

ONEIDA TOWNSHIP
ZONING ORDINANCE

JUNE 2, 1999

Oneida Township Supervisors

**ONEIDA TOWNSHIP
ZONING ORDINANCE**

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Zoning Ordinance Oneida Township

June 2, 1999

Ordinance No.99-1

AN ORDINANCE DIVIDING THE TOWNSHIP INTO VARIOUS ZONING DISTRICTS AND REGULATING THE CONSTRUCTION, ALTERATION AND USE OF BUILDING OR LAND WITHIN EACH SUCH DISTRICT.

BE IT HEREBY ORDAINED by the Board of Township Supervisors of the Township of Oneida, Huntingdon County, Pennsylvania:

ARTICLE 1 GENERAL PROVISIONS

101 TITLE: The official title of this Ordinance is "Oneida Township Zoning Ordinance".

102 EFFECTIVE DATE: This Ordinance shall take effect

103 PURPOSE AND AUTHORITY: This Ordinance is adopted by virtue of the authority vested in the Township and set forth in the Pennsylvania Municipalities Planning Code, Act 247 (1968) as amended, for the purpose of protecting the public health, safety, morals, and general warfare.

104 COMMUNITY DEVELOPMENT OBJECTIVES: This Ordinance and zoning map are intended to promote, protect, and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds, and other public requirements, as well as preventing 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. More specifically, these broad purposes are designed to clearly achieve the objectives of the Oneida Township Comprehensive Plan which has been incorporated as part of the Huntingdon County Comprehensive Plan, as amended. The specific objectives upon which the Comprehensive Plan and this Ordinance have been based include the following:

104.1 To support and encourage order and beauty in the development of Oneida Township's environment for the convenience and pleasure of present citizens and future residents through sound land development practices and the provision of adequate public utilities and facilities.

104.2 To encourage future land development to complement a logical, harmonious and efficient pattern of future Township growth.

104.3 To encourage future residential use to occur in a harmonious arrangement within cohesive neighborhood units.

104.4 To preserve strategic properties suitable for industrial development for the establishment of suitable diversified industry throughout the Township.

104.5 To guide commercial development in such a way as to minimize adverse influence on adjacent roads or land values; to maintain and protect existing commercial uses; and to encourage new commercial facilities to locate in functionally designed centers with safe and adequate roadway access.

104.6 To protect property values to insure a suitable, attractive, and efficient community environment.

104.7 To encourage development of integrated and cohesive urban areas and to foster growth in those areas best suited and situated for such urban uses.

104.8 To encourage developers to incorporate adequate public facilities and open spaces in neighborhood design.

105 COMPLIANCE: No structure shall be located, erected, constructed, reconstructed, moved, altered, externally converted, or enlarged, no structure or land shall be used, and no land shall be developed or be designed to be used except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

106 SEVERABILITY: If any provision of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

107 REPEAL: This Ordinance supersedes any other conflicting ordinance or resolution provisions which may be in effect at the time of the enactment of this Ordinance. However, any other ordinance or resolution 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 the ordinances of the Township, the more restrictive shall apply.

108 ADOPTION: This Ordinance is hereby enacted and adopted by the Board of Supervisors of Oneida Township, Huntingdon County, Pennsylvania, this 2nd day of June, 1999.

BOARD OF SUPERVISORS
ONEIDA TOWNSHIP
HUNTINGDON COUNTY, PENNSYLVANIA

By: John A. Skipper
Chairman

By: Steph R. McGill
Vice-Chairman

By: Susan A. Anyand
Supervisor

ARTICLE 2
DEFINITIONS

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", arranged or designed to be used or occupied".

Agriculture: Any agriculture use, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry raising and care, and forestry (including the harvesting of lumber).

Agriculture (Intensive): Any agricultural use with a concentration on contiguous lands owned by the same owner or owners of over 20,000 chickens, 5,000 turkeys, 500 hogs or 200 head of cattle (or other animals weighing over 300 pounds); or an Animal Equivalent Unit (AEU) per acre of one or more.

Alley: A narrow service-way providing a secondary public means of access to abutting properties.

Animal Equivalent Unit: A unit of measure to compare various animal types. One animal equivalent unit represents 1,000 pounds of animals as further defined by the Pennsylvania Nutrient Management Act.

Basement: A story having more than 50 percent of its clear height below the average level of the surrounding ground.

Bed and Breakfast Inn (also known as Boarding or Rooming House): Single-family residences, or portions thereof, containing not more than five (5) guest rooms which are used by not more than ten (10) overnight guests where rent is paid in money, goods, labor or otherwise.

Block: A block is the length on one side of a street between two street intersections.

Board: the Zoning Hearing Board of the Township of Oneida, Huntingdon County, Pennsylvania.

Boarding Home for Sheltered Care: A profit or non-profit boarding home, rest home, or other home for the sheltered care of adult persons which, in addition to providing food and shelter for from five to fifteen persons unrelated to the proprietor, also provides any personal care or service beyond food, shelter, and laundry.

Buffer Zone: An area which acts as a buffer between two different land uses.

Buffer, Riparian: A forested area along a stream which provides streambank stabilization, stream temperature control, wildlife habitat and nutrient removal.

Building: A roofed structure for the shelter, housing or enclosure of persons, equipment, goods, material, or animals.

Building or Set-Back Line: Imaginary line parallel to or concentric with the nearest lot line. No portion of any structure may extend nearer the lot line than the required yard.

Business Service: Any business activity which renders service to other commercial or industrial enterprises.

Camp: Simple building for temporary lodging of sportsmen, fishermen, campers, hunters, or families for temporary occupancy; does not include vacation cottages or other dwellings designed for family living quarters.

Campground: A lot or tract of ground where persons may live temporarily, not exceeding four (4) consecutive weeks, in buildings, dormitories, recreational vehicles, tents, trailers, motor homes, or other temporary structures, and/or vehicles used for camping not customarily owned by the campground owner.

Cartway: That portion of a road which is paved, graded or improved for travel by vehicles.

Church: A place of public worship or religious instruction.

Clinic: Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

Club: An establishment operated by an organization for social, recreational, educational, and fraternal purposes, but open only to members and their guests and not to the general public.

Cluster Development: A development approach in which single family building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is then preserved as open space and recreational land.

Commission (or Planning Commission): The Oneida Township Planning Commission of Huntingdon County, Pennsylvania.

Community Residential Facility: A facility providing residential and rehabilitative services to persons with developmental disabilities that is licensed by the Commonwealth of Pennsylvania.

Community Sewage System: Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

Conditional Use: A use which is subject to the conditional approval by the Board of Township Supervisors under the terms, procedures and conditions prescribed herein after review and recommendation by the Township Planning Commission as specified by this Ordinance.

County: The County of Huntingdon, Pennsylvania.

Cottage (Vacation): See definition of "dwelling".

Density: The number of families housed on a lot or group of lots divided by the area in acres of the lot or group of lots computed exclusive of any portion of the right-of-way of any road.

Development: Any man-made change to improved or unimproved real-estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets or other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

Developmental Disability: Means a disability of a person which: (a) (1) is attributable to mental retardation, cerebral palsy, epilepsy, autism; (2) is attributable to any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment or services similar to those required for such persons; or (3) is attributable to dyslexia resulting from a disability described in clause (1) or (2) of this paragraph; and (b) has continued or can be expected to continue indefinitely.

Dwelling: Any building (including cottages) designed or used as a permanent or temporary living quarters for one or more families.

Dwelling, Single Family: A detached building on a permanent foundation arranged or used for occupancy by one family, including a mobile home or manufactured home.

Dwelling, Two-Family: A detached or semi-detached building, used as a residence for two families living independently of each other, separated by vertical walls or horizontal floors.

