadway.

(5) The increase in traffic generated by the commercial activity shall not create a nuisance to nearby residents by the way of traffic, noise, or significant increases in parking on the public ways.

(6) Parking requirements shall be calculated at a rate of one (1) per employee in the maximum shift, plus additional spaces in an amount equal to thirty-three percent (33%) of the occupancy load of the facility capacity.

(7) Outdoor lighting shall be installed and shielded to avoid causing glare on adjacent properties or creating a hazard for passing motorists. Outdoor lighting shall be reduced by 75% between the hours of closing and dawn.

(8) Amplified music and dancing are permitted only within the provided structure. Township noise ordinances shall be complied with.

(9) An outdoor site for conducting ceremonies is permitted on the property.

(10) Adequate sanitary facilities must always be provided.

(11) Temporary structures/tents are permitted to be used in association with the event.

(12) On premises lodging may be provided for no longer than three (3) consecutive days. Reservations shall only be provided to event host or bridal party.

(13) An Event Space/Venue shall have a maximum occupancy of three hundred (300) people.

§529. Forestry. The prevailing best silvicultural practices shall be followed as they relate to replanting.

§530. Continuous Care Facility.

(1) In instances where there is more than one building on a single lot, the following minimum setback requirements between buildings shall be satisfied:

(a) Front to front: 70 feet
(b) Front to side: 50 feet
(c) Front to rear: 40 feet
(d) Side to rear: 20 feet
(e) Side to side: 15 feet
(f) Rear to rear: 30 feet
(g) Corner to corner: 20 feet

(2) The lot or tract of land upon which the facility is located shall front upon or have direct access via a public street to an arterial or collector road.

(3) Safe vehicular access and areas for discharging and picking up guests shall be provided.

(4) The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of adjacent land uses and neighborhood, and traffic flow and ingress/egress shall not cause traffic hazards on adjacent streets.

(5) The facility shall submit a copy of its emergency operations plan (EOP) to the local and county emergency management agency coordinator. The EOP shall also include detailed information regarding solid, medical and hazardous materials and waste handling, including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with Township, state and federal regulations.

(6) The applicant shall obtain any required land development approvals in accordance with the requirements of Chapter 22 of the Code of Ordinances of East Buffalo Township.

§531. Group Home.

(1) No portion of a Group Home shall be located within five hundred (500') feet of another Group Home.

(2) All principal structures for this use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearance of the building (except fire and safety requirements) which would alter its residential character shall be permitted.

(3) Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a street right-of-way.

(4) Group Home shall not include any use that may be considered to be a "half-way house" or "substance abuse treatment center".

(5) Occupants of a Group Home shall live as a family unit.

§532. Nursing/Convalescent Home; Personal Care Facility.

(1) In instances where there is more than one building on a single lot, the following minimum setback requirements between buildings shall be satisfied:

(a) Front to front: 70 feet
(b) Front to side: 50 feet
(c) Front to rear: 40 feet
(d) Side to rear: 20 feet
(e) Side to side: 15 feet
(f) Rear to rear: 30 feet
(g) Corner to corner: 20 feet

(2) All principal structures for this use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearance of the building (except fire and safety requirements) which would alter its residential character shall be permitted.

(3) Fire escapes, where required, shall be located in the rear of the building and shall not be located on any wall facing a street right-of-way.

(4) The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of adjacent land uses and neighborhood, and traffic flow and ingress/egress shall not cause traffic hazards on adjacent streets.

(5) A long-term Nursing/Convalescent Home or Personal Care Facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the facility.

(6) The facility shall submit a copy of its emergency operations plan (EOP) to the local and county emergency management agency coordinator. The EOP shall also include detailed information regarding solid, medical and hazardous materials and waste handling, including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with Township, state and federal regulations.

(7) The applicant shall obtain any required land development approvals in accordance with the requirements of Chapter 22 of the Code of Ordinances of East Buffalo Township.

§533. Data Centers and Data Center Accessory Uses. It is the intent of this Section to enable the development of Data Centers and Data Center Accessory Uses, to the extent possible, in areas where any potential adverse effects in the community will be minimized and to ensure that adequate capacity is available on the applicable utility supply lines to serve both the Data Center and Data Center Accessory Uses and to serve the other needs of the service area consistent with the normal projected local growth envisioned by the local utility service provider(s).

(1) Data Centers shall permitted as a Special Exception Use in the Industrial Zoning District when approved in accordance with the procedures, standards and criteria contained in this Section.

(2) For purposes of this Section, sensitive receptors shall be defined as residential uses, schools, preschools, daycare centers, in-home daycares, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (including trails), campgrounds, prisons and dormitories.

(3) Dimensional Standards. The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with Section 410 of this Chapter, with the following exceptions:

(a) The maximum building height for a Data Center shall be sixty (60') feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers.

(b) The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.

(c) Data Centers and Data Center Accessory Uses shall be set back one hundred (100') feet from the boundary of the Low Density Residential (R-1), Medium Density Residential (R-2) and/or Residential Urban (R-U) Zoning Districts or the lot line of any property developed with a sensitive receptor.

(4) Landscape Buffer. A landscape buffer is required between Data Centers and Data Center Accessory Uses and the Low Density Residential (R-1), Medium Density Residential (R-2) and/or Residential Urban (R-U) Zoning Districts, sensitive receptor, or public roadway. The landscape buffer shall comply with the following requirements:

(a) The landscape buffer shall be at least twenty-five (25') feet in width and may be part of the minimum setback distance.

(b) Buffer plantings shall consist of native species planted as follows:

(1) One (1) large evergreen tree per twenty-five (25') linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8') feet in height at the time of planting.

(2) One (1) deciduous canopy (shade) tree per seventy-five (75') linear feet of buffer. The size of canopy (shade) trees shall be a minimum of two and one-half (2½") inch caliper at the time of planting.

(3) One (1) ornamental/flowering tree per fifty (50') linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8') feet in height for multi-stemmed varieties, or two and one-half (2½") inch caliper at the time of planting for single-stemmed varieties.

(4) Five (5) shrubs per twenty-five (25') linear feet of buffer. The size of shrubs shall be fully branched and minimum of three (3') feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of fifty (50%) being evergreen.

(c) In the event that existing vegetation is adequate to meet the intent of the required buffer yard to screen the Data Center and Data Center Accessory Uses from adjoining Low Density Residential (R-1), Medium Density Residential (R-2) and/or Residential Urban (R-U) Zoning Districts, sensitive receptors and public roadways, the Board of Supervisors, upon recommendation by the Township Engineer and Township Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard.

(5) Screening and Fencing.

(a) To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within one hundred (100') feet of a public roadway, the Low Density Residential (R-1), Medium Density Residential (R-2) and/or Residential Urban (R-U) Zoning Districts, or the lot line of any sensitive receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:

(1) The landscape buffer required by subsection (4) above.

(2) By existing vegetation that will remain on the property.

(3) By the principal Data Center building or an accessory building.

(4) A berm averaging a minimum of five (5') feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the berm shall be covered by a well-maintained all season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.

(5) A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.

(b) Fencing of the property is permitted, provided that fencing along public and private roadways is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. An applicant shall not be required to comply with this requirement if fencing is fully screened from view by one or more of the means identified in subsection (a) above.

(6) Noise and Vibration.

(a) The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a Data Center and/or Data Center Accessory Use during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of 67dB(A) and a maximum nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 57 dB(A) as measured from the property line of the use. Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology. A sound study shall be conducted at the following phases:

(1) A preliminary study shall be conducted as part of the land development process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.

(2) An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound reducing materials or systems recommended by interim sound study shall be incorporated into the construction plans for the use.

(3) An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy and prior to the final financial security release for any land development phase. An as-built sound study may also be required thereafter by the Township. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, it shall be considered a violation of this Ordinance.

(b) Maximum decibel levels specified herein shall not apply during times of power outage, however the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.

(c) The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

(d) The applicant may be required to install a sound wall designed to absorb and redirect sound in order to satisfy the hereinabove requirements.

(7) Water and Sewer.

(a) If the use will be served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed.

(b) If the use is to rely upon nonpublic sources of water, the applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:

(1) The projected water demands of the Data Center;

(2) The source of water to be used;

(3) A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage);

(4) The long-term safe yield of the water source;

(5) A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;

(6) A geologic map of the area with a radius of at least one (1) mile from the site;

(7) The location of all existing and proposed wells within one thousand (1,000') feet of the property boundary, with a notation of the capacity of all high-yield wells;

(8) The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, within one thousand (1,000') feet of the property boundary;

(9) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table; and

(10) A statement of the qualifications and the signature(s) of the person(s) preparing the study.

(c) The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission for projects proposing:

(1) Water withdrawals of one hundred thousand (100,000 gpd) gallons per day or move over a 30-day average from any source or combination of sources within the Susquehanna River Basin; or

(2) Any consumptive water use of twenty thousand (20,000 gpd) or more over a 30-day average from any water source.

(d) The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Township Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

(8) Power Supply.

(a) If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available and that the electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted.

(b) Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.

(9) Emergency Management.

(a) The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

(1) Be reviewed and accepted by the local fire department and emergency management services as part of the land development process;

(2) Include detailed procedures for fire suppression, containment, ventilation, and evacuation;

(3) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

(4) Ensure that all first responders receive adequate training specific to the installed system; and

(5) Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.

(b) Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary

Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

(c) No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation and evacuation are sufficiently protective of public health, safety and welfare.

(10) Aesthetics. Any Data Center and Data Center Accessory Use building façade that faces a road, the Low Density Residential (R-1), Medium Density Residential (R-2) and/or Residential Urban (R-U) Zoning Districts, or existing residential use must incorporate at least two of the following design elements every one hundred and fifty (150') horizontal feet:

(a) A change in building material, pattern, texture, or color;

(b) A change in building height; or

(c) Building step-backs or recesses having a minimum depth of five (5') feet.

(11) Parking. Data Centers are to be provided with a least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the maximum shift, whichever is lesser.

(12) Decommissioning.

(a) The owner and/or operator shall submit a decommissioning plan, the same to be approved by the Township, that ensures the return of the site to a neutral state, being a condition that is easily adapted to similar uses, and handling and removal of any Electronic Waste ("E-Waste") and/or any other hazardous material, including but not limited to water, that may be present on the site.

(b) The decommissioning plan shall include but is not limited to:

(1) Identification of all above-ground structures, equipment, and facilities that have no ongoing purpose which shall be removed;

(2) Hazardous materials, including batteries, fuel, or refrigerants shall be disposed of in compliance with all local, state, and federal regulations;

(3) Disturbed soil shall be stabilized and re-vegetated; and,

(4) Any utility connections shall be safely disconnected and capped.

(5) The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district.

(c) At the time of the issuance of the permit for the construction of the Data Center, the owner and/or operator shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) percent of the estimated cost to decommission the facility, including the costs of removing the Data Center and any Data Center Accessory Use equipment, and restoration of the land consistent with the decommissioning plan. The estimated cost shall be prepared by an engineer and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the Township. The agreement and financial security shall remain in effect until the facility is decommissioned and the land restored to its original condition.

(1) The financial security may be utilized by the Township to pay the costs of repair, replacement, dismantling, removal, recycling/disposal of equipment and/or restoration of the facility or the land as provided herein.

(2) Every five (5) years, a new estimate of the said costs, prepared by an engineer, shall be submitted to the Township in writing by the owner and/or operator. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten (110%) percent of the said estimated costs.

(3) In the event the Township utilizes the said financial security as herein provided, the owner and/or operator shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten (110%) percent.

(4) The Township shall be entitled to an administrative fee of ten (10%) percent of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.

(5) Should the financial security not be sufficient to pay the costs and the fee, the owner and/or operator shall be liable for the costs and fees not paid from the financial security, the same may be collected as permitted by law, including the filing of a Municipal Claim.

(6) The agreement referred to herein shall be prepared by the Township.

(7) All costs, expenses and fees incurred by the Township in preparing the agreement, reviewing the estimates or enforcing the said agreement shall be paid by the owner and/or operator within ten (10) days of receiving a bill for the same.

(d) The owner and/or operator of the facility is required to notify the Township immediately upon cessation or abandonment of the operation. After the start of commercial operations of the Data Center, the Data Center shall be presumed to be discontinued or

abandoned if the Data Center is not operated for a continuous period of twelve (12) months.

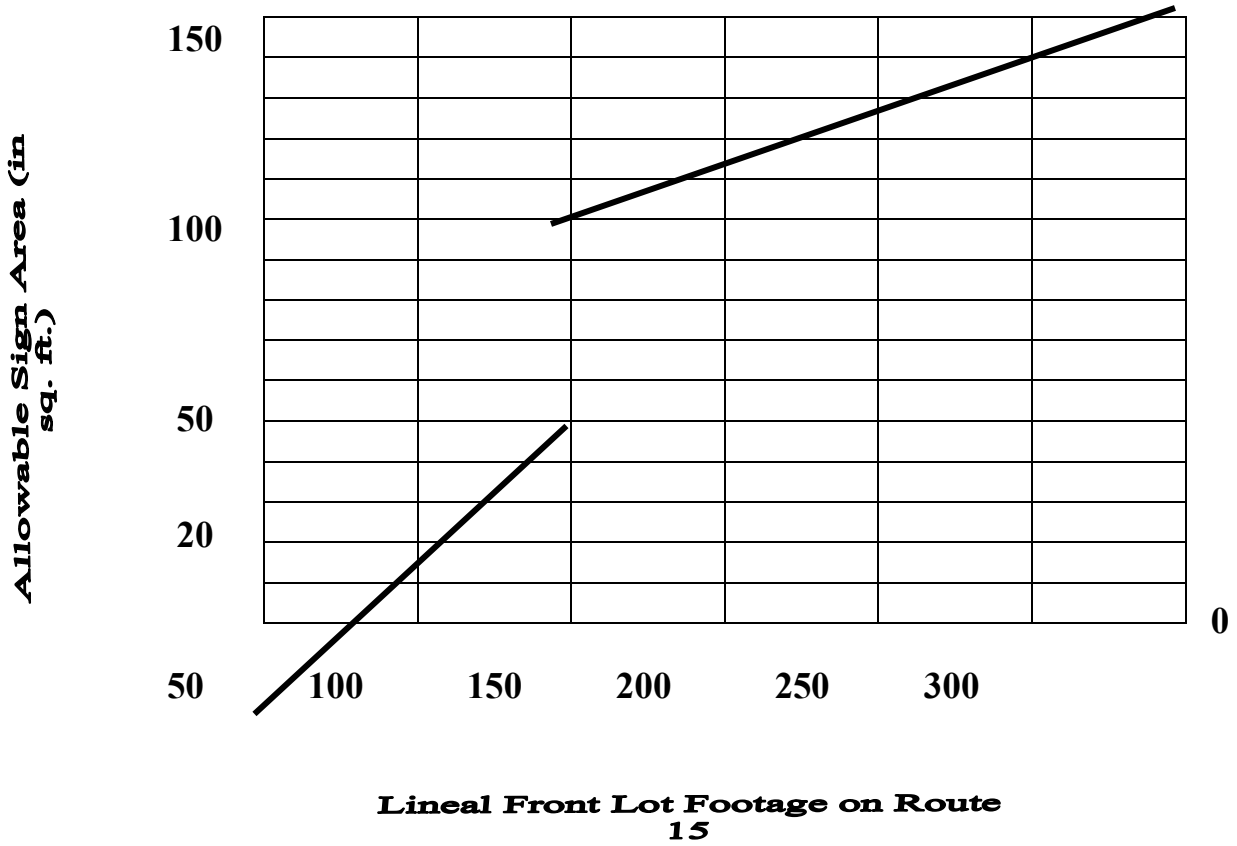
(e) The owner and/or operator shall then have six (6) months in which to dismantle and remove the Data Center and any Data Center Accessory Use equipment and restore the land to its original pre-construction condition in accordance with the decommissioning plan. If the owner and/or operator fails to dismantle or remove the Data Center and any Data Center Accessory Use equipment and restore the land within said six (6) month time period, the Township may complete the decommissioning and land restoration at the owner and/or operator's expense utilizing the financial security.