Dwelling, Multi-Family: A building designed, arranged or used as a residence for three or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; including apartment houses.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health and safety or general welfare, but not including buildings.

Extractive Industries: Those industries involved in the removal and/or processing of minerals, materials, and other natural resources extracted from the earth. Examples of those industries including mining, quarrying, oil/gas drilling, shale pits, etc.

Family:

(1) One or more persons related by blood, marriage, or adoption, plus domestic servants, occupying a dwelling unit, including not more than five boarders, roomers, or lodgers; or

(2) Five or less unrelated persons occupying a dwelling unit, living together and maintaining a common household.

Floodplain: A relatively flat or low land area adjoining a river, stream, or water course which is subject to partial or complete inundation once in every one hundred years.

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

Floodway: That portion of the floodplain required to carry and discharge the waters of the one hundred (100) year flood without increasing the water surface elevation at any point by more than one (1) foot above existing conditions.

Floor Area: For the purposes of applying the requirement for off-street parking and loading, "floor area" is the sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces or exterior walls or from the center line of common walls separating two (2) buildings. Floor area, for the purposes of these regulations, shall not include basement, garage, elevator and stairways, storage areas, attic space, terraces, breezeways, open porches, and uncovered steps.

Garage, Repair (See also Service Station): Premises where motor vehicles are serviced and repaired, including engine overhaul and body work.

Golf Course: Land for playing the sport of golf, consisting of a minimum of nine holes, but excluding miniature golf, par-three golf, pitch and putt, driving ranges and similar golf-associated activities except as accessory uses on the golf course.

Group Home: A community residential facility housing and providing rehabilitative services to five or fewer persons, not including staff, and functioning as a single household under staff supervision.

Habitable Floor Area: This area shall be calculated to include only the living room, dining room, kitchen, one bedroom and one bathroom. Closets, bedrooms in excess of one, utility rooms, basements, attics, hallways, stairways and unheated areas shall be floor area in excess of the habitable floor area.

Home Occupation: Any business or commercial activity carried out for financial gain from a property zoned for residential use.

Home Occupation, Minor: A home occupation in which no more persons other than members of the family residing on the premises are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create need for off-street parking beyond normal dwelling needs, which does not generate additional traffic, and in which no equipment is used other than that normally used in household, domestic, or general office use.

Home Occupation, Major: A home occupation in which not more than two (2) persons other than members of the family residing on the premises are employed on the premises, which has not more than one unilluminated sign as exterior evidence of conduct of the occupation, and which accommodates both dwelling and home occupation parking needs off the street.

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

Junk Yard: Land or structure used for the collecting, storage, processing and/or sale of scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, waste paper, glass, rags, containers, and other discarded materials. Under this Ordinance two or more scrapped, abandoned, or junked motor vehicles shall constitute a junk yard. Refuse or garbage kept in a proper container for prompt disposal shall not be regarded as a junk yard.

Juvenile or Adult Correction and Treatment Facilities: Facilities designed for incarceration for criminal offenses, rehabilitation and/or treatment of delinquency, alcoholism and drug addiction whether privately or publicly owned.

Land Development: Any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

(i) a group of two or more residential or nonresidential buildings, whether proposed or initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure: or

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

(2) A subdivision of land.

(3) Development in accordance with Section 503, 1.1 of the Municipalities Planning Code.

Loading Space: A portion of a lot usable for the standing, loading or unloading of motor vehicles, and having a minimum dimension of twelve (12) feet by sixty (60) feet with a vertical clearance of fourteen (14) feet.

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

Lot, Corner: A lot at the junction of and fronting on two or more intersecting street rights-of-way.

Lot Coverage: That percentage of the lot area covered by principal and accessory use structures.

Lot, Depth of: A mean horizontal distance between the front and rear lot lines.

Lot, Flag: A lot with less frontage on a street than is normally required. Access to the lot is by a narrow strip of land.

Lot, Minimum Area of: The calculated area of a lot exclusive of any portion of a public or private street right-of-way.

Lot, Minimum Frontage: The least allowable width of a lot at the street right-of-way line (typically applied in the case of cul-de-sacs and flag lots).

Lot, Width of: The horizontal distance between side lot lines measured at the minimum prescribed front yard setback line as set forth in this Ordinance, except that in the case of flag lots the front yard setback shall be measured from the point at which the lot widens into a building site.

Lot of Record: Any lot which, individually or as part of a subdivision, has been recorded in the office of the Recorder of Deeds of Huntingdon County as of the date of enactment of this Ordinance.

Manufacturing, Light: The processing or fabrication of certain materials and products which does not produce noise, vibration, air and water pollution, fire hazards or other disturbances or danger to neighboring properties.

Manufacturing, Small Scale: Light manufacturing which does not employ more than six (6) persons and in a structure of not more than 3,000 square feet. Such manufacturing shall meet the performance standards of this ordinance and shall be operated only between the hours of 6 am and 6 PM.

Manufactured Home: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24 CFR 3280 for legal definition). This dwelling unit shall have a minimum floor area of 320 square feet. The use of the term mobilehome in this ordinance shall include manufactured home.

Mobilehome: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. In many cases, mobile homes were built to a voluntary industry standard of the American National Standards Institute (ANSI) - A119.1 Standards for Mobile Homes. This dwelling unit shall have a minimum floor area of 320 square feet.

Mobilehome or Manufactured Housing Lot: A parcel of land in a mobilehome or manufactured housing park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome or manufactured home, which is leased by the park owner to the occupants of the mobilehome or manufactured home erected on the lot.

Mobilehome or Manufactured Housing Park: A parcel or contiguous parcels of land under single ownership which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes (or manufactured housing units).

Modular Home: Factory-built housing certified as meeting the State Building code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

Municipal Buildings: Buildings used for the general conduct of government including legislative, judicial, administrative, and regulatory activities. A municipal use shall include a township hall or city hall or similar structure but shall not include private office space rented or leased to a governmental entity.

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

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

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

One Hundred (100) Year Flood: A flood that has one (1) chance in one hundred (100) or a one (1%) percent chance of being equaled or exceeded in any given year.

Personal Services: Any enterprise which primarily offers services to the general public, such as: shoe repair, valet service, watch repairing, barber shops, beauty parlors and related activities.

Permitted Use: Any use of land and/or structure(s) in a district which is in conformity with the provisions of this Ordinance and does not require special action by the Zoning Hearing Board, Planning Commission, or Supervisors before a Zoning Permit is granted by the Zoning Officer.

Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

Planning Code: The Pennsylvania Municipalities Planning Code, Act #247 of 1968, as the same may be amended from time to time.

Professional Offices: The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, engineers, and similar occupations.

Recreational Facilities, Commercial: Those recreation facilities operated as a private business and open to the general public for a fee.

Recreational Facilities, Private: Group recreation facilities other than commercial or public recreation uses, not operated for profit and open only to its members.

Recreational Facilities, Public: Those recreation facilities operated by a governmental unit, or non-profit organization available to residents of the community (generally without fee). Typically these facilities include public parks, playgrounds, gamecourts, and swimming pools, but excluding racetrack, motorcross track, and trap shooting ranges.

Recreation Vehicle: A vehicle of any size which is designed as a temporary dwelling for travel, recreational and vacation uses, and which is self-propelled or is designed to be towed or carried by another vehicle (including campers, pickup coaches, travel trailers, motor homes).

Recreational Vehicle Park: See Campground

Recycling Center: A facility that separates, classifies, processes, stores, and ships source separated municipal waste materials and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling center" shall not include drop-off sites for recycling, automobile wrecking, junk yards, transfer stations, landfills, composting facilities, or resource recovery facilities.

Road: The entire right-of-way of a public or private street or highway.

School: A non-residential public or private educational institution offering a primary, secondary and/or post secondary curriculum approved by the Pennsylvania Department of Education.

Screening: Screening relative to this Ordinance shall mean a fence, evergreen hedge or wall at least six (6) feet high provided in such a way that it will block a line of sight. The screening may consist either of one or several rows or bushes or trees or of a constructed fence or wall.

Service Station: A retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists' needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performing of minor automotive maintenance and repair; and the supplying of other incidental customer services and products.

Shopping Center:

A group of 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

a. Neighborhood Shopping Center: A planned development of retail, personal service and office uses offering goods necessary to meet daily needs and drawing its clientele from a five-mile radius.

b. Regional Shopping Center: A shopping center containing a wide range of retail and service establishments, having one or more anchor stores and draws its clientele from a forty-five mile driving radius.

Sign: Any structure or device to attract attention or convey information by word or graphic display.

Sign, Temporary or Portable: Any sign that can be moved from place to place or that is not permanently affixed to the ground or to a building. Such signs may or not have wheels, may be designed to be carried on a trailer, or may be mounted on a vehicle for advertising purposes.

Solid Waste Processing and Disposal Facilities: Those facilities necessary for the processing, transfer, or disposal of non-hazardous solid waste (as regulated by PA Act 97). Such facilities may include but are not limited to transfer stations, incinerators, and landfills.

Special Exception: A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

Specialized Animal Raising and Care: The use of land and structure for the raising and care of fur-bearing animals, the stabling and care of horses, animal kennels, bird-raising or similar operations. Specialized animal raising and care shall be considered an agricultural use.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

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

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or 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.

Supervisors: The Board of Township Supervisors, Oneida Township, Huntingdon County, Pennsylvania.

Truck Stop: A facility designed to provide for service and repair of trucks and associated motorized equipment and which may incidentally provide for eating and lodging facilities.

Truck Terminal: A facility to accommodate the service, repair and storage of trucks and other motorized equipment, and which may incidentally provide warehousing activities.

Use: Any purpose for which buildings, structures or land may be arranged, designed, intended, maintained or occupied or any occupation, activity or operation carried on in or upon a building or any other structure or in or upon land.

Use (Accessory): A use customarily incidental and subordinate to principal use or building and located on the same lot with such principal use or building.

Use (Principal): The main or primary use of property, buildings, or structures. Only one (1) permitted, conditional or special exception use shall be permitted as a principal use on an individual lot.

Use (Temporary): A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period. Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. A temporary use may be those which are allowed by the district but do not meet the standards of that district (e.g. Christmas tree sales in a commercial zone) or temporary activities which if permanent would not be allowed by the district (e.g. church festival in residential zone).

Utility (Private or Public): (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage, solid waste collection and disposal, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

Variance: Relief from the strict letter of the Zoning Ordinance granted pursuant to the provisions of Articles VI and IX of the Municipalities Planning Code.

Yard: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted by this Ordinance. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line or road right-of-way line and the nearest point of the structure.

Yard, Front: An open space extending the full width of the lot between the structure and the road right-of-way line.

Yard, Rear: An open space extending the full width of the lot between the structure and the rear lot line.

Yard, Side: An open space extending from the front yard to the rear yard between a structure and the nearest side lot line.

Zoning Certificate: The written authorization issued by the Zoning Officer, for the use of land, or building, or other structures.

Zoning Map: The map containing the zoning district of Oneida Township, Huntingdon County, Pennsylvania, together with all amendments subsequently adopted.

Zoning Officer: The Zoning Officer or his authorized representative, appointed by the Board of Oneida Township Supervisors, Huntingdon County, Pennsylvania.

ARTICLE 3
DISTRICT REGULATIONS

301 ZONING MAP: A map entitled "Oneida Township Zoning Map" is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file available for examination at the Township Office or residence of the Township Secretary.

302 ZONING DISTRICTS: The Township is divided into the following districts stated in this Ordinance as shown by the district boundaries on the Zoning Map:

F	Floodplain
OS	Open Space
A-1	Conservation
R-S	Suburban Residential
R-U	Urban Residential
V	Village
B-1	Limited Business
B-2	General Business
I	Industrial

303 DISTRICT BOUNDARIES: The boundaries between districts are center-lines of streets, alleys, railroad rights-of-way, streams, or such lines extended, or lines parallel thereto or concentric therewith, or property lines when proximate thereto, or may be lines otherwise indicated on the Zoning Map. Any person aggrieved by the interpretation of the Zoning Map by the Zoning Officer concerning the location of the district boundary may appeal to the Zoning Hearing Board, and the Zoning Hearing Board shall determine the location of the district boundary.

304 DISTRICT REGULATIONS: Lot and yard dimensions, permitted uses, conditional uses and special exceptions, maximum height of structures and maximum lot coverage are specified for each district in Tables 304(A) and 304(B). Any use not expressly listed for a district is prohibited in that district. Conditional uses require approval of the Board of Supervisors after recommendation by the Planning Commission, whereas permitted uses require only normal application procedure. Uses which are normally accessory to the declared permitted uses are also permitted. Special exceptions require the approval of the Zoning Hearing Board.

304.1 District Purpose

- F Floodplain District
It is the purpose of this district to protect the public health and safety by limiting development within the area of the one-hundred year flood to such uses which require few structures or buildings, have a low potential for flood damages, and to uses which will not endanger persons or property down stream.

OS Open Space District
This district is established to encourage the preservation of rural character, and open space while allowing the development of livable housing environments. This is accomplished through both permanent dedication of open space and a planned reduction of individual lot area requirements. The overall density remains similar to that found in a traditional development.

A-1 Conservation District
The purpose of this district is to permit, protect, and encourage the continued use of the land therein for agriculture, forestry, extractive uses, recreation, camps and cottages and similar low density uses, to permit limited residential development that results in an enhanced living environment through the preservation of open space and to prevent the development of environmentally sensitive areas such as floodplains and steep slopes.

R-S Suburban Residential District
This district is established to accommodate single-family residential dwellings in areas that are or may reasonably be expected to be provided with community sewer and water facilities. The stipulated density (approximately one dwelling unit per net acre) is intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools, and other community facilities.

R-U Urban Residential District
The purpose of this district is to encourage medium to high density residential development in areas generally adjacent to the built-up sections of the community or in areas of existing development of such density, and thereby providing a more orderly and efficient extension of public facilities. The development is to consist of single family, two family, and limited multi-family dwellings not exceeding a density of eight dwelling units per net acre, and only in areas served with community sewer and water facilities.

V Village District
The purpose of this district is to provide for the orderly and continued development of a mixed use area consisting of commercial, residential, institutional, and public uses; to provide for the public health and safety by excluding those uses which would not be compatible with the existing development; to provide for the public convenience and avoid undue congestion on the streets or roads or overcrowding on the land. This district can accommodate residential densities of up to eight dwelling units

per net acre and should be served by community water and/or sewer facilities.

B-1 Limited Business District

This district is established to provide an environment conducive to well located and designed office building sites to accommodate professional offices, non-profit organizations, and limited business service activities. It also provides a location for neighborhood-scale retail business and personal services located in planned neighborhood shopping centers.

B-2 General Business District

The purpose of this district is to provide for a variety of retail and service establishments and provide personal and professional services which serve a community-sized and larger trading area population. This district is also intended to accommodate retail trade establishments in the community which cannot be practically provided for in a Limited Business District. This district includes activities which because of their nature (such as their tendency to encourage traffic congestion and parking problems, storage problems, or certain other inherent dangers which create special problems) are best distinguished from other commercial activity.