(Ordinance 429, adopted November 24, 2025; amended by Ordinance 435, adopted October 26, 2026)

TABLE 504.1

On Premise Free Standing Signs Located on Route 15

Maximum Total Area of Signage



CHAPTER 27

ZONING

Part 6

Planned Residential Development

§600. Purposes. The purposes of this Part are:

§600.1 To ensure that the provisions of the East Buffalo Township Zoning Ordinance, which are concerned with the uniform treatment of dwelling type, bulk, density, and open space within each zoning district shall not be applied to the improvement of land by other than lot-by-lot development in a manner, which would distort the objectives of that Zoning Ordinance;

§600.2 To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design, and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings;

§600.3 To provide greater opportunities for better housing and recreation for all who are/or will be residents of the Township;

§600.4 To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economies so secured may ensure to the benefit of those who need homes;

§600.5 To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, flood plains, groundwater, wood areas, steeply-sloped areas, and areas of unusual beauty or importance to the natural ecosystem;

§600.6 To encourage innovations in residential developments that are designed to minimize energy consumption and maximize recycling of materials in their layout, transportation, climate control, energy sources, and solid and liquid waste treatment systems; and

§600.7 In support of these purposes, to provide a procedure which can relate the type, design, and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious, and fair administrative standards and procedures.

§601. Definitions (Applicable to this Part).

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

DEVELOPER - Any landowner, agent, or such landowner or tenant with the permission from a landowner, who makes or causes to be made an application for approval of a development plan.

DEVELOPMENT PLAN - A proposal for a planned residential development, prepared in accordance with this ordinance, including a plat of subdivision, location of various uses, all covenants relating to use, location, and bulk of building and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open space, and public facilities. The phrase, "provisions of the development plan," when uses in this Article, shall mean both the verbal and graphic materials referred to in this Subsection.

GROSS ACREAGE - The total acreage of a tract for which an application for planned residential development is filed or approved, less areas within existing road rights-of-way.

LANDOWNER - The legal or beneficial owner or owners of land, including the holder or 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 proprietary interest in the land.

PLANNED RESIDENTIAL DEVELOPMENT - A contiguous area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, and required open space to the regulations established in any one residential district created from time to time, under the provisions of the East Buffalo Township Zoning Ordinance.

SECTION - A geographical area or portion of a tract that is proposed for planned residential development and which is to be developed in accordance with a timetable for development that is included as part of the applicant's development plan.

STAGE - One or more Sections on which an applicant proposes to commence development at the same time, as part of a timetable for development of a planned residential development over a period of years.

§602. Eligibility. No application for tentative approval of planned residential development shall be considered or approved unless the following conditions are met:

§602.1 The tract proposed for planned residential development consists of a contiguous area, which meets the applicable district requirements.

§602.2 The development will be served by central water supply and sewage disposal systems, which shall be in place and capable of functioning prior to the construction of any principal buildings within the planned residential development or any stage thereof.

§602.3 The proposed development is found to be generally consistent with the Comprehensive Plan for East Buffalo Township.

§602.4 The planned residential development shall be entirely within an area or district designated as eligible for planned residential development.

§602.5 The tract of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility.

§603. Permitted Uses. A planned residential development may include the following uses:

§603.1 Residential uses including detached, semi-detached, attached (e.g., townhouses, fourplex), or multi-storied (e.g., garden apartment, midrise apartment) structures, or any combination thereof.

§603.2 Commercial and institutional uses, to the extent that they are designed and intended primarily to serve the residents of the planned residential development.

§603.3 Recreational uses deemed appropriate by the governing body for incorporation into the design of the development.

§604. Development Standards. General Site Design and Natural Features Analysis. A well designed planned residential development, integrated with existing social and natural processes and making efficient use of common services, should be an asset to the community. The site designer and architect, working together, must demonstrate to the satisfaction of the Township Planning Commission and Board of Supervisors that they have considered both the opportunities provided and the constraints imposed by the existing natural and social features, both on and off the site of the proposed development, in determining site layout (including the selection of areas for open space) and design of structures. In order to determine which specific areas of the total planned residential development site are best suited for high density development, which areas are best suited for lower density development, and which areas should be preserved in their natural sites or utilized as active open space areas, a thorough analysis of the natural features of the site will be required. The following subject categories must be included in this analysis:

§604.1

(a) Hydrology. Analysis of natural drainage patterns and water resources, including an analysis of streams, natural drainage swales, ponds or lakes, marsh areas, floodplain areas, permanent high water table areas, and seasonal high water table areas throughout the site

(b) Geology. Analysis of characteristics of rock formations underlying the site, including delineation of aquifers (particularly those locally subject to pollution), shallow bedrock areas, and areas in which rock formations are unstable.

(c) Soils. Analysis of types of soils present in the site area, including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils, soils most susceptible to erosion, and soils suitable for urban development. The analysis of soils will be based on the Union County Soil Survey (USDA Soil Conservation Service).

(d) Topography. Analysis of the site's terrain, including mapping of elevations and delineation of slope areas greater than 25 percent, between 15 percent and 25 percent, between 8 percent and 15 percent, and less than 8 percent.

(e) Vegetation and Wildlife. Analysis of tree and plant cover and wildlife habitats of the site, emphasizing the location of woodland and meadowland areas. Dominant tree, plant, and animal species should

be identified and the characteristics of each recognized. Particular emphasis shall be placed on preserving wildlife or vegetation identified as rare of threatened in the Union County Natural Areas Inventory.

(f) Micro-climate. Analysis of seasonal temperatures, seasonal precipitation, seasonal prevailing winds, and daily hours of sunlight in specific areas of the planned residential development site.

The Board of Supervisors shall require site planning to be in accord with the results of such analysis, and may require modifications where, in its opinion, site planning has been insufficiently attentive thereto.

§604.2 Density and Amount of Open Space.

(a) The maximum allowable average gross residential density for planned residential developments shall be 6 dwelling units per acre of land, except that higher densities may be allowed in accordance with the bonus provisions contained in this Section. In no event shall the average gross residential density exceed 12 dwelling units per acre.

(b) Supplemental facilities for commercial services to serve the residents of the planned residential development and for recreational purposes may be provided within a planned residential development, based upon the following requirements.

(1) Recreational facilities may be located within required open space areas provided, however, that no buildings shall be constructed within a floodplain area or within an area having a slope greater than 25 percent. Ownership and maintenance shall be in accordance with §604.6 hereof.

(2) No convenience commercial facilities may be provided unless the planned residential development shall contain a minimum of 200 dwelling units, in which case a maximum of 3,600 square feet of gross leasable floor space may be provided. The total of such floor space may be increased by an additional 15 square feet for each dwelling unit in excess of 200 within the planned residential development.

(c) Not less than 50 percent of the gross acreage of the tract proposed for planned residential development shall be designated as and devoted to common open space.

§604.3 Density Bonus. Permissible average gross residential density may be increased, up to the maximum set forth in the subparagraphs hereof, by incorporation of the following features, either alone or in combination, into the planned residential development:

(a) Additional Open Space. For each additional percentage point of land in common open space above 50 percent, the average gross residential density may be in increased by 3 percent.

(b) Subsidized Housing. For each unit of subsidized housing (i.e., that for which the interest rate paid by the developer for either construction or permanent financing is set below the prevailing market rate, or the mortgage interest rate paid by the homeowner is

below the prevailing market rate), no more than 20% of the total units shall be subsidized.

(c) Wastewater Disposal. For installation of a land application system of waste water disposal which employs the spraying of:

(a) Treated greywater, and/or

(b) Secondarily treated sewage effluent generated by the PRD to irrigate the subject tract's common open space or adjacent lands, the average gross residential density may be increased by 10 percent. At minimum, 100 percent of flow of (a) or (b) above, whichever yields the greater volume, or a combination of (a) and (b) equal to that minimum, shall be sprayed.

§604.4 Design, Bulk, & Location Standards.

(a) Site design.

(1) All housing shall be designed with regard to topography and natural features of the site. The effects of prevailing winds, seasonal temperatures, and hours of sunlight on the physical layout and form of the proposed buildings shall be taken into account.

(2) Housing and other facilities near the periphery of the planned residential development shall be designed so as to be harmonious with neighboring areas.

(3) Development in environmentally sensitive areas is subject to the following limitations:

Type of Land	**Limitation**
Flood Hazard Area	No units permitted
Slope of 25% or more	No units permitted
Slope of 15%-25%	Maximum total disturbance of soil by methods including, but not limited to, cutting, grading, filling, bulldozing, plowing, regarding, digging, or defoliation shall not exceed 5% of the total area within 15%-25% slope.

(b) Conservation of Trees and Natural Features.

(1) The development shall be designed and programmed so as to minimize earthmoving, erosion, tree clearance, and the destruction of natural amenities.

(2) No portions of tree masses of trees with 8 inch or greater caliper shall be removed unless clearly necessary for effectuation of the proposed development. Developers shall make all reasonable efforts to harmonize their plans with the preservation of existing trees.

(3) When effectuation of a proposed planned residential development necessitates the clearing of trees of portions of tree masses, the developer shall be guided by the following criteria in selecting trees and ornamentals for retention or clearing:

(a) Aesthetic values (autumn coloration, types of flower and fruit, bark and crown characteristics, amount of dieback present).

(b) Susceptibility of tree to insect and disease attack and to air pollution.

(c) Species longevity.

(d) Wind firmness and capability of soil to hold trees.

(e) Wildlife values (e.g., oak, hickory, pine, walnut, and dogwood have high food value).

(f) Comfort to surroundings (e.g. hardwoods reduce summer temperatures to surroundings more effectively than pines or cedars).

(g) Existence of disease, rot, or other damage to the tree (trees in poor physical condition shall be removed).

(h) Protection of buildings (e.g., dead and large limbs hanging over buildings should be removed).

(i) The size of the tree at maturity.

(4) Developers shall exercise care to protect remaining trees from damage during construction. The following procedures shall be utilized in order to protect remaining trees:

(a) Where existing ground levels are raised, drainage tiles shall be placed vertically at the solid soil level and tops brought up to the surface of the ground and filled with coarse, crushed stone or gravel. The tiles should be placed to the perimeter of the drip line of the tree and at a maximum of 4 feet apart.

(b) Trees within 25 feet of a building, or bordering entrances or exits to building sites, shall be protected by a temporary barrier.

(c) No boards or other material shall be nailed to trees during construction.

(d) Heavy equipment operators shall be warned to avoid damaging existing tree trunks and roots. Roots shall not be cut closer than the tree's drip line.

(e) Tree trunks and exposed roots damaged during construction shall be protected from further damage by being treated immediately with professional procedures.

(f) Tree limbs damaged during construction shall be sawed one inch (1") from the point of damage.

(g) The operation of heavy equipment over root systems of such trees shall be minimized in order to prevent soil compaction.

(h) Non-dormant trees shall be given a heavy application of fertilizer to aid in their recovery from possible damage caused by construction operations.

(i) Construction debris shall not be disposed of around or near the bases of such trees, except for mulched vegetative matter used to prevent soil compaction.

(5) Trees with a minimum caliper of 2 inches shall be provided by the developer where deemed necessary by the Board to mitigate the loss of existing trees. Unless clearly infeasible, native species shall be utilized.

(c) Area and Spacing Requirements.

(1) Single-family units. Where single-family dwelling units are to be situated on individual lots, the following area and spacing requirements shall be met:

(a) Lot size: 8,000 square feet minimum.
(b) Lot width at building line: 80 feet minimum.
(c) Side yards: minimum of 25 feet aggregate, 10 feet individual.
(d) Building setback (from all streets): 20 feet minimum from street right-of-way.
(e) Rear yard: 40 feet minimum.

(2) Two-family dwellings (Twin, Duplex)

(a) Lot size: 5,000 square feet minimum per family.
(b) Lot width at building line: 100 feet minimum aggregate.
(c) Side yards: 15 feet minimum at each side of structure.
(d) Building setback (from all streets): 20 feet minimum from street right-of-way.
(e) Rear yard: 40 feet minimum.

(3) Fourplex and Townhouse dwellings

(a) Net density of development of fourplex and/or townhouse structures shall not exceed 8 dwelling units per acre.
(b) Width. Townhouse units shall not be less than 20 feet in width.

(c) Building setback (from all streets): 20 feet minimum from street right-of-way.
(d) Rear yard: 40 feet minimum.
(e) Distances between structures: no fourplex or townhouse structure shall be situated less than 40 feet from any other residential structure.
(f) Distance of dwellings from solid waste collection stations, parking areas, and access roads thereto (except driveways): 20 feet minimum.

(4) Apartments

(a) Net density of development of apartments shall not exceed 12 dwelling units per acre.
(b) Building setback (from all streets): 30 feet minimum from street right-of-way.
(c) Distance between structures: No apartment structure shall be situated less than 40 feet from any other residential structure.
(d) Distance of dwellings from solid waste collection stations, parking areas, and access roads thereto (except driveways): 20 feet minimum.

(5) All structures shall be situated at least 50 feet from the property line perimeter of the tract to be developed.

(d) Height Regulations. No structure shall exceed 35 feet in height, as measured from the mean finished grade, nor contain more than 3 stories, exclusive of attic and cellar. (Basements, as defined in this ordinance, shall be considered a story).

(e) Streets and Walkways.

(1) The design, dimensions, and construction of all streets shall comply with the applicable standards in the East Buffalo Township Subdivision and Land Development Ordinance. Where the Board finds that the purposes of this Ordinance will be better served, however, it may modify the terms of the Subdivision and Land Development Ordinance, provided that a comparable level of performance will be achieved.

(2) The street and walkway systems shall be designed so as to relate harmoniously with land uses and adjacent streets, and to minimize through traffic in residential areas. All residential parking and recreational areas shall be connected by pedestrian walkways. Walkways that connect residential areas and parking areas shall be of a durable all-weather surface satisfactory to the Board.

(3) Separation of vehicular from pedestrian and bicycle traffic is encouraged. Where pedestrian walkways are not within a street right-of-way, a walkway easement at least 10 feet in width shall be designated. Where a walkway crosses over open space land, however, the easement shall not be subtracted from the open space land for purposes of calculating the area thereof.

(4) Where dwelling units front on a perimeter collector street, no direct vehicular access from the lot or tract to the street shall be permitted.

(f) Parking.

(1) There shall be two off-street parking spaces, each measuring 9-1/2 feet by 18 feet, for each dwelling unit.

(2) There shall be one off-street parking space, measuring 9-1/2 feet by 18 feet, for each 200 square feet of gross leasable area for a commercial use.

(3) Each parking space for physically disabled persons shall have minimum dimensions of 12 feet by 19 feet.

(4) Any common parking area may contain a maximum of 40 parking spaces. Parking areas shall be at least 20 feet from all structures and shall be designed so that through traffic between parking areas shall be prevented.

(5) Within common parking areas, each parking space shall open directly upon an aisle or driveway of such width and design to provide safe and efficient vehicular access to the parking space. The following standards for minimum aisle width shall apply.

Parking Angle	Aisle Width
90 degrees	20 ft.
60 degrees	18 ft. (one-way)
45 degrees	13 ft. (one-way)

(6) Common parking areas shall be adequately screened from adjacent structures, roads, and properties by such means as hedges, dense plantings, earth berms, changes in grade, or walls in conformance with this Chapter. In addition, landscaping of common parking areas shall be accomplished in compliance with this Chapter. (Ordinance 292, January 22, 2007)

(g) Lighting.

(1) All common parking areas, steps, ramps, walkways of high pedestrian use, and directional signs shall be adequately lighted, in compliance with the provisions of this Chapter.(Ordinance 293, January 22, 2007)

(2) The Board may require lighting in other areas for reasons of public safety.

(3) All above required lighting, and all external lighting fixtures appurtenant to a structure, shall be shielded from all residential properties and from all rights-of-way so as to eliminate light glare beyond an angle of 35 degrees from a vertical plane. No such lighting shall exceed 20 feet in height.

(h) Stormwater Management. All requirements of the East Buffalo Township Stormwater Management Ordinance shall be applicable to a planned residential development.

(i) Landscaping and Buffers.

(1) All common parking areas shall be landscaped with trees and shrubs of varying species. At least one shade tree of minimum 2-inch caliper and 6-foot height shall be provided within the interior of each parking area for every 5 parking spaces.

(2) Shade trees of varying species shall be planted along all streets within the street right-of-way. At least one tree of minimum 2-inch caliper and 6 foot height on each side of the street shall be provided for each 25 feet of street length, or fraction thereof.

(3) The Board may require that, along the entire perimeter of the tract proposed for planned residential development or identified segments thereof, a planting strip be installed that adequately meets the following criteria.