I Industrial District

This district is established to provide for and accommodate industrial uses free from the encroachment of residential, retail, and institutional uses. Uses allowed, such as light manufacturing, offices, research facilities, processing, wholesaling, distribution, and other manufacturing meeting strict performance standards, are those which (because of their normally unobjectionable characteristics) can normally be in relatively close proximity to residential uses and districts.

TABLE 304(A)
PERMITTED USES, CONDITIONAL USES, SPECIAL EXCEPTIONS

<u>F FLOODPLAIN</u> (see also Sections 305 to 315)	<u>A-1 CONSERVATION</u>	<u>R-S SUBURBAN RESIDENTIAL</u>
Permitted Uses	Permitted Uses	Permitted Uses
Agriculture (except for buildings)	Agriculture	Agriculture
Open Space Development	Single-Family Detached Dwellings	Single-Family Detached Dwellings
Outdoor Recreation	Open Space Development	Open Space Development
Yards	Group Home	Group Home
Conditional Uses	Public Recreation	Churches
Accessory Uses	Churches	Public Recreation
Any required yard area when consistent with the intent of this District	Clubs	Libraries
Drainage improvements such as dams, walls, pipes, ditches, culverts and bridges when consistent with the intent of this District	Hunting Preserves and Game Lands	Golf Courses
Parking Areas	Golf Courses	Minor Home Occupations
Signs	Cemetery	Signs
Extractive Industries	Camps and Cottages	Accessory Uses
Temporary Uses	Stables and Riding Academies	Conditional Uses
	Nurseries and Greenhouses	Schools
	Minor Home Occupations	Cemeteries
	Signs	Hospitals and Clinics for Humans
	Accessory Uses	Fire Stations
	Conditional Uses	Private Recreation
	Airports	Clubs
	Skeet, rifle or shooting range	Planned Residential Development
	Fire Stations	Special Exceptions
	Schools	Major Home Occupations
	Commercial Recreation	Bed and Breakfast
	Intensive Agriculture	Temporary Uses
	Private Recreation	
	Campgrounds	
	Juvenile or Adult Correction and Treatment Facilities	
	Solid Waste Facilities	
	Radio or TV Transmission Relay Stations	
	Permanent Sawmills	
	Extractive Industries	
	Junk Yards	
	Small Scale Manufacturing	
	Special Exceptions	
	Major Home Occupations	
	Community Residential Facility	
	Bed and Breakfast	
	Temporary Uses	

R-U URBAN RESIDENTIAL

Permitted Uses

Single-Family Detached
Dwellings
Two-Family Dwellings
Group Home
Churches
Public Recreation
Libraries
Minor Home Occupations
Signs
Accessory Uses

Conditional Uses

Schools
Multi-Family Dwellings
Mobile Home Parks
Hospitals and Clinics for
Humans
Colleges
Nursing Homes
Nursery Schools
Fire Stations
Private Recreation
Clubs
Planned Residential
Development

Special Exceptions

Major Home Occupations
Community Residential Facility
Bed and Breakfast
Temporary Uses

V VILLAGE DISTRICT

Permitted Uses

Single-Family Detached
Dwellings
Two-Family Dwellings
Multi-Family Dwellings
Open Space Development
Group Home
Schools
Churches
Public Recreation
Municipal Building
Minor Home Occupations
Signs
Accessory Uses

Conditional Uses

Retail Business
Personal and Professional
Services
Offices
Financial Institutions
Funeral Homes
Radio and Television
Studios
Small Scale Manufacturing
Automotive Service
Stations
Motels or Hotels
Private Recreation
Clubs
Commercial Recreation
Eating and Drinking
Establishments (in-
cluding drive-in type)
Mobile Home Parks

Special Exception

Agriculture
Community Residential Facility
Major Home Occupations
Bed and Breakfast
Temporary Uses

B-1 LIMITED BUSINESS

Permitted Uses

Offices
Financial Institutions
Personal and Professional
Services
Schools
Clubs
Funeral Homes
Signs
Accessory Uses

Conditional Uses

Neighborhood Shopping Center
Multi-Family Dwelling
Private Recreation
Churches
Animal Clinics
Hospital and Clinics for
Humans
Special Exception
Agriculture
Temporary Uses

B-2 GENERAL BUSINESS

Permitted Uses

Permitted Uses from the B-1 District

Eating and Drinking Establishments (including drive-in type)

Motels

Auto Sales, Services and Repair

Truck Stop

Commercial Recreation

Trailer Sales and Display

Fire Stations

Animal Clinics

Hospital and Clinics for Humans

Offices

Retail Stores

Personal and Professional Services

Signs

Accessory Uses

Conditional Uses

Multi-Family Dwelling

Neighborhood Shopping Center

Regional Shopping Center

Mobilehome Parks

Storage and Warehousing

Recycling Center

Juvenile or Adult Correction and Treatment Facilities

Special Exception

Agriculture

Temporary Uses

I INDUSTRIAL

Permitted Uses

Offices

Research and Testing

Laboratories

Light Manufacturing

(as defined by Article

2) including production

of the following goods:

home appliances,

electrical instruments,

office machines, jewelry,

optical goods, musical

instruments, novelties, wood

products, printed material,

lithographic plates, type

composition, machine tools,

dies and gauges, ceramics,

apparel, lightweight non-

ferrous metal castings, light

sheet metal products, plastic

goods, pharmaceutical goods,

food products: but not in-

cluding animal slaughtering,

curing or rendering of fats.

Conditional Uses

Manufacturing Meeting

Performance Standards

of Section 407

Solid Waste Facility

Recycling Center

Airports

Truck Terminals

Bulk Fuel Storage

Sawmills and Lumber Storage

Mineral Excavation

Storage and Warehousing

Wholesale Business

Special Exception

Agriculture

Temporary Uses

LOT, YARD, AND HEIGHT REQUIREMENTS
TABLE 304 (B)

Zoning District	Min. Area (Sq. Ft. Or Acres)	Min. Lot Width (Ft.)*	Min. Front Yard (Ft.)	Min. Side Yard (Ft.)	Min. Rear Yard (Ft.)	Max. Structure Height (Ft.)	Max. Lot Coverage (%)
F Floodplain All uses	NA	NA	NA	NA	NA	NA	5
A-1 Conservation All uses	2 Acres	200	50	30	50	35	10
R-S Suburban Residential All uses <u>not</u> served by public or community sewers	1 Acre	150	50	25	50	35	10
R-U Urban Residential All uses (except two-or multiple-family dwellings) served by public or community sewers	12,000 sq. ft.	85	35	10	40	35	35
Two- and multiple-family dwellings served by public or community sewer systems	10,000 sq. ft. +3,000 sq. ft. Per family	125	35	25	50	35	50
V Village All uses <u>not</u> served by public or community sewers	20,000 sq. ft.	100	25	10	50	35	25
All uses (except two- or multiple-family dwellings) served by public or community sewers	12,000 sq. ft.	85	25	5	40	35	45
Two-family and multiple-family dwellings (must be served by public or community sewers)	10,000 sq. ft. +3,000 sq. ft. Per family	125	25	15	50	35	50

Table continued on next page

Zoning District	Min. Area (Sq. Ft. Or Acres)	Min. Lot Width (ft.)*	Min. Front Yard (ft.)	Min. Side Yard (ft.)	Min. Rear Yard (ft.)	Max. Structure Height (ft.)	Max. Lot Coverage (%)
B-1 Limited Business All uses served by public or community sewers	7,500 sq. ft.	75	20	10	20	30	50
All uses <u>not</u> served by public or community sewers	20,000 sq. ft.	100	35	20	40	30	50
Multi-family (must be served by public or community sewers)	10,000 sq. ft. +3,000 sq. ft. Per family	125	25	15	50	35	50
B-2 General Business All uses (except multi-family whether or not served by public or community sewers)	20,000 sq. ft.	100	35	20	40	30	40
Multi-family (must be served by public or community sewers)	10,000 sq. ft. +3,000 sq. ft. Per family	125	25	15	50	35	50
I Industrial All uses	2 Acres	250	50	20	30	35	30

*All uses shall have minimum lot width at a street right-of-way of 20 feet.