(a) All existing trees 2 inches or more in caliper and/or 6 feet or more in height shall be preserved, except when cutting thereof is specifically approved by the Board or is necessary for insuring adequate sight distance.

(b) The amount, density, and types of planting shall be based upon physiographic features, feasibility of using native species, proximity to existing dwellings, compatibility of adjacent uses, and natural views. Where adjacent property has been developed in such a manner that privacy from the PRD is desirable, the planting strip adjacent thereto shall be of sufficient density and contain sufficient evergreen material to effectively screen the portions of the PRD from which privacy is desired. In other areas, particularly where the physiographic features and existing vegetation provide an attractive setting, the planting strip may be left in its natural state or enhanced with additional plant material of lesser density than a full screen.

(c) No planting shall be placed with its center closer than 5 feet from a property line of the tract.

(d) Plantings shall be permanently maintained and, if necessary to maintain an effective screen, replaced in the event they become diseased or dead.

(e) Planting species shall be mixed; generally, a minimum of 25 percent shall be evergreen and 10 percent flowering material.

(f) The required planting strip can be situated within private yard space that abuts the tract boundary; that area, and the terms of its maintenance, then would be shown on the plan to be recorded and would become the property owner's responsibility. Easements also can be employed as a means of further assurance.

(4) In addition to perimeter planting strips, the following landscaping requirements shall be met:

(a) Disturbed topsoil shall be stockpiled, protected from erosion, and replaced after construction.

(b) Planting and protection of landscape material shall be in accordance with a plan and schedule prepared by a registered landscape architect and shall be completed within 6 months of initial occupancy of each stage of development. Maintenance specifications for all plant material shall be submitted with the Final Plan.

(j) Signs. All outdoor signs shall be in conformity with the provisions of this Chapter and with this Part. (Ordinance 293, January 22, 2007)

(k) Supplemental Non-Residential Facilities. All convenience commercial facilities shall comply with the following standards:

(1) Locations shall be such as not to interfere with the adjacent residential uses. Architectural compatibility with residential structures to be erected within the planned residential development shall be maximized.

(2) Free-standing or lighted signs are prohibited. All such signs shall be attached to an exterior wall (not roof) of the structure and may be mounted either flush thereto or at right angles thereto.

(3) Any parcel on which such facilities are located shall be bounded by a buffer strip on all property lines abutting residential uses. Such buffer strips shall be so designed that a vegetative screen of installed and/or existing plant materials provides, to the satisfaction of the Board, a barrier to visibility, airborne particles, glare, and noise.

(4) Refuse stations must be designed and screened in accordance with this Chapter and be in locations convenient for collection and removal, and not be offensive or visible to the occupants of adjacent residential uses. (Ordinance 293, January 22, 2007)

(5) Buildings designed or intended to be used, in part or in whole, for commercial purposes shall not be occupied or used as such prior to the completion of and the issuance of occupancy permits for at least 50 percent of the dwelling units proposed in the plan.

(l) Sanitary Sewage Treatment and Disposal.

(1) All planned residential development shall be connected to a public sewage system where such systems exist, and is accessible, and contains sufficient capacity. Costs of the extension of public sewer lines to the site shall be borne by the developer to the extent such costs are directly related to serving the needs of the planned residential development. In addition, where appropriate, the Board may require an equitable capital contribution to the municipal authority.

(2) In the absence of a public sewage system, the developer shall provide a community sewage treatment and disposal system consistent with existing physical, geographical, and geological conditions and in conformance with the Township's Act 537 Plan, all applicable Township ordinances, and state, county, and federal regulations.

(3) In any planned residential development in which a community sewage system will be provided, all treatment facilities must be designed to meet applicable standards at all times and must be operated at all times at that level of efficiency. The developer shall investigate the feasibility of a variety of community treatment and disposal systems and shall submit to the Board a report of his findings and preferred option.

(4) Where the developer proposes to utilize a community sewage treatment system, he shall submit as part of his tentative application the feasibility report upon which he bases his sanitary sewage treatment proposals and, as part of his final application, the design, working drawings, specifications, and operating procedures to demonstrate that the proposed system will comply with all applicable standards.

(5) Operations of the facility shall at all times be under the supervision of an operator who has been duly licensed by the Commonwealth of Pennsylvania.

(m) Water Supply.

(1) All planned residential development shall be provided with a complete public or community water distribution system. The design and installation of such public system shall be subject to the approval of the Township; the design and installation of such community distribution system shall be subject to the approval of the Pennsylvania Department of Environmental Resources, and such system shall be further subject to satisfactory provision for the maintenance thereof. Standards and materials for the construction of any central water supply system shall meet or exceed those requirements described in the Public Water Supply Manual of the Pennsylvania Department of Environmental Resources and shall be subject to the approval of the Township Engineer.

(2) Where a permit is required by said Department, it shall be presented as evidence of such review and approval before construction commences.

(n) Other Utilities.

(1) All other utility lines including, but not limited to, electric, gas, street light supply, cable TV, and telephone shall be placed underground. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the Township, municipal authority, or other public utility concerned. All such underground utilities shall be put in place, connected, and approved before the streets are constructed, where such utilities lie under the proposed cartway, and before any person is permitted to occupy any building to be served by such utilities.

(2) In accordance with the provisions of Act 287, the developer will contact all applicable utilities and accurately determine the locations and depths of all underground utilities within the boundaries of the tract proposed for development, prior to excavation. A list of the applicable utilities and their phone number shall appear on the plans submitted for review and proof of contact shall be presented to the Township prior to final plan approval.

§604.5 Development in Stages. A developer may construct a planned residential development in stages if the following criteria are met:

(a) The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required by this Ordinance.

(b) At least 15 percent of the dwelling units in the plan given tentative approval are included in all but the final stage.

(c) The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location, including a sufficient degree of completion of the road network and other infrastructure, that they constitute economically sound units of development.

(d) Each phase shall include common open space in amounts and at locations deemed acceptable by the Board to meet, at minimum, the open space needs generated by that phase and to assure protection of the sensitive features of the tract.

(e) Gross residential density may be varied from stage to stage, provided that final approval shall not be given to any stage if the gross residential density of the area which includes stages already finally approved and the stage for which final approval is being sought exceeds by more than 20 percent the gross residential density allowed for the entire planned residential development in the tentatively approved plan.

§604.6 Standards for Common Open Space.

(a) Amount. Not less than 50 percent of total tract proposed for planned residential development shall be designated as and used exclusively for common open space.

(b) Any of the following methods may be used, either individually or together, to preserve, own, and maintain common open space: condominium, homeowners' association, dedication in fee simple, dedication of easements, and transfer of fee simple title and easements to a private conservation organization.

(c) Such land shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under this Section, and then only where there is no change in the open space ratio. The following specific requirements are associated with each of the various methods:

(1) Homeowners Association. The common open space may be held in common ownership by a homeowners' association. This method shall be subject to all of the provisions for homeowners' associations set forth in this Part and the Homeowners' Association Agreement shall be recorded. (Ordinance 293, January 22, 2007)

(2) Fee Simple Dedication. The Township may, but shall not be required to, accept any portions of the common open space, provided (1) such land is accessible to the residents of the Township; (2) there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and (3) the Township agrees to and has access to maintain such lands.

(3) Transfer to a Private Conservation Organization. With permission of the Township, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or restrictive easement to a private non-profit organization, among those purposes is to conserve open space land and/or natural resources, provided (1) the organization is acceptable to the Township and is a bona fide conservation organization with perpetual; existence; (2) the conveyance contains appropriate provision for proper reverter or re-transfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and (3) a maintenance agreement acceptable to the Township is reached.

(4) Dedication of Easements. The Township may, but shall not be required to, accept easements for public use of any portion or portions of open space land, title to which is to remain in ownership by condominium or homeowners' association, provided (1) such land is accessible to the residents of the Township; (2) there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and (3) a maintenance agreement acceptable to the Township is reached.

(5) Condominium. The common open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Uniform Condominium Act of 1980. All open space land shall be held as "common element."

(d) Specific Requirements for Homeowners' Association. If a homeowners' association is formed, it shall be governed according to the following regulations:

(1) The developer shall provide to the Township description of the organization, including its by-laws and documents governing open space maintenance and use restrictions.

(2) The organization shall be established by the developers and shall be operating (with financial subsidization by the developers, if necessary) before the sale of any lots within the development.

(3) Membership in the organization is mandatory for all purchasers of homes therein and their successors.

(4) The organization shall be responsible for maintenance of an insurance on common open space. The organization also shall be responsible for real estate taxes on common open space, except where the following alternative is utilized:

(a) The developer of any subdivision or land development proposed to contain an area(s) of common open space shall arrange with the County Board of Assessment a method of assessment of the open space, which will allocate to each tax parcel in the subdivision a share of the total assessment for such open space. Where this alternative is to be utilized, the method of allocation shall be approved by the Board of Supervisors.

(5) The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with the procedures established by them.

(6) In the event of any proposed transfer of common open space land by the homeowners' association within the methods here permitted, or of the assumption of maintenance of common open space land by the Township as hereinafter provided, notice of such action shall be given to all property owners within the planned residential development by the homeowners' association.

(7) The organization shall have or give adequate staff to administer common facilities and maintain common open space.

(8) The homeowners' association may lease back open space lands to the developer, his heirs or assigns, or to any other person corporation qualified to manage open space for operation and maintenance of open space lands, but such a lease agreement shall provide:

(a) That the residents of the planned residential development shall at all times have access to the open space lands contained therein;

(b) That the common open space to be leased shall be maintained for the purposes set forth in this Ordinance; and

(c) that the operation of open space facilities may be for the benefit of the residents of planned residential development only or may be open to the residents of the Township. The lease shall be subject to the approval of the Township, as shall any transfer or assignment of the lease. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Union County within 30 days of their execution and a copy of the recorded lease shall be filed with the Township.

(e) Location, Design, and Layout Standards.

(1) The open space shall be laid out to the satisfaction of the Board in accordance with the best principles of site design, shall be consistent with the Township Comprehensive Plan and any applicable Open Space Plans, and shall be located and designed as an area or areas easily accessible to residents of the planned residential development and preserving natural features. Common open space areas should include both active recreation areas for all age groups and, particularly where the site includes a watercourse or sloped or wooded areas, land which is left as a natural area.

At least 10 percent of the open space area shall be appropriate for active recreational use and, subject to the provisions of §411, at least 60 percent shall be located outside flood plain areas and areas of greater than 25 percent slope, in addition, no less than 50 percent of the open space area shall remain as a natural area.

(2) The tentative and final plans shall designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used:

(a) Lawn. A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and tidy appearance.

(b) Natural Area. An area of natural vegetation undisturbed during construction, or replanted; such areas may contain pathways. Meadows shall be maintained as such. Maintenance may be minimal but shall prevent the proliferation of undesirable plants. Litter, dead trees, and brush shall be removed and streams kept in free-flowing conditions. Spraying of treated effluent is permitted within natural areas, consistent with §604.3(c)(a) and §604.3(c)(b), above.

(c) Recreation Area. An area designated for a specific recreational use, including but not limited to tennis, swimming, playfields, and totlots. Such areas shall be located and maintained in such manner as not to create a hazard or nuisance and shall perpetuate the proposed use.

(3) The following design standards, as deemed appropriate by the Board, shall apply to areas of common open space. Such areas shall be:

(a) Not less than 75 feet in width at any point and not less than 1/2 acre of contiguous area, except when part of a trail system or pathway network;

(b) Interconnected with common open space areas on abutting parcels wherever possible, including provisions for pedestrian pathways for general public use to create linked pathway systems within the Township;

(c) Provide with sufficient perimeter parking when necessary, and with safe and convenient access from adjoining public road frontage or other rights-of-way or easements capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, containing appropriate access improvements. Areas required for parking may be included in calculating the minimum acreage required for open space;

(d) Undivided by any crossing of public or private roads, except where necessary for proper traffic calculation, and then only upon recommendation of the township Engineer and Planning Commission;

(e) Free of all structure, except those related to outdoor recreational use;

(f) Suitably landscaped by retaining existing natural cover and wooded areas and/or by a landscaping plan which is consistent with the purposes of this Section and which minimizes maintenance costs; and

(g) Made subject to such agreement with the Township and such deed restrictions duly recorded in the office of the Recorder of Deeds in Union County as may be required by the Board of Supervisors for the purpose of preserving the common open space for such use.

(f) Maintenance.

(1) In the event that the organization established to own and maintain a common open space, or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the planned residential development, setting forth the manner in which the organization has failed to maintain the common open space in reasonable conditions, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing therein which shall be held within 14 days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give

an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not constitute a taking of said common open space and shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners and such dedication is acceptable to the Township. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents and owners of the planned residential development, to be held by the Township, at which hearing such organization or the residents and owners of the planned residential development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year.

If the Township shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its direction, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Township in any case shall constitute a final administrative decision subject to judicial review.

(2) The cost of such maintenance and enforcement proceedings by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space and shall become a lien on said properties. Said assessment or charges shall be subordinate in lien to the lien of any prior mortgage or mortgages on the property which is subject to such assessments or charges. The Township, at the time of entering upon such said common open space for the purpose of maintenance, shall file a notice of such lien, in the office of the Prothonotary of the County, upon the properties affected by such lien within the planned residential development.

§604.7 Enforcement of Plan Provisions. In accordance with Section 706 of Act 247, as amended by Act 170 of 1988, the provisions of the development plan relating to: (i) the use, bulk, and location of buildings and structures; (ii) the quantity and location of common open space; and (iii) the intensity of use or the density of residential units, shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law. The development plan shall specify those of its provisions, which

shall run in favor of, and be enforceable by residents of the planned residential development, and in addition, the manner in which such residents may modify or release such rights.

§605. Contents of Applications.

§605.1 Application for Tentative Approval.

(a) The application for tentative approval shall include documentation illustrating compliance with all of the standards for planned residential development set forth in §604 hereof.

(b) The application for tentative approval shall include, but not necessarily be limited to, the following documents:

(1) A key map, drawn at a scale of 1" = 800', showing the location and size of the property and showing the relation of the property to adjoining areas and streets, and showing the nature of the landowner's interest in the land proposed to be developed;

(2) Plans, at a scale of 1" = 100', of existing natural and man-made features of the land, including topography, vegetation, drainage, and soils. the following information shall be included on such plan:

(a) Contour lines at vertical intervals of not more than 5 feet and showing location and elevation of the closest established benchmark(s) from which the contour elevations are derived;

(b) Total tract boundaries of the property being developed, showing bearings and distances and a statement of the total acreage of the property;

(c) Locations of all existing tree masses, trees over 8 inch caliper not part of a tree mass, other specimen trees, rock outcroppings, watercourses, floodplain areas, wetlands, and other significant natural features (where flood plain areas, as defined in this Ordinance, are located on the tract, such areas shall be delineated in accordance with the Flood Plain District Map that is part of the Ordinance);

(d) Slope differentials delineating all slopes 8% or less, from 9% to 15%, from 16% to 25%, and in excess of 25%;

(e) Delineation of existing drainage patterns on the property;

(f) Existing soil classifications;

(g) Any existing sewer lines, water lines, electric and telephone utility lines, pipelines, culverts, bridges, railroads, roads, and other significant man-made features;

(h) Locations on the tract, or within 50 feet of the property boundary, of all structures and areas of known or potential historical significance, as listed in the Union County Historic Preservation Plan.

(3) A site plan, at a scale of 1" = 50', showing proposed use areas, common open space, and location of buildings and

improvements to be installed. The following shall be shown on the site plan:

(a) The total number of residential units proposed, with subtotals for each housing type;

(b) The total acreage of the tract;

(c) The average gross residential density;

(d) The approximate location of all buildings, roads, parking areas, sidewalks or pathways, descriptions of the use of all structures, dimensions (including height) of all buildings and other structure, road rights-of-way and cartway widths, and proposed structure and facilities for control of stormwater runoff and for sanitary sewage disposal;

(e) The location, function, size, ownership, and manner of maintenance of common open space areas, indicating the nature of the facilities or structures therein and proposed uses thereof;

(f) Connections to public utilities and streets, accompanied by documentation as to the impact of the proposed development on such utilities and streets;

(g) Lot lines with approximate dimensions for all residential units for which individual ownership is proposed;

(h) Proposed utility easement location.