See Section 403

305 FLOODPLAIN DISTRICT

Purpose and Intent: In the interest of public health, safety and welfare the establishment of floodplain conservation controls have been adopted for the following purposes:

- 305.1 To combine with other zoning requirements certain restrictions made necessary for the floodplains to promote the general health, welfare and safety of the community.
- 305.2 To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazard.
- 305.3 To minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage.
- 305.4 To reduce the financial burdens imposed on the community, its governmental units and its individuals by frequent and periodic floods and overflow of lands.
- 305.5 To permit certain uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow of flood waters or otherwise cause danger to life and property at or above or below their locations along the floodway.
- 305.6 To permit only those uses in the floodplain compatible with the preservation of natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by (a) withholding rapid water runoff contributing to downstream flooding and (b) providing area for ground water absorption for maintenance of the subsurface water supply.
- 305.7 To provide sufficient drainage courses to carry abnormal flows of storm water in periods of heavy precipitation.

306 DEFINITION OF DISTRICT: The Floodplain District is defined and established as those areas of the Township subject to flooding as defined in Subsection 1 and 2 of this Section. The most extensive of these areas described in the following sources shall determine the outermost boundary of the Floodplain District.

306.1 Those areas subject to inundation by the waters of the one hundred (100) year flood as delineated in the Flood Insurance Rate Map (FIRM) for the Township of Oneida, Huntingdon County, Pennsylvania as prepared by the Federal Insurance Administration, dated September 10, 1984 or any subsequent revisions thereto. Said floodplains shall consist of three (3) subdistricts as follows:

306.1 (a) Floodway: That portion of the Floodplain District required to carry and discharge the waters of the one hundred (100) year flood without increasing the water surface elevation at any point by more than one (1) foot above existing conditions, and in areas where detailed study data and profiles are available.

306.1 (b) Floodway Fringe: That portion of the Floodplain District subject to inundation by the one hundred (100) year flood lying beyond the floodway in areas where detailed study data and profiles are available.

306.1 (c) Approximated Floodplain: That portion of the Floodplain District subject to inundation by the one hundred (100) year flood where a detailed study and profiles have not been performed, but where a hundred (100) year floodplain boundary has been approximated.

306.2 Those areas delineated as alluvial soils by the Soil Conservation Service, United States Department of Agriculture in the Soil Survey for Huntingdon County, Pennsylvania, issued November, 1978.

306.3 In those areas delineated as approximated floodplain or as alluvial soil, the one hundred (100) year flood elevation shall be determined by using other existing sources of data such as that provided by the US Army Corps or Engineers, the US Geological Survey or the Susquehanna River Basin Commission, etc. In lieu of this, the Zoning Officer may require the applicant to determine the one hundred (100) year flood elevation through a hydrologic and hydraulic study. Such study shall be signed, sealed and certified by a license professional engineer registered by the Commonwealth of Pennsylvania. Copies of such study shall be submitted to the Township Engineer for review.

306.4 Studies used to establish the Floodplain District boundaries shall be available for reference in the Township Office.

306.5 Any changes to the boundaries of the Floodplain District as defined by the Flood Insurance Study are subject to the review and approval of the Federal Insurance Administrator.

307 BOUNDARY DISPUTES: Should a dispute arise concerning any boundary of the floodplain District, the initial determination of the Zoning Officer may be appealed to the Township Supervisors. The burden of proof in such an appeal shall be on the property owner.

308 OVERLAY CONCEPT The Floodplain District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

308.1 Should the Floodplain District be declared inapplicable to any tract by reason of (1) the Township Board of Supervisors in amending this Ordinance, or (2) the Zoning Hearing Board, or (3) any court of competent jurisdiction in interpreting the same, the zoning applicable to such tract shall be deemed to be in the district in which it is located.

308.2 Should the zoning of any tract or part thereof in which the Floodplain District is located be changed through any legislative or administrative actions or judicial decision, such changes shall have no effect on the Floodplain District unless such change was included as a part of the original application.

309 PERMITTED USES: See Section 304, Table 304 (A).

310 SPECIAL EXCEPTIONS OR CONDITIONAL USES: See Section 304, Table 304(A).

311 PROHIBITED USES: The following uses and activities are prohibited in the Floodplain District:

311.1 All structures and buildings except those specifically allowed by Sections 309 and 310.

311.2 The filling in of floodplain areas, grading, removal of topsoil or damming or relocation of any water course except as is necessary to accomplish the uses permitted by Sections 309 and 310.

311.3 Sanitary landfill or disposal sites, dump, junkyard, outdoor storage of vehicles and/or materials.

311.4 On-site sewage disposal system.

311.5 Swimming pools.

311.6 No structure or use specified as prohibited in a floodplain by Section 7.00 of the Oneida Township Building Permit Ordinance.

312 DESIGN AND PERFORMANCE STANDARDS

312.1 General:

312.1 (a) No permitted use or use allowed by special exception shall be permitted within the floodway if the proposed use or development would cause any increase in the one hundred (100) year flood elevation.

312.1 (b) Prior to any proposed alteration or relocation of any watercourse, a permit shall be obtained from the Pennsylvania Department of Environmental Resources, Bureau of Dam Safety, Obstructions and Storm Water Management, and notification of any such proposal shall be forwarded to the Federal Insurance Administration and to the Pennsylvania Department of Community Affairs.

312.2 Structural:

312.2 (a) All authorized new residential structures (limited to Section 313 structures) shall have the lowest floor (including basement) elevated to one (1) foot above the one hundred (100) year flood elevation.

312.2 (b) All authorized new non-residential structures (limited to Section 313 structures) shall have the lowest floor (including basement) elevated to one (1) foot above the one hundred (100) year flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to that level in accordance with the W-1 or W-2 standards as contained in the publication "Flood-Proofing Regulations, US Army Corps of Engineers, June 1972".

312.2 (c) All structures, including building, air ducts, large pipes and storage tanks shall be firmly anchored to prevent flotation, movement or collapse.

313 NON-CONFORMING USES AND STRUCTURES:

313.1 Continuation: All uses or structures lawfully existing in the Floodplain District on the effective date of this Article which are not in conformity with the provisions of this Article shall be deemed nonconforming uses or structures. Such nonconforming uses or structure may be continued, maintained, repaired and floodproofed, except as otherwise provided for in this Article.

313.2 Expansion: Nonconforming structures located within the floodway shall not be expanded or enlarged if any increase in the one hundred (100) year flood elevation would result

313.3 Replacement or Repair: A nonconforming structure may be replaced, repaired or reconstructed provided that if the repair or reconstruction is to an extent or amount of fifty (50%) percent or more of its fair market value, then the repair or reconstruction shall be in full compliance with the provisions of this Article.

314 FLOODPLAIN PERMIT AND APPLICATION PROCEDURES: Within the Floodplain District, a zoning permit shall be required for any proposed development, construction, reconstruction, placement, replacement, renovation, extension, repair or other improvement of uses or structures, including the placement of mobile homes, and activities such as mining, dredging, filling, grading, paving or drilling operations. Application for a zoning permit shall be filed with the Zoning Officer who shall make an initial determination on the application. For a use other than those permitted in Section 309, an application seeking approval of a special exception or variance shall be forwarded to the Zoning Hearing Board, along with required studies or information. Every zoning permit application for development or construction within the Floodplain District shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all the provisions of this Article. Included within this submission shall be

copies of all necessary State and Federal permits. The following information is specifically required:

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

314.2 Whether or not the structure includes a basement.

314.3 If the structure is to be floodproofed, the elevation (in relation to mean sea level) to which the structure is to be floodproofed.