(4) A plan, at a scale of 1" = 100', showing proposed surface drainage of the tract and proposed erosion and sedimentation plan as required by the Pennsylvania Department of Environmental Resources and by §604.4 of this Ordinance, and showing proposed sanitary sewage treatment systems as required by §604.4 of this Ordinance. This plan shall be accompanied by a narrative documenting the feasibility of the proposals for control of stormwater, erosion and sedimentation, and for the sanitary sewage treatment system.

(5) The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of land, buildings, and structures, including proposed grants and/or easements for public utilities.

(6) A site plan and narrative illustrating phasing, including a tome schedule for all on-site and off-site improvements which shall be made, and the proposed times within which applications for final approval of all Sections of the planned residential development are intended to be filed. The schedule must be updated annually on the anniversary of its approval until the development is completed and accepted.

(7) A written statement by the landowner setting forth reasons why, in his/her opinion, the planned residential development would be in the public interest and would be consistent with the Township Comprehensive Plan.

§605.2 Application for Final Approval.

(a) The application for final approval may be for all the land included in the tentative application or, to the extent set forth in the tentative approval, for a Section thereof. The application for final approval shall include documents illustrating compliance with all of the standards for planned residential development set forth in this Part. (Ordinance 293, January 22, 2007)

(b) The application for final approval shall include, but not necessarily be limited to, the following documents:

(1) A key map in accordance with the requirements of §605.1 of this Part.

(2) Plans, at a scale of 1" = 100', of existing natural and man-made features of the land, including topography, vegetation, drainage, and soils, in accordance with the requirements of §605.1 of this Part.

(3) A site plan, at a scale of 1" = 50', showing proposed use areas, common open space, and location of buildings and improvements to be installed. In addition to the requirements of §605.1, the site plan shall show the following:

(a) The total tract boundary lines of the area being developed, with accurate distances to hundredths of a foot and bearings to 1/4 of a minute. Boundaries shall be determined by an accurate field survey and shall show the location of all boundary line monuments;

(b) The exact location of all buildings, roads, parking areas, sidewalks or pathways, descriptions of the use of all structures, dimensions (including height) of all buildings and other structures, road rights-of-way and cartway widths, and proposed structures and facilities for control of stormwater runoff and sanitary sewage disposal;

(c) Lot lines with exact dimensions for all residential units for which individual ownership is proposed, together with proposed building setback lines for each lot and the proposed placement of each building;

(d) Clear sight triangles for all street intersections;

(e) Accurate dimensions of common open space areas, and where structures are to be situated therein, the exact location and dimensions of all such structures;

(f) Proposed names of all streets.

(4) A plan, at a scale of 1" = 100', showing all information pertaining to surface drainage, proposed erosion and sedimentation control, and proposed sanitary sewage treatment system, as required by this Chapter. In addition to such information, the plan also shall show water supply and distribution plans, including the location of all water lines and fire hydrants. (Ordinance 293, January 22, 2007)

(5) Profile sheets for all proposed streets, whether to be dedicated or to be privately owned, within the tract, showing at least the following information:

(a) Existing natural profiles along the centerline of each proposed street and, if slope within cartway area exceeds 5%, along both cartway edges;

(b) Proposed finish grade of the centerline and, in any case where the road shall not conform to typical cross-section, proposed finish grade at the top of either curbs or pavement edges;

(c) The length and function of all vertical curves;

(d) Location and profile of all existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes, and other improvements.

(e) Typical cross-sections of all roads, culverts, manholes, and other improvements.

(6) Approvals by the Pennsylvania Department of Environmental Resources for water supply and sanitary sewage disposal systems.

(7) Architectural drawings illustrating exterior and interior designs of typical residential buildings of each type and of each non-residential structure to be constructed, including statements and illustrations of materials to be used in construction.

(8) Final drafts of all offers of dedication, covenants, easements, deed restrictions, and maintenance agreements to be imposed upon the use of land, buildings, and structures, and pertaining to the ownership, use, and maintenance of all common open space areas and any other common facilities, as set forth in this Part, and including proposed grants and/or easements for public utilities.(Ordinance 293, January 22, 2007)

(9) Landscaping plan and schedule, prepared by a professional, licensed to perform such duties.(Ordinance 293, January 22, 2007)

(c) Arrangements for and documents governing performance and maintenance guarantees as required by this Part. (Ordinance 293, January 22, 2007)

§606. Submission and Review Procedures.

§606.1 Pre-application Procedures. A landowner proposing to develop a planned residential development is strongly encouraged to submit a sketch plan to the Planning Commission for informal discussion prior to the drafting of the tentative plan.

§600.2 Application for Tentative Approval.

(a) The application for tentative approval shall be executed by, or on behalf of, the landowner and filed with the Township Secretary. An initial deposit in the amount of $1,000.00 shall be paid upon filing of the application, and additional deposits shall be made from time to time as requested by the Township. Such deposits shall be applied against the expenses of processing and reviewing the application and are not to exceed actual expenses incurred by the Township; any such deposit funds in excess of actual expenses remaining shall be refunded to the applicant.

(b) The developer shall submit six copies of all required plans and information; the Township Secretary shall thereafter distribute copies of the plans to all appropriate agencies, including but not limited to (for example) the Township Planning Commission, the Board of Supervisors, the County Planning Commission, the Township Engineer, the Soil Conservation Service, any Township Park and Recreation Board, and the Pennsylvania Department of Environmental Resources.

(c) All pertinent reviews, including those of the Township and County Planning Commission and the Township Engineer, shall be affected within 45 days of referral or at least 5 days prior to the public hearing to be held by the Board of Supervisors on the tentative application, whichever shall first occur. The Township Planning Commission shall forward to the Board copies of reports received from the Township Engineer and all other reviewing agencies together with its own recommendations, within the aforesaid time limitations. Copies of such reports and recommendations also shall be furnished to the applicant within the aforesaid time limitations.

§606.3 Public Hearings.

(a) Within 60 days after the filing of an application for tentative approval of a planned residential development pursuant to this Ordinance, a public hearing pursuant to public notice on said application shall be held by the Board in the manner prescribed in the East Buffalo Township Zoning Ordinance for the enactment of an amendment. The chairman or, in his absence, the acting chairman of the Board or its designated agency may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

(b) A verbatim record of the hearing shall be caused to be made by the Board whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party making the request and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be properly identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

(c) The Board may continue the public hearings provided, however, that the ensuing hearings shall be concluded within 60 days from the date of the first public hearing.

§606.4 Findings.

(a) Within 60 days following the conclusion of the public hearing provided for in this Part, the Board shall, by official written communication to the landowner either:

(1) Grant tentative approval of the development plan as submitted;

(2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

(3) Deny tentative approval of the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the Board of Supervisors, notify the Board of his refusal to accept all said conditions, in which case, the Board shall be deemed to have denied tentative approval of the development plan. In the event that landowner(s) does not, within said period, notify the Board of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

(b) The grant or denial of tentative approval by officials written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

(1) Those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Township;

(2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk, and use, and the reasons, if any, why such departures are not deemed to be in the public interest.

(3) The purpose, location, and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;

(4) The physical design of the development plan and the manner in which said design does or does not make adequate provisions for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment;

(5) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and

(6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

(c) In the event a development plan is granted tentative approval, with or without conditions, the Board may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provide for development over a period years, the periods of time within which applications for final approval of each stage thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than 3 months and, in case of development over a period of years, the time between applications for final approval of each stage of a plan shall not be less than 12 months.

§606.5 Status of Plan after Tentative Approval.

(a) The official written communication provided for in §606.4 of this Part shall be certified by the Secretary of the Board of supervisors and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the East Buffalo Township Zoning Map.

(b) Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked or otherwise impairs by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

§606.6 Application for Final Approval.

(a) An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the official review agency and within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.

(b) In the event the application for final approval has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, the Township shall, within 45 days of such filing, grant such development plan final approval.

(1) Refile his application for final approval without the variations objected to; or

(2) File a written request with the Board that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Ordinance for public hearings on application for tentative approval. Within 30 days after the conclusion of the hearing, the Board shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.

(c) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board and shall be filed of record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto.

(d) In the event that a development plan, or a Section thereof, is given final approval and thereafter the landowner shall abandon such plan or the Section thereof that has been finally approved, and shall so notify the Board of Supervisors in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development within such reasonable period of time as may be fixed by ordinance after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is re-subdivided and is reclassified by enactment of an amendment to the East Buffalo Township Zoning Ordinance of 1995, as amended.

§607. Administration.

§607.1 Performance Guarantee. Prior to release of the approved final plan for recording, the developer shall guarantee the installation of all required improvements by posting a performance guarantee. The amount, form, terms of release, etc. of the performance guarantee shall be the same as those specified in §507 of the East Buffalo Township Subdivision and Land Development Ordinance.

§607.2 Dedication and Maintenance Guarantee.

(a) All streets, recreational facilities, surface drainage, water and sewer facilities, and other improvements shown on the final plan shall be privately owned until such time as they have been offered for dedication to the Township and accepted by resolution of the Board.

(b) Before accepting any such offer of dedication, the Board shall require of the developer a maintenance guarantee. The amount, form, duration, terms of release, etc. shall be the same as those specified in the East Buffalo Township Subdivision and Land Development Ordinance. (Ordinance 293, January 22, 2007)

§607.3 Permits.

(a) Issuance of permits, and all matters pertaining to administration of the plan as finally approved, shall be the responsibility of the Township Zoning Officer.

(b) Upon application of the landowner showing compliance with the requirements of final approval, the Zoning Officer shall issue permits for construction pursuant to the plan, or any Section thereof.

(c) All provisions of this Chapter shall be applicable to the plan. Any conflict between a provision of this Chapter and the provision of this Part will be resolved in favor of the provisions in the Part. The Zoning Officer shall review the progress and status of construction of the plan and render monthly reports thereon to the Board of Supervisors in order to assure compliance with the provisions of this Part and the conditions of final approval. (Ordinance 293, January 22, 2007)

§607.4 Fees. The Board shall establish by resolution a schedule of fees to be paid by the developer at the time of filing the tentative and final applications.

CHAPTER 27

ZONING

Part 7

Administration and Enforcement

§700. Administration.

§700.1 No building, structure, or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall any building, structure or land be put to any use without a permit therefore, being issued by the Zoning Officer.

§700.2 No permit shall be issued except in conformity with the provisions of this Chapter, or upon written order from the Zoning Hearing Board in the form of a special exception or variance, or upon written order from the Board of Supervisors in the form of a conditional use, or as otherwise provided for by this Chapter or any applicable laws or any order of a Court of competent jurisdiction.

§700.3 All applications for a Zoning Permit shall be made in writing on a form provided by the Township and shall be accompanied by all applicable fees and two (2) sets of plans showing, at a minimum, the following information where applicable:

(a) Actual dimensions and shape of the lot or tract of land to be used.

(b) The exact size and location on the lot of buildings, structures, or signs existing and/or proposed, including any extensions thereto.

(c) The number of dwelling units.

(d) Parking plan, indicating the number, size and location of all off-street parking spaces and/or loading areas.

(e) Statement indicating any existing or proposed use(s).

(f) Height of any structure, building or sign existing or proposed.

(g) Statement indicating the provider of essential services such as water supply, sewage disposal, electrical service, natural gas service, etc.

(h) The Name, Address and Telephone Number of the Property Owner, and the Applicant (if different from the owner).

(i) Any other information deemed necessary by the Zoning Officer in order to determine compliance with this Chapter, laws, statutes, regulations and all applicable ordinances.

(j) The name of the street abutting the lot together with the address of all structures or buildings erected upon the lot or to be erected upon the lot and the Union County tax parcel identification number for the same.

(k) Written certifications as to the correctness of the street name, address and tax parcel identification number from the appropriate Union County agency, if the same is deemed necessary by the Zoning Officer.

§700.4 All applications for Zoning Permits shall be reviewed by the Zoning Officer who shall act upon the same within 30 days of the receipt of a complete application and all appropriate fees.

§700.5 If the Zoning Officer shall determine that the construction or use proposed in the application is in conformity with provisions of this Chapter and all applicable ordinances, laws, statutes and regulations a Zoning Permit shall be issued to the Applicant.

§700.6 If the Zoning Officer shall determine that the construction or use proposed in the application is not in conformity with the provisions of this Chapter and said applicable ordinances, laws, statutes and regulations, the Zoning Officer shall not issue a Zoning Permit and shall advise the Applicant of the same and the reasons for the denial of the Zoning Permit, the same to be in writing delivered either personally or by first class mail postage prepaid.

§700.7 A Zoning Permit shall be valid for a period of six (6) months. If the work or use described in the Zoning Permit is commenced within the said six (6) months the Zoning Permit shall be extended for another eighteen (18) months.

(Ordinance 293, January 22, 2007)

§700.8 Proof of Compliance. It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all requirements of this Chapter and all other applicable Federal, State, or Local laws, statutes, rules and regulations. Included in the information shall be a copy of a sewage permit when one is necessary. Also, if the PA Department of Labor and Industry, the Department of Transportation, or other regulatory agency requirements apply, the applicant shall supply evidence, which shows that these regulations have been met. Written certifications as to the name of the street, public or private, which abuts the real estate, the address of the building or buildings and the tax parcel identification number from the appropriate Union County agency, if the same is deemed necessary by the Zoning Officer. (Ordinance 354, adopted April 9, 2012)

§701. Enforcement.

§701.1 A Zoning Officer shall be appointed by the Governing Body to administer and enforce this Chapter. The Zoning Officer shall not hold any elective office within the Township.

§701.2 Duties and Powers of the Zoning Officer. It shall be the duty of the Zoning Officer to enforce literally the provisions of this Chapter and any amendments. He/she shall have such other duties and powers as are conferred upon him/her by this Chapter or as are reasonably implied for that purpose, or as may be, from time to time, conferred upon him/her by the Governing Body. The Zoning Officer's powers and duties shall include but are not limited to the following:

(a) Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Chapter.

(b) Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Chapter and the action taken with regard to each complaint. All such records shall be open and available for public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained in hard copy as long as they remain in existence.

(c) Make inspections as required to fulfill his/her duties. He/she shall have the power to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties. Should such access be prevented by any property owner, lessee or other person, he/she shall have the authority, with the approval of the Governing Body, to obtain a search warrant for said property.

(d) Issue permits for special exception uses, conditional uses and/or variances only after such uses and/or buildings have been approved in writing by either the Zoning Hearing Board, in the case of special exceptions and/or variances, and the Governing Body in the case of conditional uses.

(e) Be responsible for keeping this Chapter and the Official Zoning Map up to date so as to include all amendments thereto.

(f) Issue certificates of Use and Occupancy in accordance with the provisions of this Chapter.

(g) To prepare and submit annual reports, as required in this Chapter, to the Planning Commission and Governing Body.

(h) The Zoning Officer shall identify and register nonconforming uses and structures created as a result of the adoption of this Chapter or created as a result of amendments thereto.

§701.3 The Zoning Officer shall serve written notice of violation upon any person, firm, corporation or partnership deemed responsible for violating any of the provisions of this Chapter, or in violation of any detailed statement or plan approved hereunder. Such written notice shall be served personally or by certified mail, indicating the nature of the violation and ordering the action necessary to correct same. Such notice shall contain, at a minimum, the following information:

(a) The party deemed responsible for the violation.

(b) The date and location of the violation.

(c) The specific Section of this Chapter, which has been violated.

(d) The specific action required to correct such violation.

(e) The time period within which such violation shall be corrected.

(f) The penalties, which could be assessed for such violation.

(g) The right of the party to appeal the decision of the Zoning Officer, and the procedures to be followed to file such appeal.

(h) The signature of the Zoning Officer.

§701.4 Should such notice of violation not be complied with within the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such violation. The Zoning Officer shall also file a report of said noncompliance with the Governing Body, and upon authorization from the Governing Body, shall initiate legal action, as provided in the PA Municipality Planning Code and applicable ordinances, laws, statutes, regulations and Rules of Court.

(a) Causes of Action. In case any building, structure, landscaping or land is erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Governing Body shall have the power to authorize the Zoning Officer or Township Solicitor to initiate any appropriate action or proceeding.

§701.5 Any person, partnership, corporation, firm, entity or joint venture who or which has violated or shall violate or permitted or permits the violation of the provisions of this Chapter shall upon being found liable therefor in a civil enforcement proceeding pay a judgment of not more than FIVE HUNDRED AND 00/100 DOLLARS ($500.00), plus all court costs and reasonable attorney fees incurred by the Township as a result thereof.

Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township. Nothing in this section shall be construed or interpreted to grant to any person, firm, partnership, entity, corporation or joint venture other than the Board of Supervisors or its dully-designated agent the authority to commence or prosecute any action pursuant to this section. (As amended by Ordinance 198, adopted June 10, 1996)

(Ordinance 293, January 22, 2007

§702. Nonconforming Lots, Uses, Structures and Buildings.

§702.1 Statement of Intent. Within the zoning districts established pursuant to this Chapter or subsequent amendments thereto, there exists or will exist certain nonconformities which, if lawful before this Chapter was enacted or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Chapter or subsequent amendments thereto. In order to avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any buildings or structures on which actual construction was lawfully begun prior to the effective date of adoption of amendment to this Chapter and upon which actual building construction has been diligently carried on.

(a) Nonconforming Lots of Record. Lots of record existing at the date of adoption or amendment of this Chapter which do not conform to the regulations of the district in which they are located may be used for primary structures or dwellings and customary accessory uses if the buildings are erected according to the following stipulations:

(1) The yard requirements for the any such nonconforming lot in a block in which sixty percent (60%) of the land area has been developed and whereon are erected structures shall be the average of the yards for the area that has been developed in said block.

(a) These provisions shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.

(b) A block shall be defined as a tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or any municipal boundary.

(2) If two or more lots, combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption of this Chapter or amendment thereto, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land shall be considered to be an undivided parcel for the purpose of this Chapter. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot with width or area below the minimum requirements established in this Chapter.

(3) Plots of record located in the Agricultural-Preservation (AP) District at the time of the enactment of this Chapter with less than ten (10) acres of land and not adjacent to an agricultural use which is under the same ownership may be developed, provided that lot area, yard coverage and height requirements are complied with. Such lots shall be limited to the uses allowed in the Agricultural-Preservation (AP) District. (Ordinance 309, December 10, 2007)

§702.2 Nonconforming Structures or Buildings. Structures or buildings which at the effective date of this Chapter or subsequent amendments thereto become nonconforming by reason of restrictions on area, lot coverage, height, yards, location on the lot or other requirements concerning the building or structure, may be continued to be used so long as such structure or building remains otherwise lawful, subject to the following provisions:

(a) No such nonconforming structure or building may be enlarged or altered in any way, which increases its nonconformity.

(b) Should such nonconforming structure or building be destroyed by fire, flood, wind or other means not of the owner's decision, it shall not be reconstructed in any manner, which increases its nonconformity. If reconstruction has not commenced within one (1) year of the date of such destruction, reconstruction shall be in full compliance with this Chapter and all other applicable regulations.

(c) No nonconforming structure or building shall be, for any reason, moved any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.

(d) Whenever any nonconforming structure or building has been vacated for a period of twelve (12) consecutive months, such structure

or building shall thereafter not be used except in compliance with the provisions of this Chapter.

§702.3 Nonconforming Uses. Lawful uses of land, structures or buildings, which at the effective date of this Chapter or as a result of subsequent amendments thereto may be continued so long as such use remains otherwise lawful, subject to the following provisions:

(a) A nonconforming use may be extended throughout any part of the existing land, structure or building, or a new extension or addition to a structure or building may be constructed, provided that all such structural alterations, extensions or additions shall comply with all provisions of this Chapter with respect to height, area, width, yard and coverage requirements for the Zoning District in which the building is located. Such extension of any non-conforming use shall not exceed fifty percent (50%) of the gross floor area of any building or fifty percent (50%) of the gross land area of any outdoor use, occupied by said nonconforming use at the time such use became nonconforming.

(b) Any nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A nonconforming use may, by variance, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally or more appropriate in the Zoning District than the previously existing nonconforming use.

(c) Whenever a nonconforming use of any land, structure or building has been discontinued for a period of twelve (12) consecutive months such land, structure or building or any portion thereof shall be used only in a manner in full compliance with this Chapter.

(d) Voluntary removal or destruction of the structure or building in which any nonconforming use is located shall eliminate the use of the land upon which the structure or building was erected for such nonconforming use. Destruction for the purpose of this subsection is defined as damage to an extent of seventy-five percent (75%) or more of the market value of said structure or building immediately prior such damage or destruction.

§702.4 Any use which is permitted as a special exception in any Zoning District under the terms of this Chapter (other than a change through Zoning Hearing Board action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such a Zoning District, but shall without further action be considered a conforming use.

§702.5 To facilitate the administration of this Chapter, it shall be the duty of the Zoning Officer to prepare and maintain an accurate listing of all uses and structures in all districts.

(a) Uses permitted by right, special exception and/or variance shall be so noted on a permanent record of the subject parcel.

(b) All non-conforming uses and structures shall be registered separately and an accurate listing maintained. The Zoning Officer shall submit an annual report to the Planning Commission regarding the status of all nonconforming uses and structures.

(c) This listing shall be a matter of public record and shall constitute sufficient notice of the nonconforming status of said uses

and/or structures and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.

(Ordinance 293, January 22, 2007)

§703. Certificates of Use and Occupancy.

§703.1 A Certificate of Use and Occupancy shall be required upon the completion of any work permitted under this Chapter. It shall be unlawful to use and/or occupy any structure, building and/or land or portions thereof in any manner until such Certificate of Use and Occupancy has been issue.

(a) The application for Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe.

(b) The Zoning Office shall inspect any use, structure, building, sign and/or land or portions thereof and shall determine if the same complies with the provisions of this Chapter and other applicable ordinances, laws, statutes or regulations.

(c) Upon determination of compliance with the provisions of this Chapter and other applicable ordinances, laws, statutes or regulations and with any conditions listed in the Zoning Permit, he/she shall issue a Certificate of Use and Occupancy.

(d) Certificate of Use and Occupancy shall be granted or refused in writing within ten (10) days from the date of application. In the event that such Certificate of Occupancy is refused, the reasons for said refusal shall be included in the written notice of refusal.

§703.2 In the case of permits for which Performance Standards are imposed, as a condition of approval, no Certificate of Occupancy shall become permanent until thirty (30) days after the use is fully operating and upon re-inspection by the Zoning Officer to determine compliance with all Performance Standards.

(a) Upon completion of said re-inspection the Zoning Officer shall notify the applicant, in writing, that the use is in full compliance with all performance standards and that the Certificate of Use and Occupancy is permanent or that the use is not in compliance and that the Certificate of Use and Occupancy is still temporary.

(b) In the event that the required Performance Standards are not met within ninety (90) days after the start of operation of said use, the Certificate of Use and Occupancy shall be withdrawn and the use shall be ordered to cease and desist operations until such time as the compliance with the Performance Standards can be determined by the Zoning Officer.

(Ordinance 293, January 22, 2007)

§704. Schedule of Fees, Charges and Expenses.

§704.1 The Governing Body shall, by resolution from time to time, establish a schedule of fees, charges and expenses and the collection procedures for zoning permits, certificates of occupancy, special exceptions, variances, appeals and any other matters pertaining to this Chapter.

§704.2 The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended, by resolution, by the Governing Body.

§704.3 No action shall be taken on any application or appeal until such time as all fees, charges and expenses have been paid in full.

(Ordinance 293, January 22, 2007)

§705. Amendments. The provisions of this Chapter and the boundaries of the Zoning Districts as set forth on the Official Zoning Map, may from time to time be amended or changed by the Governing Body, in accordance with the provisions of The Pennsylvania Municipalities Planning Code, as amended. (Ordinance 293, January 22, 2007)

§705.1 Before voting on the enactment of an amendment, the Governing Body shall hold at least one (1) public hearing thereon, pursuant to adequate public notice in a newspaper of general circulation.

(a) If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Zoning Officer along the perimeter of the tract(s) to be affected.

(b) The affected tract(s) shall be posted at least seven (7) days prior to the date of the hearing.

(c) Written notice shall be provided to all owners of property adjoining the affected tract(s).

§705.2 In the case of an amendment other than that prepared by the Township Planning Commission, the Governing Body shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the planning agency an opportunity to submit recommendations.

§705.3 If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include any land not previously affected by it, the Governing Body shall hold another public hearing before proceeding to vote on the amendment.

§705.4 All proposed amendments shall be submitted by the Governing Body to the Union County Planning Commission at least thirty (30) days prior to the public hearing, for recommendation.

§705.5 Within thirty (30) days after enactment, a copy of the amendment shall be forwarded to the Union County Planning Commission.

§705.6 A landowner who desires to challenge on substantive grounds, the validity of this Zoning Ordinance (this Chapter 27) or the East Buffalo Township Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he/she/it has an interest may submit a curative amendment to the East Buffalo Township Board of Supervisors with a written request that his/her/its challenge and proposed amendment be heard and decided in accordance with the provisions of the Pennsylvania Municipalities Planning Code. The Board of Supervisors shall take such action as is required by the Pennsylvania Municipalities Planning Code as amended from time to time. (As amended by Ordinance 246, December 9, 2002)

§705.7 If the Board of Supervisors of East Buffalo Township determines that the East Buffalo Township Zoning Ordinance (this Chapter 27) or any portion thereof is substantially invalid it shall take such action as is required by the Pennsylvania Municipalities Planning Code as amended from time to time. (As Amended by Ordinance 246, December 9, 2002)

§705.8 The Governing Body shall publish public notice of any proposed amendment not more than sixty (60) nor less than seven (7) days prior to public notice, in a newspaper of general circulation. Such notice shall be posted for a minimum of once a week, for two (2) consecutive weeks. Such notice shall contain, at a minimum:

(1) The time and place of the meeting.

(2) A reference to where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

(3) A brief summary of the amendment, including the title, prepared by the Township Solicitor. An attested copy of the full text of the amendment shall be filed in the County Law Library, in the Offices of the Union County Planning Commission, and in the Union County Public Library. The attested copies may be distributed to the public and a fee for such copies may be imposed which is not greater than the actual cost of preparing the copies.

(4) In the event that substantial amendments are made to the ordinance, (substantial being defined as amending more than ten percent (10%) of the ordinance) before voting upon any enactment, the Governing Body shall, at least ten (10) days prior to scheduled enactment re-advertise, re-advertisement shall be in one newspaper of general circulation and shall summarize, in reasonable detail all the amendment provisions.

§705.9 Amendments shall be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

§706. Exemptions. This Chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience and welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of such hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings. (Ordinance 293, January 22, 2007)

CHAPTER 27

ZONING

Part 8

Zoning Hearings

§800. General Provisions.

§800.1 The Governing Body hereby creates a Zoning Hearing Board, herein referred to as the "Board", consisting of three members, and three alternate members, pursuant to The Pennsylvania Municipalities Planning Code, as amended, who shall perform all the duties and have all the powers prescribed by said statute and as herein provided.

§800.2 The membership of the Board shall consist of three residents of the Township, appointed by the Governing Body. The terms of office shall be three years. One member shall be appointed to serve until the first day of January of the year following the adoption of this Chapter; one member until the first day of January of the second year following the adoption of this Chapter; and one member until the first day of January of the third year following the adoption of this Chapter.

(a) There shall be three alternate members of the Board appointed by the Governing Body. The term of office shall be three years. The terms for the alternate members shall coincide with the terms of the members as specified herein.

(1) Alternate members, when seated pursuant to the provisions of the Pennsylvania Municipalities Planning Code, shall be entitled to participate in all proceedings, and shall have the powers and duties specified in the statute and this Chapter.

(2) Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member, nor be entitled to any compensation unless designated as a voting alternate member pursuant to The Pennsylvania Municipalities Planning Code.

(b) Members of the Board and alternate members of the Board shall hold no other office of the Municipality.

(c) Any member or alternate member of the Board may be removed in the manner set forth in The Pennsylvania Municipalities Planning Code.

(d) Vacancies shall be filled by appointment by the Governing Body for the unexpired portion of the vacated term.

§800.3 The members of the Board shall receive such compensation as shall be fixed by the Governing Body, by resolution, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Governing Body.

§800.4 Within the limits of funds appropriated by the Governing Body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical or legal staff.

(a) The solicitor to the Board shall not be the solicitor of the Municipality.

(b) The solicitor to the Board shall be appointed by the Governing Body.

§800.5 The Board may make, alter and rescind rules and forms for its procedure, consistent with the ordinances of the Township and the laws of Pennsylvania.

(a) The Board shall keep full public records of its business.

(b) The records of the Board shall be the property of the Township.

(c) The Board shall submit a report of its activities to the Governing Body as requested by the Governing Body. The Board shall submit an annual report of its activities to the Governing Body.

(d) Such rules as may be established by the Board shall continue in force and effect, until amended or repealed by the Board, by municipal ordinance or by Federal or State Law.

(e) The Board shall elect, from its own membership, its officers, who shall serve annual terms as such, and may succeed themselves.

(f) Meetings and hearings of the Board shall be held at the call of the Chairman and at such other times as the Board, by majority vote, may determine.

(Ordinance 293, January 22, 2007)

§801. Hearings. The Board shall conduct hearings and make decisions in accordance with the provisions of The Pennsylvania Municipalities Planning Code. (Ordinance 293, January 22, 2007)

§802. Mediation Option. Parties to proceedings authorized under this Part may utilize mediation as provided for in The Pennsylvania Municipalities Planning Code as an aid in completing such proceedings. (Ordinance 293, January 22, 2007)

§803. Functions of the Zoning Hearing Board. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in accordance with the provisions of The Pennsylvania Municipalities Planning Code. (Ordinance 293, January 22, 2007)

§804. Standards for Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board shall, by rule, prescribe the form of application and may require the submission of a preliminary application to the Zoning Officer. The Board may grant or deny a variance in accordance with the provisions of The Pennsylvania Municipalities Planning Code and state and federal law. (Ordinance 293, January 22, 2007)

§805. Standards for Special Exceptions. The Board shall have the power to hear and decide only such special exceptions as specifically authorized in this Chapter. All Special Exceptions shall be granted or denied in accordance with the provisions of The Pennsylvania Municipalities Planning Code and applicable laws. (Ordinance 293, January 22, 2007)

§806. Functions of the Governing Body. The Governing Body shall have exclusive jurisdiction to hear and render final adjudication in accordance with the provisions of The Pennsylvania Municipalities Planning Code. (Ordinance 293, January 22, 2007)

§807. Standards for Conditional Uses. The Township Supervisors shall hold a Public Hearing for all Conditional Uses listed in this Chapter. In granting any Conditional Uses, the below listed criteria shall be applied and the decisions shall be in accordance with the provisions of The Pennsylvania Municipalities Planning Code and applicable law.

§807.1 The presence of nearby similar uses.

§807.2 An adjoining district in which the use is permitted.

§807.3 Compatibility of the use with the provisions of the Comprehensive Plan.

§807.4 Sufficient lot area to provide effective screening from adjacent residential uses.

§807.5 That the use will not detract from permitted uses in the district.

§807.6 Compliance with the Performance Standards and the Supplemental Regulations of this Chapter.

§807.7 Notification of adjoining property owners.

§807.8 Compliance with the provisions of the Subdivision and Land Development Ordinance.

§807.9 Should any conditional use require a variance from this Chapter or any ordinance or law, said variance shall be authorized prior to the scheduling of a Conditional Use hearing.

§807.10 The Supervisors may attach such reasonable conditions to a Conditional Use permit, as they may deem appropriate and advisable. Failure of the applicant to agree to said conditions shall result in the immediate revoking of the permit.

§807.11 Should the work authorized under a Conditional Use permit fail to commence with one hundred eighty (180) days of the issuance of the permit, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned said permit and all such permits shall be automatically rescinded by the Board of Supervisors.

(Ordinance 293, January 22, 2007)

§808. Procedures for Hearings. The procedures discussed in this Section shall apply to all proceedings before the Zoning Hearing Board and where applicable shall apply to proceedings before the Governing Body.

§808.1 All hearings shall be held in strict accordance with the procedures contained the Pennsylvania Municipalities Planning Code.

§808.2 All appeals and applications shall be in writing, in a form prescribed by the Board. Such applications shall contain, at a minimum:

(a) The specific Chapter and provision of said Chapter involved.

(b) The interpretation that is claimed for any challenge to the validity of said Chapter, or

(c) The use for which special exception or conditional use is sought, or

(d) The details of the variance that is applied for, and the grounds on which it is claimed that the variance shall be granted.

(e) All required filing fees as may be established by the Governing Body.

§808.3 No person shall be allowed to file any proceeding with the Board except in accordance with the provisions of The Pennsylvania Municipalities Planning Code and federal and state law.