314.4 If the structure is to be floodproofed, a document certified by a registered professional engineer or architect certifying that the floodproofing methods used meet the provisions of this Article.

315 MUNICIPAL LIABILITY: The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area shall not constitute a representation, guarantee or warranty of any kind by the Township of Oneida or by any official or employee thereof the practicability or safety of the proposed use and shall create no liability upon the Township of Oneida, its officials or employees.

350 OPEN SPACE DISTRICT

350.1 Objectives

The following objectives shall be considered in the review of any application for development in the Open Space District:

350.1 (a) To provide for more environmentally sensitive residential development by preserving the natural character of open fields, stands of trees, ponds, streams, hills, and similar natural features.

350.1 (b) To provide a more efficient and aesthetic use of developable land by allowing developers to reduce lot sizes while maintaining the residential density required in the underlying zoning district.

350.1 (c) To assure the permanent preservation of open space, rural lands, and natural resources.

350.1 (d) To allow a more flexible and cost-effective residential layout and street design.

350.1 (e) To minimize potential adverse impacts from new residential development on adjacent subdivisions and properties devoted to agricultural uses.

350.2 Area of Application

The following regulations shall apply to areas designated Open Space (OS) District, which includes the following districts: Floodplain (FP), Conservation (A1), Suburban Residential (RS), Village (V).

350.3 Overlay Concept

The Open Space District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

350.3 (a) Should the Open Space District be declared inapplicable to any tract by reason of (1) the Township Board of Supervisors in amending this Ordinance, or (2) the Zoning Hearing Board, or (3) any court of competent jurisdiction in interpreting the same, the zoning applicable to such tract shall be deemed to be in the district in which it is located.

350.3 (b) Should the zoning of any tract or part thereof in which the Open Space District is located be changed through any legislative or administrative actions or judicial decision, such changes shall have no effect on the Open Space District unless such change was included as a part of the original application.

350.4 Open Space Development

In the Open Space district, it shall be unlawful to subdivide a parcel of land of 15 acres or greater into parcels, any one of which is less than 15 acres, for residential use, except for development as open space residential development or as a minor subdivision as defined in the Oneida Township Subdivision and Land Development Ordinance.

350.5 Use And Lot Area Requirements

Uses permitted shall be those permitted in the underlying zoning district (see Section 350.3). Lot area requirements shall be either those permitted in the underlying zoning district or those set forth in this section.

350.6 Setbacks - Non Open Space

Each lot shall meet front, side and rear setback requirements not less than the depth or width as follows unless noted otherwise on the chart included in Section 304.

350.7 Building Height Limit

No building shall exceed three stories in height or thirty-five feet (35'), unless authorized as a special exception. This restriction shall not apply to barns and silos used for farming operations.

350.8 Lot Coverage

Not more than twenty percent (20%) of the lot area shall be occupied by buildings, and no more than forty percent (40%) shall be occupied by impervious surface, except for open space and development where no more than forty percent (40%) of lot area shall be

occupied by buildings, and no more than sixty percent (60%) shall be occupied by impervious surface.

350.9 Standards for Open Space Development

350.9 (a) General

350.9 (a) 1 Minimum Parcel Size - 15 Acres. Residential development of parcels of 15 acres or greater in size must be done pursuant to the standards of this Section.

350.9 (b) Design Standards

350.9 (b) 1 Density Requirements

The maximum number of dwelling units permitted using open space design shall be determined by using the following formula:

Maximum number of dwelling units = net tract area divided by 43,560 Sq.Ft.

The net tract area shall be calculated using the following formula (in square feet):

Total tract area minus

- existing roads
- 50% of environmentally sensitive areas (floodplains, wetlands, slopes > 15%)
- 10% of total tract area (for future roads and stormwater management facilities)

=

 Net Tract Area

350.9 (b) 2 Lot Area Requirements

- (a) Minimum lot area - 20,000 square feet (no community sewer),
10,000 square feet (with community sewer).
- (b) Minimum lot width - 100 feet at the lot frontage, and, if along the turnaround of a cul-de-sac, 80 feet at the lot frontage.
- (c) Minimum lot depth - 150 feet.

350.9 (b) 3 Setback Requirements

- (a) Minimum Front Setback - Thirty feet (30') except when along major and minor arterial type roadways as designated and set forth in the Oneida Township Comprehensive Plan, when such setback shall be fifty feet (50').
- (b) Minimum Side Setback - Fifteen feet (15'). There shall be two (2) side yards.
- (c) Minimum Rear Setback - Thirty feet (30'). There shall be a rear yard.

350.9 (b) 4 Location of Lots

To the greatest extent feasible, residential lots shall be laid out according to the following:

- (a) In the least visible areas, such as at the far end of a long field or along a hedgerow or stand of trees.
- (b) In locations least likely to block or interrupt scenic vistas or views, as seen from a public roadway.

350.9 (b) 5 Dwelling Placement

Dwelling placement to the greatest extent possible shall be planned to screen homes from off-site vantage points, away from environmentally-sensitive areas, existing agricultural uses, sites suitable for open space, and upwind from areas subject to land management practices that will cause dust, noise, smoke, odors, or similar problems. Strict geometric layout of lots shall be avoided to the greatest extent possible and the layout shall be designed to maximize open space access for each lot as required by Section 350.9.C.

350.9 (c) Open Space

350.9 (c) 1

- (a) Within an open space residential development, a minimum of forty-five percent (45%) of the parcel must remain in open space.
- (b) No more than eighty percent (80%) of the open space shall be comprised of wetlands, surface water bodies, floodplains, areas of slope > 15%, or detention basins.
- (c) The following areas shall not be calculated as open space:

- (1) Areas devoted to public or private streets or rights-of-way, or any land that has been or is to be conveyed to a public agency.
 - (2) Private yards or minimum required spacing between buildings.
- (d) A minimum of twenty percent (20%) of the open space must be shaped so as to be useable for active or passive recreation or agriculture.
 - (e) Areas set aside for open space shall have a minimum size of two (2) acres. Developers are encouraged to set aside large parcels of open space lands and should submit sketch plans of proposed open space development to the Oneida Township Planning Commission.
 - (f) Required open space must be in the form of large contiguous tracts, with corridors for walkways connecting larger tracts or parks adjacent to the open space parcel. There shall be no more than three (3) non-contiguous required open space areas, except when provided in addition to the minimum required open space.

350.9 (c) 2 In general, the required open space to be set aside shall attempt to preserve natural areas such as wetlands, streams, scenic views, woodlands, hedgerows, fencelines, and similar areas.

350.9 (c) 3 Access to Open Space.

All lots for dwelling units shall either abut directly on open space or shall be located within 500 feet of access to open space, if pedestrian access, such as sidewalks, is provided from such lots directly to the required open space. Accessibility shall meet the needs of handicapped and older citizens. Pedestrian access ways from the street to interior open space areas shall be no less than twenty (20) feet in width.

350.9 (c) 4 Ownership and Maintenance of Open Space

Common open space may be dedicated partially or entirely to public use. The Board of Supervisors may request the dedication of any common open space land for public use. However, the Board of Supervisors, at its sole discretion, shall also have the right to not accept any dedication of open space.