(Ordinance 293, January 22, 2007)

§809. Procedures to Obtain Preliminary Opinion. In order not to unreasonably delay the time when a landowner may secure assurance that the Chapter or map under which he proposes to build is free from challenge, and recognizing that the procedure for preliminary approval of his/her development may be too cumbersome or may be unavailable, the landowner may advance the date from which time any challenge to the Chapter or map will run by the following procedure set forth in The Pennsylvania Municipalities Planning Code for a preliminary opinion. (Ordinance 293, January 22, 2007)

CHAPTER 27

ZONING

Part 9

Development Standards, Performance Standards, and Open Space Subdivision Procedures

§900. Development Standards. All applicants should attempt to conform to the illustrations of figure ground and axonometric plans at the end of this Part 9 for the uses specified in this Section; however, literal conformance to the figure ground and/or axonometric plans shall not be mandatory.

§900.1 Single Family Detached Residential Dwellings.

(a) Single Family Detached Dwellings on Large Lots (in excess of 30,000 Square Feet) should be in conformance with Illustration 54.

(b) Single Family Detached Dwellings on Small Lots (less than 30,000 Square feet) should be in conformance with Illustration 55.

(c) All required off street parking shall be located in the side or rear yard only.

§900.2 Single Family Semi-Detached (Row Houses) or Duplex, or Townhouse Residential Dwellings.

(a) Single Family Semi-Detached Dwellings should be sited in conformance with Illustration 56.

(b) Duplex Dwellings should be sited in conformance with Illustration 57.

(c) Townhouse Dwellings should be sited in conformance with Illustration 58.

(d) Required Off Street Parking shall be located in rear yards only.

§900.3 Multi-Family Dwellings.

(a) Multi-family Dwellings should be sited in conformance with Illustration 59.

(b) Required Off-Street Parking shall be located in rear yards only.

(As amended by Ordinance 344, July 11, 2011)

§901. Performance Standards.

§901.1 Parking. (See Provisions of this Chapter). (Ordinance 293, January 22, 2007)

§901.2 Screening (Multi-Family and Non-Residential Uses).

(a) Open storage areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish, must be visually screened from roads and surrounding land uses. Suitable types of screening include translucent wood fences and dense evergreen hedges of five (5) feet or more in height. Where evergreen hedges are proposed, a

temporary fence shall be built to provide screening until the evergreens are of sufficient height.

(b) In locations where potential health or safety hazards may arise (such as rubbish storage/collection areas, vehicle storage areas, etc.), a solid wooden fence, six (6) feet in height is required to be erected and maintained.

§901.3 Lighting (Multi-Family and Non-Residential Uses).

(a) Lighting must be controlled in both height and intensity to maintain neighborhood character. Under no circumstances may the light level at any lot line exceed 0.2 footcandles, measured at ground level to achieve this; luminaries shall be shielded to prevent light shining beyond the lot lines onto neighboring properties.

(b) Where there exists a mix of residential and commercial uses, light standards are restricted to a maximum of twenty (20) feet in height. In addition, lighting (except for police approved security purposes) shall be turned off between 11 p.m. and 6 a.m. Exceptions will be granted for those businesses, which are operating during these hours.

§901.4 Water Quality. All outdoor storage facilities for fuel, chemicals, industrial wastes and potentially harmful raw materials, must be located on impervious pavement, and shall be completely enclosed by an impervious dike, high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a fifty (50) year storm event of twenty four hour duration. Storage tanks for "home heating oil" and diesel fuel, not exceeding two-hundred seventy five (275) gallons in size shall be exempted from this requirement provided that there is no seasonal high water table (within four (4) feet of the surface), and that rapidly permeable sandy soils are not present on the site.

§901.5 Dust, Fumes, Vapors, Gases and Odors. Emission of dust, dirt, fly ash, fumes, vapors or gases which could be injurious to human health, animals, or vegetation; detrimental to the enjoyment of adjoining or nearby properties; or which could soil or stain persons or property, at any point beyond the lot line of the use generating such emission shall be prohibited. In addition, no land use or establishment shall be permitted to produce harmful, offensive or bothersome odors, scents or aromas, (such as, but not limited to, those produced by manufacturing process, commercial food preparation, food processing, fish sales, rendering, fermentation process, decaying organic matter, and incinerators) perceptible beyond their lot lines, either at ground or habitable elevation. The location and vertical height of all exhaust fans, vents, chimneys or any other sources discharging or emitting smoke, fumes, gasses, vapors, odors, scents or aromas shall be shown on the plan submitted for a zoning permit, with a description of the source materials. Agricultural uses will be exempt from this provision.

§901.6 Glare. No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any public way so as to impair the vision of any driver of a vehicle upon that public right of way. All such activities shall also comply with applicable Federal and State regulations.

§901.7 Noise. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume. (Ordinance 293, January 22, 2007)

§901.8 Refuse Disposal. All applicants shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. Any generator of industrial and/or chemical wastes shall supply the Zoning Officer with a list of such wastes, the exact nature of such wastes, the amount of such wastes and the method and site of disposal of such wastes.

§901.9 Stormwater Run-off. Surface water run-off shall be minimized and detained on-site if possible or practicable. All Storm Water Management Plans shall conform to the applicable Township ordinances. (Ordinance 293, January 22, 2007)

§901.10 Erosion Control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing "best management" practices, as approved by the Union County Conservation District.

§901.11 Floodplain Control. Any proposed use or structure to be located in any floodplain shall comply with the East Buffalo Township Floodplain Management Ordinance; prior to any zoning permit being issued.

§902. Open Space Subdivision Design. The primary purpose of Open Space Subdivision is to preserve open land, sensitive natural and scenic areas, historic areas and rural community character, where applicable, that may otherwise be lost utilizing conventional subdivision and land development practices while at the same time allowing for the natural growth of the Township. Through innovative design and layout of structures, streets, roads, and utility easements, storm water conveyance systems and the preservation of open space these objectives may be accomplished. A density bonus not to exceed 10% shall be granted upon compliance with the provisions of this section as the same may be amended from time to time. (Ordinance 293, January 22, 2007)

§902.1 Determining Density or "Yield". Applicants shall have the option of estimating the legally permitted density on the basis of the mathematical percentages and formulas contained in this Chapter, or on the basis of a "Yield Plan". Such "Yield Plans" consist of conventional lot and street layouts, and must conform to all regulations governing lot dimensions, land suitable for development (i.e. excluding wetlands), street design and parking. Although such plans shall be conceptual in nature and are not intended to involve significant engineering costs, they must be realistic, and not show potential building sites or streets in areas that would not ordinarily be legally permitted in a conventional layout. (See drawings 7.1.1, 7.1.2, and 7.1.3 for example of Yield Plan).(Ordinance 293, January 22, 2007)

In order to prepare a realistic "Yield Plan", applicants generally need to first map the Primary Conservation Areas on their site. Typical "Yield Plans" would include, at a minimum, basic topography, location of wetlands, 100 year floodplains, slopes exceeding 25%, soils subject to slumping, as indicated on the medium-intensity maps contained in the Union County Soils Survey, or geologic formations prone to sinking or slumping. (Ordinance 293, January 22, 2007)

On sites not serviced by public or central sewage treatment facilities, soil suitability for individual sewage treatment systems shall be demonstrated. The Planning Commission shall select between 10% and 20% of the lots to be tested, in areas considered to be marginal. If the tests on the sample lots pass the percolation test, the applicant's other lots shall also be deemed suitable for septic systems, for the purpose of calculating total lot yield, this in no way absolves the applicant from submitting all

required planning modules, and testing information required under other municipal or state regulations for on lot sewage disposal. If any of the sample lots fail, several others (of the Planning Commission's choosing) shall be tested, until all the lots in a given sample pass.

§902.2 Density Bonus to Endow Maintenance Fund. The Township Planning Commission may allow a density bonus to generate additional income to the applicant for the express and sole purpose of endowing a permanent fund to offset continuing open space maintenance costs. Spending from this fund shall be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of 5%, the amount designated for the Endowment Fund should be twenty (20) times the amount estimated to be required on a yearly basis to maintain the open space. On the assumption that additional dwellings, over and above the maximum that would ordinarily be permitted on the site, are net of development costs and represent true profit, 75% of the net selling price of the bonus lot(s) shall be donated to the Open Space Endowment Fund for the preserved lands within the subdivision. Such estimates shall be prepared by an agency or organization with experience in open space management acceptable to the Planning Commission. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities (such as a homeowners' association, a land trust, or a governmental body).

§902.3 Density bonus for Public Access. Dedication of land for public use, including trails, active recreation, municipal spray irrigation fields, etc., in addition to any public land dedication required under other provisions of this Chapter, may be encouraged by the Township Supervisors who are authorized to offer a density bonus not to exceed 10% for this express purpose. The density bonus for open space would be in addition to any public land dedication that may also be required and shall be computed on the basis of a maximum of one dwelling unit per five acres of publicly accessible open space. The decision whether to accept an applicant's offer to dedicate open space for public access shall be at the discretion of the Board of Supervisors, who shall be guided by recommendations contained in the Township's Comprehensive Plan, or other applicable plans. (Ordinance 293, January 22, 2007)

§902.4 Minimum Percentage of Open Space. The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and protected through a conservation easement held by a governmental body or recognized land trust or conservancy, shall be as specified below:

(1) A minimum of fifty percent (50%) of the total tract area, including the following kinds of unbuildable land (which are also required to be deducted when calculating net permitted density for conventional subdivisions as well):

(a) Wetlands

(b) All of the floodway and floodway fringe within the 100-year floodplain, as shown on official FEMA maps.

(c) Land with slopes exceeding 25%

(d) Land required for street rights-of way (10% of the net tract area)

(e) Land under permanent easement prohibiting future development

(1) Drainage easements or rights of way.
(2) Utility easements or rights of way.
(3) Access easements or rights of way.

(2) The above areas shall generally be designated as undivided open space.

(3) All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the Township and duly recorded in the County Recorder of Deeds Office.

(4) At least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, and no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site. The purposes for which open space areas are proposed shall be documented by the applicant by Plan Covenant.

§902.5 Location of Open Space. The location of open space conserved through residential development shall be consistent with the policies contained in the Township's Comprehensive Plan and contained in "Designing Open Space Subdivisions: A Practical Step by Step Approach" By Randall Arendt and published by the National Lands Trust.

Open space shall be comprised of two types of land: "Primary Conservation Areas" and "Secondary Conservation Areas". All lands within both Primary and Secondary Conservation Areas are required to be protected by a permanent conservation easement, prohibiting further development, and setting other standards safeguarding the site's special resources from negative changes.

(a) Primary Conservation Areas. This first category consists of wetlands, lands within the 100 year floodplain, slopes exceeding 25%, soils subject to slumping, geologic formations subject to sinkholes or slumping. These environmentally sensitive resources form the core of the open space that is required to be protected. (See drawing 7.1.4 for example of Identifying Primary Conservation Areas). Full density credit shall be permitted for land in this category. (Ordinance 293, January 22, 2007)

(b) Secondary Conservation Areas. In addition to the Primary Conservation Areas, at least fifty percent (50%) of the total land area shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site.

Although the locations of Primary Conservation Areas are pre-determined by the locations of environmentally sensitive lands, greater latitude exists within the designation of Secondary Conservation Areas except that they shall include a 50-foot deep greenway buffer along all water bodies and watercourses, and a 25-foot buffer alongside all

wetlands. The location of Secondary Conservation Areas shall be guided by maps and policies contained in the Township's Comprehensive Plan or any other applicable Township or County Plan as determined by the Planning Commission. Secondary Conservation areas should typically include all or part of the following kinds of resources: slopes exceeding 25% grade, mature woodlands, aquifer recharge areas, areas with highly permeable ("excessively drained") soil, significant wildlife habitat, sites listed on the Pennsylvania or Union County Natural Diversity Inventory, prime farmland, historic or cultural features listed (or eligible to be listed) on federal, state or county registers, inventories or plans, and scenic views into the property from existing public roads. Secondary Conservation Areas therefore typically consist of upland forest, meadows, pastures, and farm fields, part of the ecologically connected matrix of natural areas significant for wildlife habitat, water quality protection, and other reasons. Although the resource lands listed as potential Secondary Conservation Areas may comprise more than half of the remaining land on a development parcel (after Primary Conservation Areas have been deducted), no applicant shall be required to designate more than 50% of the total parent tract land as a Secondary Conservation Area. (See drawing 7.1.5 for example of Identifying Secondary Conservation Areas).(Ordinance 293, January 22, 2007)

(c) General Location Standards. Subdivisions and Planned Residential Developments (PRD's) shall be designed around both the Primary and Secondary Conservation Areas, which together constitute the total required open space. The design process should therefore commence with the delineation of all potential open space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step. This "four-step" design process is further described in this Part. Both primary and Secondary Conservation Areas shall be placed in undivided preserves, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the development.

Undivided open space shall be directly accessible to the largest practicable number of lots within an open space development. To achieve this, the majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space is designated as separate, non-contiguous parcels, no parcel shall consist of less than two (2) acres nor have length-to width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ball fields, upland buffers to wetlands, water bodies or watercourses, or designed as trail links. (See drawing 7.1.6 for example of Identifying Potential Development Areas).(Ordinance 293, January 22, 2007)

(d) Interconnected Open Space Network. As these policies are implemented, the protected open space in each new subdivision will eventually adjoin each other, ultimately forming an inter-connected network of Primary and Secondary Conservation Areas across the Township. To avoid the issue of the "taking" of land without compensation", the only elements of this network that would necessarily be open to the public are those lands that have been required to be dedicated for public use, never more than 10% of a development parcel's gross acreage, and typically configured in a linear fashion as an element of the Township's long range open space network.

§902.6 Evaluation Criteria. In evaluating the layout of lots and open space, the following criteria will be considered by the Planning commission as indicating a design appropriate to the site's natural, historic and cultural features, and meeting the purposes of this Chapter. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation area. Accordingly, the Planning Commission shall evaluate proposals to determine whether the Proposed conceptual Preliminary Plan:

(1) Protects and preserves all floodplains, wetlands and steep slopes from clearing, grading, filling or construction (except as may be approved by the Township for essential infrastructure or active or passive recreation amenities).

(2) Preserves and maintains mature woodlands, existing fields, pastures, meadows and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating house lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands which raise an equal or greater preservation concern, as described in (5) and (8) below. The second involves predominately agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.

(3) Consideration should be given to whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species found in a nearby roadside hedgerow, tree stand or meadow).(Ordinance 293, January 22, 2007)

(4) Maintains or creates an upland buffer of natural native species of at least the minimum buffer required in depth adjacent to wetlands and surface waters, including creeks, streams, lakes and ponds.

(5) Designs around existing hedgerows and tree lines between fields or meadows. Minimize impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, woodlands of any size on soils highly susceptible to erosion with slopes greater than 10% should be avoided. However, woodlands in poor condition, with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, on lot sewage disposal fields, etc.) in locations where there are no large trees or obvious wildlife habitat areas, to the fullest extent that is practicable.(Ordinance 293, January 22, 2007)

(6) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. (For example, in open agrarian landscapes, a deep "no build, no plant" buffer is recommended along the public roadway where those views or vistas are prominent or locally significant.) In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no build, no cut" buffer should be respected, to preserve existing vegetation.

(7) Avoids sitting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.

(8) Protects significant vegetation or wildlife habitat areas of species listed as endangered, threatened, or of a special concern by the U. S, Environmental Protection Agency, the Pennsylvania Natural Diversity Inventory or the Union County Natural Areas Inventory.

(9) Designs around and preserves sites of historic, archaeological or cultural value, and their environs, insofar as need to safeguard the character of the feature, including stone walls, spring houses, earthworks, burial grounds or sites listed on the National or State Register of Historic Places or in the Union County Historic Preservation Plan.

(10) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc.

(11) Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.

(12) Provides active recreational areas in suitable locations offering convenient access by residents, and adequately screened from nearby house lots.

(13) Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features with the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with exiting open space on adjoining developed parcels, where applicable).

(14) Provides open space that is reasonably contiguous and whose configuration is compatible with the guidelines contained in the Union County Greenway Plan. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels and shall be designed as part of larger and contiguous and integrated greenway systems, as per the policies in the Township Comprehensive plan, and the Union County Greenway Plan. Design guidelines contained in the Design and Management Handbook for Preservation Areas, published by the National Lands Trust should be used when designing Conservation Areas required under this Ordinance.

§903. Site Planning Procedures for Open Space Subdivisions. The sequence of actions prescribed in this Section is as listed below. These steps shall be followed sequentially and may be combined only with the prior approval of the Planning Commission.

§903.1 Process Overview.

(a) Pre-Application Discussion. Yield Plan should be submitted at this step.

(b) Existing Features (Site Analysis) Plan. 90-day time clock for approval starts with the submission of this plan at a regularly scheduled meeting of the Planning Commission.

(c) On-Site Walkabout by Planning Commissioners and Applicant.

(d) Pre-Submission Conference.

(e) Conceptual Preliminary Plan (Conceptual illustration of green way land, potential house sites, street alignments and tentative lot lines, prepared according the "four-step design process" described herein).

(f) Preliminary Plan Submission, Determination of Completeness, Review of overall planning concepts, and Planning Commission Decision.

(g) Preliminary Plan Decision by Township Supervisors.

(h) Final Plan Submission, Determination of Completeness, Review of Plan Requirements, and Planning Commission Decision.

(i) Final Plan Decision by Township Supervisors.

(j) Recording of Plan and other Documents at County Recorder of Deeds Office.

§903.2 Elements of the Preliminary Plan Process.

(a) Pre-Application Discussion. A Pre-Application Discussion is required between the applicant, the site designer(s), and the Planning Commission. The purpose of this informal meeting is to introduce the applicant and the site designer(s) to the Township's zoning and subdivision regulations and procedures, and to discuss the applicant's objectives in relation to the Township's official policies and ordinance requirements. The Township may designate a consultant experienced in development design and the protection of natural features and greenway lands to meet with the applicant, and to attend or conduct meetings required under this ordinance. (The cost of these consultant services shall be paid for through subdivision review fees paid by the applicant to the Township.)

(b) Existing Features (Site Analysis) Plan. A Plan or Plans analyzing each of the site's special features are required for all proposed subdivisions, submitted under these provisions, as they form the basis for the design process for greenway lands, house locations, street alignments, and lot lines. The applicant or his/her representative shall bring a copy of the Existing Features (Site Analysis) Plan(s) to the On-Site Walkabout, the plans shall include:

(1) A contour map based at least upon topographical maps published by the U.S. Geological Survey or prepared by an engineer or surveyor licensed in the Commonwealth of Pennsylvania

(2) The Location of severely constraining elements such as slopes in excess of 25%, wetlands, watercourses, intermittent streams and 100-year floodplains, and all rights-of-way and easements.

(3) Soil Boundaries as shown on the USDA Soil Conservation Service medium-intensity maps.

(4) The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails, and any sites listed on the Pennsylvania Natural Diversity Inventory or the Union County Natural Areas Inventory. These Existing Features (Site Analysis) Plans shall identify both Primary Conservation Areas (Floodplains, wetlands and steep slopes, as defined in the process for computing "Adjusted Tract Acreage") and Secondary Conservation Areas as described in this Chapter. Together, these Primary and Secondary Conservation Areas comprise the development's proposed open space, location of which shall be consisted with the location design criteria listed in this Chapter. (The Existing Features Site Analysis) Plan shall form the basis for which shall show the tentative location of houses, streets, lot lines and greenway lands in new subdivisions, according to the "four-step design process" described in this Chapter.

(Ordinance 293, January 22, 2007)

§903.3 On-Site Walkabout. After the Existing Features (Site Analysis) Plan has been prepared, the Planning Commission shall schedule a mutually convenient date (prior to official submission of the Plan) to walk the property with the applicant and his/her site designer(s). The purpose of this visit is to familiarize Planning Commission members with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of Secondary Conservation Areas and potential house locations and street alignments.

§903.4 Pre-submission Conference. Prior to the submission of the Conceptual Preliminary Plan, the applicant shall meet with the Planning Commission to discuss how the "Four Step Process" could be applied to the subject property. At the discretion of the Planning Commission this conference may be combined with the On-Site Walkabout.

§903.5 Conceptual Preliminary Plan. After the Pre-Submission Conference a Conceptual Preliminary Plan shall be submitted for the proposed subdivision(s). As used in this Section, the term "Preliminary Plan" refers to a preliminary engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of the proposed subdivision layout. The Conceptual Preliminary Plan shall be submitted by the applicant to the Township Zoning Officer, who shall review it for completeness, and then submit it to the Planning Commission for review for the purpose of securing early agreement on the overall pattern of streets, house lots, Primary and Secondary Conservation Areas and potential trail linkages (where applicable), prior to any significant expenditure on engineering costs in the design of streets, stormwater management, erosion and sedimentation control or the accurate delineation of internal lot boundaries.

§903.6 Four-Step Process. Each Conceptual Preliminary Plan shall follow a four-step design process, as described below. When the Conceptual Preliminary Plan is submitted, applicants shall be prepared to demonstrate to the Planning Commission that these four design steps were followed by their site designer(s) in determining the layout of their proposed streets, house lots and greenway lands. This process shall be accomplished during the first 30 days of the statutory 90-day review period for Preliminary Plans. (See drawings 7.1.1 through 7.1.10 for examples).

(a) Designing the Open Space. During the first step, all potential Conservation Areas (both Primary and Secondary) are identified, using the Existing Features (Site Analysis) Plan(s). Primary Conservation areas shall consist of those lands defined in this Chapter, Secondary Conservation areas shall comprise the remaining land necessary to complete the 50% open space requirement and shall include the most sensitive and noteworthy natural scenic and cultural resources that remain on the property. Guidance on which parts of the remaining Lands to classify, as Secondary Conservation Areas shall be based upon:

(1) The On-Site Walkabout.

(2) Open-Space Location Criteria contained in this Chapter.

(3) Evaluation Criteria contained in this Chapter.

(4) Information from published data and reports.

(5) Conversations with existing or recent owners of the property, members of the Planning Commission and/or Board of Supervisors, and local land trusts and/or historic societies.

(6) The procedures described in Designing Open Space Subdivisions, produced by the Natural Lands Trust.

(b) Location of House Sites. During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in this Chapter, subdivision applicants shall identify tentative house sites on the Conceptual Preliminary Plan and proposed house sites on the detailed Final Plan. House sites shall not be located closer than 25 feet from Primary Conservation Areas, nor 10 feet from Secondary Conservation Areas, in order to the enjoy the views of the latter without negatively impacting on the former. The building "footprint" of the proposed residences may be changed by more than fifty feet in any direction with majority approval by the members of the Planning Commission. Changes involving less than fifty feet do not require approval.

(c) Street and Lot Layout. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the Township and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Where cul-de-sacs are necessary, those serving six or fewer homes may not be designed with "hammerheads". Cul-de-sacs serving more than six homes shall generally be designed with a central island containing indigenous trees and shrubs (either conserved on site or planted). The Township generally encourages the creation of single-loaded residential access streets, in order that the maximum number of homes in new developments may enjoy views of open space.

All streets and roads to be offered for dedication to the Township shall be designed and constructed in accordance with all applicable Township ordinances, resolutions and regulations.

Private streets or roads shall be permitted in Open Space Subdivisions only when the street or road system servicing the said Open Space Subdivision has access to public streets or roads at one point within the said Open Space Subdivision or, if more than one access, all such accesses are gated. The Developer of an Open Space Subdivision shall execute an agreement between the Developer and the Township in such form as is satisfactory to Township. The said agreement shall provide that the streets and roads within the Open Space Subdivision are private and shall set forth the persons or entities that shall be responsible for the maintenance of said streets and roads. The Agreement shall further provide that should the said private streets or roads ever be offered for dedication the same shall be improved to meet the design and construction standards then in effect for public streets and roads in East Buffalo Township. Any private street not offered for dedication shall meet the design and construction standard as set forth in Township ordinances, resolutions and regulations with regard to private streets, except said streets and road may have a right-of-way width of no less than 33 feet and a paved cartway width of no less than 18 feet.

(d) Lot Lines. The fourth step is simply to draw in the lot lines (where applicable).

Notwithstanding anything in this Chapter to the contrary the following setbacks shall apply to residential Open Space Subdivisions:

Front Yard – 20 feet from the closest edge of the public or private street right-of-way
Side Yards – 7 feet from lot line
Rear Yards – 10 feet from lot line

(Ordinance 293, January 22, 2007)

§903.7 Preliminary Engineering Certification. Prior to approval of the Conceptual Preliminary Plan, the applicant shall submit to the Planning Commission a "Preliminary Engineering Certification" that the approximate layout of proposed streets, house lots, and open space land complies with the Township's Zoning Ordinance and Subdivision and Land Development Ordinance, as well as any applicable Stormwater Management Ordinance. In particular provisions governing the detailed design of subdivision streets and stormwater management facilities must meet the minimum requirements of Township Regulations. This certification requirement is meant to provide the Township with assurance that the proposed plan is able to be accomplished within the current regulations of the Township. The certification shall also note any waivers or variances needed to implement the plan as drawn. Nothing in this Section shall negate the normal Engineering and Planning Reviews conducted by the Township of all Subdivision or Land Development Plans.

§904. Ownership and Maintenance of Open Space. Different ownership and management options apply to the permanently protected open space created through the development process as defined in this ordinance. The open space shall remain undivided and may be owned and managed by a homeowners' association, a governmental body, or a recognized land trust or conservancy. A public land dedication, not exceeding 10% of the total parcel size, may be required by the Township, ownership, use and maintenance responsibilities shall be through this open space, to facilitate trail connections. A narrative describing submitted for all common and public improvements, utilities and open spaces.

§904.1 Ownership Standards. Common open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, subject to the approval of the Township Supervisors.

(a) Offer of Dedication. The Township shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The Township may, but shall not be required to accept undivided open space provided:

(1) Such land is accessible to residents of the Township.

(2) There is no cost of acquisition other than costs incidental to the transfer of ownership such as title insurance.

(3) The Township agrees to and has access to maintain such lands.

Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of said improvements as well as the function of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

The Township Supervisors may designate any Township, Intermunicipal or County Governing Body or Authority to accept the dedication of common open space, subject to the above listed provisions.

(b) Homeowners' Association. The undivided opens space and associated facilities may be held in common ownership by a Homeowner's Association. The Association shall be formed and operated under the following provisions:

(1) The developer shall provide a description of the Association including its bylaws and methods for maintaining the open space.

(2) The Association shall be organized by the developer and be operated with financial subsidization by the developer, before the sale of any lot within the development.

(3) Membership in the Association is automatic (mandatory) for all purchasers of lots or homes therein and their successors. The conditions and timing of transferring control of the Association from developer to Homeowners shall be identified.

(4) The Association shall be responsible for maintenance, insurance and taxes on undivided open space, enforceable by liens placed by the Township.

(5) The members of the Association shall share equitably in the costs of maintaining and developing such undivided open space. Shares shall be defined within the Association bylaws.

(6) In the event of a proposed transfer, within the methods here permitted, of undivided open space land by the Homeowners Association, or of the assumption of maintenance of undivided open space by the Township or its designee, notice of such action shall be given to all property owners within the development

(7) The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the undivided open space.

(8) The Homeowner's Association may lease open space lands to any other qualified person, or corporations, for operation and maintenance of open space lands, but such a lease agreement shall provide:

(a) That the residents of the development shall at all times have access to the open space lands contained therein;

(b) That the undivided open space to be leased shall be maintained for the purposes set forth in this Ordinance: and

(c) That the operation of open space facilities may be for the benefit of residents only or may be open to the residents of the Township, at the election of the developer and/or Homeowners Association, as the case may be.

(9) The lease shall be subject to the approval of the Board of Supervisors and any transfer or assignment of the lease shall be further subject to the approval of the Board of Supervisors. Lease agreements so entered upon shall be recorded with the Union County Recorder of Deeds within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Township Zoning Officer and Township Secretary.

(c) Condominiums. The undivided open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township Supervisors. Such agreements shall be in conformance with the Commonwealth's Uniform Condominium Act. All undivided open space land shall be held as a "common element".

(d) Dedication of Easements. The Township may, but shall not be required, to accept easements for public use of any portion or portions of undivided open space land, title of which is to remain in ownership by a condominium or homeowners association, provided:

(1) Such land is accessible to Township Residents.

(2) There is no cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance.

(3) A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Township. The Township may designate any Township, Intermunicipal or County Body or Authority to accept such easements, subject to the above listed provisions.

(e) Transfer of Easements to a Private Conservation Organization. With the permission of the Township Supervisors, an owner may transfer easements to a private, not-profit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

(1) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;

(2) The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and

(3) A maintenance agreement acceptable to the Board of Supervisors is entered into by the developer and the organization.

§904.2 Maintenance Standards.

(a) The ultimate owner of the open space (typically a homeowner's association) shall be responsible for raising all moneys required for operations, maintenance or physical improvements to the open space through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

(b) In the event that the Association or any successor organization, shall at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the Township or its designee may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.

(c) Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this Ordinance. The Township, or its designee, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days.

(d) Should any bill or bills for maintenance of undivided open space by the Township, or its designee, be unpaid by November 1 of each year, a late fee charge of fifteen percent (15%) shall be added to such bill and a lien shall be filed against the premises in the same manner as other municipal claims.

CHAPTER 27

ZONING

Part 10

Floodplain Regulations

§1000. Statutory Authorization. The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of East Buffalo does hereby order as follows.

§1001. General Provisions.

§1001.1 Intent. The intent of this Ordinance is to:

(a) Promote the general health, welfare, and safety of the community.

(b) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

(c) Minimize danger to public health by protecting water supply and natural drainage.

(d) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

(e) Comply with federal and state floodplain management requirements.

§1001.2 Applicability. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of East Buffalo unless a Permit has been obtained from the Floodplain Administrator.

§1001.3 Abrogation and Greater Restrictions. This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

§1001.4 Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

§1001.5 Warning and Disclaimer of Liability. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased

by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Township of East Buffalo or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

§1002. Administration.

§1002.1 Designation of the Floodplain Administrator. The Floodplain Manager is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Chairman of the Board of Supervisors.

§1002.2 Permits Required. A Permit shall be required before any construction or development is undertaken within any area of the Township of East Buffalo.

§1002.3 Duties and Responsibilities of the Floodplain Administrator.

(a) The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

(b) Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

(c) In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.

(d) During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

(e) In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

(f) In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.

(g) The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.

(h) The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.

(i) The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.

(j) The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2015 IBC and the 2015 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

§1002.4 Application Procedures and Requirements.

(a) Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of East Buffalo. Such application shall contain the following:

(1) Name and address of applicant.

(2) Name and address of owner of land on which proposed construction is to occur.

(3) Name and address of contractor.

(4) Site location including address.

(5) Listing of other permits required.

(6) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.

(7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

(b) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

(1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

(2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;

(3) Adequate drainage is provided so as to reduce exposure to flood hazards;

(4) Structures will be anchored to prevent floatation, collapse, or lateral movement;

(5) Building materials are flood-resistant;

(6) Appropriate practices that minimize flood damage have been used; and

(7) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

(c) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

(1) A completed Permit Application Form.

(2) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

(a) North arrow, scale, and date;

(b) Topographic contour lines, if available;

(c) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;

(d) The location of all existing streets, driveways, and other access ways; and

(e) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

(3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(a) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

(b) The elevation of the base flood;

(c) Supplemental information as may be necessary under 34 PA Code, the 2015 IBC or the 2015 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

(4) The following data and documentation:

(a) Detailed information concerning any proposed floodproofing measures and corresponding elevations.

(b) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.

(c) Documentation, certified by a registered professional engineer or architect, to show that the effect of any proposed development within a Floodway Area (See section 1003.1 A) will not increase the base flood elevation at any point.

(d) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See Section 1003.1 B) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.

(e) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

(f) Detailed information needed to determine compliance with Section 1004.3(f), Storage, and Section 1004.4, Development That May Endanger Human Life, including:

(i) The amount, location and purpose of any materials or substances referred to in Sections 1004.3(f) and 1004.4 which are intended to be used, produced, stored or otherwise maintained on site.

(ii) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 1004.4 during a base flood.

(g) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

(h) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

(d) Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

§1002.5 Review by County Conservation District. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

§1002.6 Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. Zoning Officer, planning commission, municipal engineer, etc.) for review and comment.

§1002.7 Changes. After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

§1002.8 Placards. In addition to the Permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

§1002.9 Start of Construction. Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

§1002.10 Enforcement.

(a) Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for its issuance;

(3) Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;

(4) Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;

(5) Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Ordinance.