When common open space is not dedicated and accepted for public use, it shall be protected by legal arrangements, satisfactory to the Township, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall:

- (a) Oblige purchasers to participate in a homeowners association and to support maintenance of the open areas by paying to the association assessment sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.
- (b) Obligate such an association to maintain the open areas and private streets and utilities.
- (c) Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure or compliance.
- (d) Provide for agreement that, if the Township is required to perform any maintenance work pursuant to the item above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such cost has been paid; provided that the developer shall be responsible for the formation of the homeowners association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold. Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Board of Supervisors. Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recording in the Office of Recorder of Deeds, of a perpetual declaration regarding maintenance of facilities as prescribed hereinabove and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.
- (e) Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Board of Supervisors.
- (f) The Township will require that a landscape plan/maintenance plan for open space be submitted along with the preliminary plan. The landscape plan/maintenance

plan will be prepared and maintained by the developer until 51 percent of the lots have been developed, after which time the landscape plan/maintenance plan will be the responsibility of the homeowners association.

Such covenants or equivalent legal arrangements shall be submitted for preliminary review with the preliminary plan and shall be reviewed and approved by the Board of Supervisors prior to the granting of final plan approval.

350.9 (c) 5 Future Development of Open Space

Future development, subdivision, or sale of the required open space is prohibited.

350.9 (c) 6 Use of Open Space

- (a) Use of open space may include recreation equipment, pavilions, benches, paths and walkways, athletic fields, farming, passive agricultural activities, woodlands, game preserves, and similar uses.
- (b) Any structure or building accessory to recreation, conservation, or agriculture may be erected within the dedicated open space, subject to the approved open space plan. The accessory structures or buildings shall not exceed, in the aggregate, one (1) percent of the required open space area.
- (c) Residential accessory structures, such as sheds, garages, fences, etc., or any commercial use shall not be permitted in the open space area.

350.9 (d) Perimeter Greenbelts

A perimeter greenbelt shall be encouraged around any parcel of land developed with open space development in order to separate developments and to preserve views. However, in order to encourage flexibility and to preserve large blocks of non-linear open space, the extent and width of such greenbelt shall be determined after consultation with the Oneida Township Planning Commission. Developers submitting open space development plans are strongly encouraged to submit sketch plans and to consult with the Oneida Township Planning Commission and staff prior to formally submitting a preliminary plan. Items to be considered in determining the nature, extent, and width of any perimeter greenbelt shall include, but not be limited to, topography, adjoining land uses, and development potential of adjacent tracts. In no event, however, shall a perimeter greenbelt consist of more than thirty (30) percent of the required open space.

ARTICLE 4
SUPPLEMENTARY REGULATIONS

401 NON-CONFORMING USES: The following provisions shall apply to all non-conforming uses and structures

- 401.1 Any non-conforming use may be continued but may not be extended or expanded or changed unless to a conforming use, except as permitted by the Board in accordance with the provisions of this Ordinance.
- 401.2 Any non-conforming building may be reconstructed and used as before if such reconstruction is performed within twelve (12) months of discontinuance of use if restored building covers no greater area and contains no greater cubic content. If approved by the Board, a reconstructed structure may exceed its original lot coverage and cubic content but must meet minimum yard requirements of the district in which the structure is located and must meet off-street parking and loading requirements of this Ordinance. Non-conforming signs shall not be replaced.
- 401.3 In the event that any non-conforming use, conducted in a structure or otherwise, ceased, for whatever reason, for a period of one (1) year, such non-conforming use shall not be resumed and any future use shall not be resumed and any future use shall be in conformity with the provisions of this Ordinance.
- 401.4 The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A non-conforming building or structure may, with the approval of the Board, be extended, enlarged or replaced but must meet the minimum yard requirements and height regulations of the district in which the structure is located and must meet off-street parking and loading requirements of this Ordinance. In no case shall such enlargement exceed twenty-five (25%) percent of the floor area of the existing non-conforming use.
- 401.5 If no exterior structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.
- 401.6 Nothing contained herein shall require any change on the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted, or where no approvals are necessary, where construction has been legally started before the enactment of this Ordinance, and completed within a one (1) year period.
- 401.7 Any structure or portion thereof declared unsafe by a proper authority shall be restored to a safe condition.

401.8 Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.

401.9 Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Article shall also apply to any uses which thereby become non-conforming.

401.10 The Zoning Officer shall identify and register the non-conforming uses and structures existing as of the effective date of this Ordinance, for the purpose of insuring the right to continue said use.

402 NON-CONFORMING LOTS: Any non-conforming lot legally existing at the time of the adoption of this ordinance or which is created whenever a district is changed by amendment hereafter may continue and/or be maintained even though it does not conform to the regulations of the district in which it is located.

Non-conforming lots existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its dimensions are less than the minimum requirements of this Ordinance, except as set forth hereafter. Where two or more adjacent lots of record with less than the required area and width are held by one owner on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Zoning Hearing Board which may require replating to fewer lots which comply with the minimum requirements of this Ordinance.

402.1 No provision of Section 304, Table 304(B) of this Zoning Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The Zoning Officer may grant a reduction in the requirement for side yards and rear yards for lots of record which lack required lot width. However, in no event may such yard dimensions be reduced by more than one-half that required by Section 304 Table 304(B) without the approval of the Zoning Hearing Board.

403 APPLICATION OF YARD REQUIREMENT:

403.1 Lots which abut on more than one street shall provide the required front yard along every street.

403.2 All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yard.

403.3 A wall or fence under six feet in height and paved terraces without walls, roofs or other enclosures, may be erected within the limits of any yard. Retaining walls and fences required for screening under Section 408.2(d), 411.5 and 418.1 of this Ordinance are not subject to the six feet height limitation.

403.4 Non-residential buildings hereafter constructed or uses hereafter established shall not be located or constructed closer to any lot line, in or adjacent to any of the residential districts, than the distance specified in the following schedule.

USE	MINIMUM SIDE OR REAR YARD
Off-street parking spaces and access drives for non-residential uses	20 feet
All other non-residential uses or structures	40 feet

403.5 In districts permitting single-family residences, not more than one such single-family residence may occupy any one lot unless authorized by the Zoning Hearing Board. Under no circumstances may the Board authorize more than one dwelling if the overall density permitted in that particular district is exceeded. Dwellings which are placed alongside one another shall be spaced so that the distance between structures shall be double the required side yard in that particular district. In no event shall one structure be located behind the other on any one lot. All structures must have immediate access to a street right-of-way.

403.6 Flag Lots: Flag lots are permitted in Suburban Residential and Conservation Districts to help preserve their rural character provided they meet the following:

403.6 (a) The minimum lot area for a flag lot shall be double the minimum lot area for the district in which it is located.

403.6 (b) The right-of-way connecting the buildable portion of the lot to a public road shall be a minimum of 20 feet and maximum of 50 feet wide and shall not be included in the minimum lot area calculation.

403.6 (c) No more than two lots shall be permitted for each right-of-way.

403.6 (d) Front, rear, and side yard setbacks shall be met for that portion of the lot excluding the right-of-way.

404 TEMPORARY STRUCTURES AND USES: A temporary use permit must be obtained for a new temporary use which is in the public interest and which will not create any nuisance or hazard. Permits for up to 30 days may be issued by the Zoning Officer. A temporary use which will exceed 30 days must be approved by the Zoning Hearing Board. A temporary use permit for a nonconforming structure or use may be permitted if it meets the following:

1. Is beneficial to the public health or general welfare,
2. Is necessary to promote the proper development of the community,
3. Is seasonal in nature,
4. Does not create a nuisance or hazard,

5. Complies with setback and parking requirements, and
6. Meets other permit and licensing requirements (e.g., food vending, and amusement safety).