(b) Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality

shall be guilty of an offense and upon conviction shall pay a fine to Township of East Buffalo, of not more than Five Hundred Dollars ($500.00) plus reasonable attorney fees incurred by the Township as a result thereof. Each day during which any violation of this Ordinance continues shall constitute a separate offense. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township. Nothing in this section shall be construed or interpreted to granted to any person, firm, partnership, entity, corporation or joint venture other than the Board of Supervisors or its dully designated agent the authority to commence or prosecute any action pursuant to this section.

In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with this Ordinance shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

§1002.11 Appeals.

(a) Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.

(b) Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code and any other local ordinance.

(c) Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

§1003. Identification of Floodplain Areas.

§1003.1 Identification. The identified floodplain area shall be:

(a) Any areas of Township of East Buffalo, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated February 26, 2021 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Township of East Buffalo and declared to be a part of this ordinance.

§1003.2 Description and Special Requirements of Identified Floodplain Areas. The identified floodplain area shall consist of the following specific areas:

(a) The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.

(1) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

(b) The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.

(1) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.

(2) AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.

(a) No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AE Zone without floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one foot within the entire community during the occurrence of the base flood discharge.

(b) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

(c) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

(d) The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

§1003.3 Changes in Identification of Area. The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See 1004.1 (B) for situations where FEMA notification is required.

§1003.4 Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township of East Buffalo and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

§1003.5 Jurisdictional Boundary Changes. Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

§1004. Technical Provisions.

§1004.1 General.

(a) Alteration or Relocation of Watercourse.

(1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.

(2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

(3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

(b) When Township of East Buffalo proposes to permit the following encroachments:

- Any development that causes a rise in the base flood elevations within the floodway; or

- Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or

- Alteration or relocation of a stream (including but not limited to installing culverts and bridges),

The applicant shall (as per 44 CFR Part 65.12):

(1) Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.

(2) Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.

(3) Upon completion of the proposed encroachments, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

(c) Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

§1004.2 Elevation and Floodproofing Requirements.

(a) Residential Structures.

(1) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.

(2) In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with Section 1003.2(c) of this ordinance.

(3) In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.

(4) The design and construction standards and specifications contained in the 2015 International Building Code (IBC) and in the 2015 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

(b) Non-residential Structures.

(1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:

(a) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

(b) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

(2) In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with Section 1003.2(c) of this ordinance.

(3) In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.

(4) Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.

(5) Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:

(a) An Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:

(i) Mechanical equipment such as sump pumps and generators,

(ii) Flood shields and closures,

(iii) Walls and wall penetrations, and

(iv) Levees and berms (as applicable)

(b) Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:

(i) An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.

(ii) A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.

(iii) A list of specific duties assigned to ensure that all responsibilities are addressed

expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.

(iv) An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.

(v) A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.

(6) The design and construction standards and specifications contained in the 2015 International Building Code (IBC) and in the 2015 International Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

(c) Space below the lowest floor.

(1) Basements are prohibited.

(2) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

(3) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2) separate walls

(b) The bottom of all openings shall be no higher than one (1) foot above grade.

(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Historic Structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure’s continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be

obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

(e) Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

(1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

(2) Floor area shall not exceed 600 square feet.

(3) The structure will have a low damage potential.

(4) The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.

(5) Power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.

(6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

(7) Sanitary facilities are prohibited.

(8) The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

(b) The bottom of all openings shall be no higher than one (1) foot above grade.

(c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(9) For accessory structures that are 200 square feet or larger in area (footprint) and that are below the base flood elevation, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

(10) Prohibit the storage of Hazardous Materials in accessory structures.

§1004.3 Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

(a) Fill.

(1) If fill is used, it shall:

(a) Extend laterally at least fifteen (15) feet beyond the building line from all points;

(b) Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

(c) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

(d) Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and

(e) Be used to the extent to which it does not adversely affect adjacent properties.

(b) Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(c) Water and Sanitary Sewer Facilities and Systems.

(1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(3) No part of any on-site waste disposal system shall be located within any identified floodplain area.

(4) The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

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

(e) Streets. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

(f) Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 1004.4, Development That May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

(g) Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

(h) Anchoring.

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

(2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

(i) Floors, Walls and Ceilings.

(1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

(2) Plywood used at or below the Regulatory Flood Elevation shall be of a "marine” or "water-resistant" variety.

(3) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

(4) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

(j) Paints and Adhesives.

(1) Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.

(2) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

(3) All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

(k) Electrical Components.

(1) Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(l) Equipment.

(1) Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist floatation, collapse, and lateral movement

(2) Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.

(m) Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(n) Uniform Construction Code Coordination. The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

International Building Code (IBC) 2015 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2015 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:
Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

§1004.4 Development That May Endanger Human Life.

(a) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

(1) Will be used for the production or storage of any of the following dangerous materials or substances; or,

(2) Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

(3) Will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

(b) Within any Identified Floodplain Area, any new or substantially improved structure of the kind described in Subsection (a), above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

(c) Within any Floodway Area, any structure of the kind described in Subsection (a), above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 1004.4(a), above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with Sections 1004.1, 1004.2 and 1004.3.

(d) Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 1004.4(a) above, shall be built in accordance with Sections 1004.1, 1004.2 and 1004.3 including:

(1) Elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and

(2) Designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing

Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

§1004.5 Special Requirements for Subdivisions and Development. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

§1004.6 Special Requirements for Manufactured Homes.

(a) Within any Identified Floodplain Area new manufactured homes shall be prohibited.

(b) Where permitted within any Identified Floodplain Area, all existing manufactured homes, and any improvements thereto, shall be:

(1) Placed on a permanent foundation;

(2) Elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;

(3) And anchored to resist flotation, collapse, or lateral movement.

(c) Equipment requirement:

(1) Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist floatation, collapse, and lateral movement.

(2) Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.

(d) Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2015 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.

(e) Consideration shall be given to the installation requirements of the 2015 IBC, and the 2015 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

§1004.7 Special Requirements for Recreational Vehicles.

(a) Recreational vehicles in Zones A, A1-30, AH and AE must:

(1) Be on the site for fewer than 180 consecutive days, and

(2) Be fully licensed and ready for highway use, and

(3) Be removed from the floodplain when a flood warning is issued.

§1005. Prohibited Activities.

§1005.1 General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:

(a) The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

(1) Hospitals
(2) Nursing homes
(3) Jails or prisons

(b) The commencement of, or any construction of, a new manufactured home, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

§1006. Existing Structures in Identified Floodplain Areas.

§1006.1 Existing Structures. The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 1006.2 shall apply.

§1006.2 Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

(a) No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.

(b) No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

(c) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial

improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

(d) The above activity shall also address the requirements of the 34 PA Code, as amended and the 2015 IBC and the 2015 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.

(e) Within any Floodway Area/District (See Section 1003.1(a), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office

(f) Within any AE Area/District without Floodway (See Section 1003.1 (b)), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

(g) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

§1007. Variances.

§1007.1 General. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of East Buffalo Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

§1007.2 Variance Procedures and Conditions. Requests for variances shall be considered by the Township of East Buffalo Zoning Hearing Board in accordance with the procedures contained in Section 1002.11 and the following:

(a) No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.

(b) No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

(c) No variances shall be granted for a proposed accessory structure that exceeds 600 square feet in size. A permit may be issued if the structures is elevated or floodproofed in accordance with this ordinance.

(d) Except for a possible modification of the Regulatory Flood Elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Development That May Endanger Human Life (Section 1004.4).

(e) No variance shall be granted for Prohibited Activities (Section 1005).

(f) If granted, a variance shall involve only the least modification necessary to provide relief.

(g) In granting any variance, the Township of East Buffalo Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

(h) Whenever a variance is granted, the Township of East Buffalo Zoning Hearing Board shall notify the applicant in writing that:

(1) The granting of the variance may result in increased premium rates for flood insurance.

(2) Such variances may increase the risks to life and property.

(i) In reviewing any request for a variance, the Township of East Buffalo Zoning Hearing Board shall consider, at a minimum, the following:

(1) That there is good and sufficient cause.

(2) That failure to grant the variance would result in exceptional hardship to the applicant.

(3) That the granting of the variance will

(a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

(b) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

(j) A complete record of all variance requests and related actions shall be maintained by the Township of East Buffalo Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

§1008. Definitions.

§1008.1 General. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its' most reasonable application.

§1008.2 Specific Definitions.

ACCESSORY USE OR STRUCTURE - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASE FLOOD - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

BASE FLOOD DISCHARGE - The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT - Any area of the building having its floor below ground level on all sides.

BUILDING - A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

DECLARATION OF LAND RESTRICTION (NON-CONVERSION AGREEMENT) - A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD - A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) - The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURES - Any structure that is:

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

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or

(b) Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA - This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 1003.1 and 1003.2 for the specifics on what areas the community has included in the Identified Floodplain Area.

LOWEST FLOOR - The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is

not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURED HOME - A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after February 2, 1977 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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

POST-FIRM STRUCTURE - A structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated February 2, 1977, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE - A structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated February 2, 1977, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

RECREATIONAL VEHICLE - A vehicle which is:

(1) Built on a single chassis;

(2) Not more than 400 square feet, measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light-duty truck,

(4) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION - The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet. The freeboard safety factor also applies to utilities and ductwork.

SPECIAL FLOOD HAZARD AREA (SFHA) - An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

START OF CONSTRUCTION - Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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

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

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which

have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

UNIFORM CONSTRUCTION CODE (UCC) - The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VARIANCE - A grant of relief by a community from the terms of a floodplain management regulation.

VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

§**1009. Adoption.** This Ordinance shall be effective on February 13, 2021 and shall remain in force until modified, amended or rescinded by Township of East Buffalo, Union County, Pennsylvania.

(Ordinance 396, adopted February 8, 2021)

CHAPTER 27

ZONING

Part 11

Miscellaneous Provisions

§1100. Reviews and Appeals. Proceedings for securing review and/or appeal of any ordinance, decision, determination or order of the Governing Body, its agencies or officers adopted pursuant to this ordinance shall be strictly in accordance with the provisions of Act 247 as amended by Act 170 of 1988 (the Pennsylvania Municipalities Planning Code).

§1101. Remedies. In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this ordinance, the Governing Body, or, with their approval the Zoning officer, in addition to other remedies, may institute in the name of the Township any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure or use in or about such premises, any act, conduct, or business constituting a violation.

§1102. Severability. Should any Section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid. (Ordinance 293, January 22, 2007)

§1103. Repeal of Conflicting Ordinances. All existing ordinances or parts of ordinances inconsistent herewith are hereby expressly repealed to the extent necessary to give this Chapter full force and effect. (Ordinance 293, January 22, 2007)

§1104. Effective Date. This Chapter shall become effective five (5) days after the date of its enactment and such advertisement thereof as required by law. (Ordinance 293, January 22, 2007)

§1105. Official Zoning Map. The Official Zoning Map, for purposes of district identification, shall be the Official Zoning Map adopted as part of this Chapter and posted in the Offices of the Township Secretary and Township Zoning Officer. Any reproductions, reductions or copies of said map shall be for information purposes only. (Ordinance 293, January 22, 2007)

Amendments to the Official Zoning Map shall be made by ordinance and a new Official Zoning Map prepared within thirty days of said amendment.

	East Buffalo Township Schedule of Uses		KEY: P - Permitted Use, SE: Special Exception Use, CU - Conditional Use								
		ZONING DISTRICTS									
	USES	**Woodland Preserv. (W-P)**	**Agricultural Preserv. (A-P)**	**Agricultural Residential (A-R)**	**Low Density Residential (R-1)**	**Medium Density Residential (R-2)**	**Residential Urban (R-U)**	**Bucknell University (B-U)**	**Highway Comm. (H-C)**	**General Comm. (G-C)**	**Industrial (I-1)**
A-C	Accessory Uses or Structures	P	P	P	P	P	P	P	P	P	P
	Adult Uses										CU
	Agricultural Operation		P	P				P			
	Agricultural Business/Agricultural Services	P	P	P							
	Agritourism		P	P							
	Animal Husbandry		P	P							
	Bed and Breakfast Establishment	P	P	P			P	P		P	
	Brewery		P	P						P	
	Business and Professional Offices					SE	P		P	P	P
	Car and Truck Sales (with Accessory Use Service Facilities)								P	P	
	Car Wash									P	
	Cemeteries			P							
	Churches			P	P	P	P			P	
	Clubs for Hiking, Climbing, Hunting, Fishing, etc.	P									
	Concentrated Animal Operation		P								
	Continuous Care Facility						P			P	P
D-F	Distillery		P	P						P	
	Domestic Livestock	P		P	P						
	Dwelling, Duplex					P	P	P			
	Dwelling, Multi-Family					P	P	P			
	Dwelling, Single Family Detached	P	P	P	P	P	P	P			
	Dwelling, Single Family Semi-Detached		P			P	P	P			
	Event Space/Venue		P	P							
	Farmettes	P	P	P							
	Financial Institutions								P	P	P
	Forestry	P	P	P	P	P	P	P	P	P	P
	Fraternity or Sorority Houses							P			
	Funeral Homes					P					

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		ZONING DISTRICTS									
	USES	Woodland Preserv. (W-P)	Agricultural Preserv. (A-P)	Agricultural Residential (A-R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Residential Urban (R-U)	Bucknell University (B-U)	Highway Comm. (H-C)	General Comm. (G-C)	Industrial (I-1)
G-L	Game Lands	P									
	Gasoline and/or Diesel Fuel Service Stations								P		
	General Industrial Uses										P
	Golf Course and Miniature Golf Course							P	P		
	Group Homes				P	P	P				
	Health Care Facilities						P		P	P	P
	Home Occupations	P	P	P	P	P	P				
	Horticulture				P						
	Hotels and Motels								P		
	Indoor Recreation	CU	CU	CU	CU	CU	P		P	P	P
	Keeping of Chickens				P						
	Kennels	P		P							
M-O	Medical Marijuana Grower/Processor and/or Dispensary										P
	Mining and Mineral Extraction	CU									
	Mixed Use Structures								P		
	Model Homes			P					P	P	
	Motorsports	CU									
	No Impact Home Based Business	P	P	P	P	P	P	P	P	P	
	Nursing/Convalescent Home						P			P	P
	Off-Street Parking/Loading Areas								P	P	P
	Open Space Subdivision				P						
	Outdoor Recreation	P		P	P		P	P			
P-Q	Parochial School		P	P							
	Personal Care Facility				P	P	P			P	P
	Personal Storage Warehouse								P	P	P
	Planned Residential Developments						P				
	Plant Nurseries and Tree Farms	P									
	Principal Solar Energy System		P	P				P			P

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		ZONING DISTRICTS									
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	Private Garage or Parking Area	P		P	P	P		P			
	Private and Public Schools				P	P	P				
	Private Recreation Areas						P				
	Public Libraries					P					
	Public Parks and Playgrounds						P				
	Public or Quasi-Public Uses					P		P		P	
	Public School Affiliated Programs									P	
	Public Uses						P		P		P
R-S	Residential Conversions					CU					
	Restaurants								P	P	P
	Retail Stores								P	P	
	Retail Uses										P
	Riding Stables	P	P	P							
	Seasonal Roadside Stands		P	P							
	Service Facilities for Car and Truck Sales								P	P	
	Sewage Treatment Facilities						P				
	Shopping Centers or Malls								P		
	Signs	P	P	P	P	P	P	P	P	P	P
	Small Cell Wireless Facility		P	P	P	P	P	P	P	P	P
	Sportsman's Clubs	CU									
T-Z	Unenclosed Storage										P
	University Buildings for Classroom, Laboratory, Administrative, Maintenance, Cultural or related uses							P			
	University Owned or Operated Student Housing							P			
	Veterinary Clinics			P						P	
	Warehousing Facility										P
	Waste Storage, Treatment, Processing and/or Disposal Facilities	CU									
	Wholesale Commercial Operations										P

	East Buffalo Township Schedule of Uses		KEY: P - Permitted Use, SE: Special Exception Use, CU - Conditional Use								
		ZONING DISTRICTS									
	USES	**Woodland Preserv. (W-P)**	**Agricultural Preserv. (A-P)**	**Agricultural Residential (A-R)**	**Low Density Residential (R-1)**	**Medium Density Residential (R-2)**	**Residential Urban (R-U)**	**Bucknell University (B-U)**	**Highway Comm. (H-C)**	**General Comm. (G-C)**	**Industrial (I-1)**
	Wholesale Operations								P		P
	Wildlife Preserve	P									
	Winery		P	P						P	
	Wireless Telecommunications	P	P	P				P			P