These uses may include, but are not limited to, concerts, fairs and festivals, religious gatherings, construction trailers and offices, temporary classrooms or office space, and real estate sales offices if located within the subdivision where sales are being solicited and no sales are solicited for homes or lots other than those in the subdivision where the office is located.

The permit may be issued for a period not exceeding one (1) year. Such permits may be renewed annually by the Zoning Hearing Board for an aggregate period not exceeding three (3) years if application is made prior to the expiration of the initial temporary permit. The nonconforming structure or use must be completely removed upon the expiration of the permit without cost to the Township.

405 BASEMENT STRUCTURES: Occupation and residence in basement or foundation structures before completion of the total structure may be permitted for a period not exceeding one and one-half years if approved by the Zoning Hearing Board. This is not meant to exclude the construction of properly designed underground homes.

406 HEIGHT LIMITATIONS:

406.1 The following structures are exempt from height regulations provided they do not constitute a hazard to an established airport: television and radio towers, church spires, chimneys, elevator bulkheads, smoke stacks, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks and similar structures.

407 PERFORMANCE STANDARDS: No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or person in the Township. Furthermore, every use of land or structure in any district must observe the following performance requirements:

407.1 Fire Protection: Fire protection and fighting equipment, acceptable to the National Fire Protection Association, shall be readily available with any activity involving the handling or storage of flammable or explosive material.

407.2 Electrical Disturbances: No activity shall cause electrical disturbances adversely affecting TV, radio or other equipment in the neighboring area.

407.3 Noise: At no point on or beyond the boundary of any lot shall the sound pressure level resulting from any use or activity, whether open or enclosed, (except noise not directly under the control of the property user, noises resulting from the construction and maintenance of buildings and facilities, including site preparation, and the noises of safety signals, warning devices, railroads and automobile traffic) exceed the maximum permitted decibel levels for the designated octave band as set forth in the following table:

**Octave Band Frequency
(cycles per second)**

**Sound Pressure Level
(decibels)**

0 to 74	73
75 to 149	68
150 to 299	60
300 to 599	53
600 to 1,199	47
1,200 to 2,399	41
2,400 to 4,799	35
4,800 and over	33

- 407.4 Smoke: The maximum amount of smoke emission permissible shall be determined by use of the Standard Ringleman Chart issued by the US Bureau of Mines. No smoke of a shade darker than No. 2 will be allowed.
- 407.5 Odors: In any district except the Industrial District, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. This shall not apply to any form of fertilizer in districts where agriculture is a permitted use.
- 407.6 Air Pollution: No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to health, or to animals, vegetation or other property.
- 407.7 Glare: Lighting devices which produce objectionable directed or reflected glare on adjoining properties or thoroughfares shall not be permitted.
- 407.8 Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- 407.9 Water Pollution: The method for discharging wastes to public sewers, drains or watercourses shall be acceptable to the PA Department of Environmental Protection, the Oneida Township Supervisors, and the provisions of the Pennsylvania Sewage Facilities Act (Act 537 of 1968) as same may be amended from time to time.

In cases involving performance standards the Board of Supervisors may require a plan of the proposed construction or development, a description of machinery proposed, and specifications for the mechanisms and techniques to be used; and the Board may obtain qualified expert consultants to testify as to whether a proposed use will conform to the performance requirements. The cost of such services shall be borne by the applicant.

- 408 ENVIRONMENTALLY SENSITIVE SITES: Plans for development of environmentally sensitive sites shall be reviewed by the Planning Commission under the requirements of Section
409. Environmentally sensitive sites shall include those with slopes of over 15%, flood plain

areas, unstable soils or geology, and wetland areas. This determination shall be made based on information available from topographic maps, soils reports, the Huntingdon County Conservation District, and the Pennsylvania Department of Environmental Protection. The lot area for uses proposed for such areas shall be increased to compensate for the proportion of the site which is environmentally sensitive.

409 SITE PLAN REQUIREMENTS: All Special Exception, Conditional, and Multi-Family uses permitted under Section 304 shall be permitted only after the review and approval of the site plans by the Zoning Hearing Board (in the case of Special Exceptions) or by the Planning Commission (in the case of Multi-Family or Conditional Uses). Where a site plan review is required of a facility also requiring review as a "land development" or "large scale development" under the Oneida Township Subdivision and Land Development Ordinance all parties involved shall coordinate review requirements and procedures to minimize delays.

409.1 Submission Requirements

The required site plan shall contain the following:

1. Project title, developers, designers, and property owners names and addresses,
2. North arrow, and correct architectural or engineering scale appropriate for the information shown; maximum drawing size shall be 24" x 36",
3. Property and setback lines,
4. Zoning and development of adjacent properties,
5. Location of main and accessory buildings,
6. Location and type of yards, landscaping, fences, and other site improvements,
7. Location and type of paved or surfaced areas such as driveways, walks, and parking areas,
8. Proposed storm drainage facilities,
9. Existing and proposed contours at a two foot interval and building elevations,
10. Such other information as may be needed to demonstrate compliance with this or other local or state requirements,
11. Location map at a scale of 1"=1,000' to 1"=2,000',
12. Names and addresses of adjacent property owners shall be provided.

409.2 Review of Site Plan

Approval of the site plan, and subsequent issuance of a Zoning Permit by the Zoning Officer, shall be given upon finding by the appropriate review body(ies) that all of the following conditions have been met:

1. The site plan shows that a proper relationship does exist between thoroughfares, service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.

2. All the development features including the principal buildings, open spaces, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
3. The site plan includes adequate provision for the screening of parking areas, service areas, and active recreation areas from surrounding properties by landscaping and/or ornamental wall or fence.
4. Grading and surface drainage provisions are adequate and meet Township storm water drainage standards. The Township may require that plans be reviewed and approved by the Township Engineer or County Conservation District.
5. The design and construction standards of all private streets, driveways, and parking areas are to be built following approval of plans by the Township Engineer (if required) according to construction standards specified in the "Oneida Township Subdivision and Land Development Ordinance". The proposed development must conform to all applicable provisions of the Subdivision Ordinance.
6. In the case of Multi-Family development, maximum possible privacy for each apartment shall be provided through good design and use of proper building materials and landscaping. Visual privacy should be provided through structural screening and landscaping treatment. Auditory privacy should be provided through soundproofing.
7. The architectural design of Multi-Family buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, lines and pattern, and character.
8. Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography, particularly on environmentally sensitive sites as discussed in Section 408.
9. In Multi-Family development, television antennae shall be centralized.
10. On-site traffic circulation shall be designed to make possible adequate fire and police protection.

409.3 Conformance with Site Plan

1. The use, placement, and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and open space or buffer areas, and the installation of landscaping, fences, and walls shall conform to the approved site plan.

2. A performance bond or other financial guarantee shall be placed with the Township Supervisors to insure that the landscaping be installed, that the surfacing of private drives and parking areas be installed, and that the surface water drainage be installed, all in conformance with approved plans. Said bond or financial guarantee shall be equal to 110% of the estimated cost of these improvements as determined by the Township Engineer.

410 MOBILEHOMES: Mobilehomes not meeting the requirements of this section shall be permitted only in approved mobilehome parks. Individual mobilehomes will be considered single family detached dwellings if they meet the habitable floor area requirement, conform with all lot and yard requirements for single family detached dwellings and with the following additional requirements:

- 410.1 All mobilehomes shall be set upon and securely fastened to a permanent foundation of block or concrete, with concrete footings extending a least thirty-six inches (36") below finished grade that will not heave, shift, settle or move due to frost action, inadequate drainage, or other forces acting on the superstructure. In addition to the foregoing, the mobile home foundation will be provided with devices for anchoring the mobilehome to the foundation to prevent overturning or uplift of the mobile home. The anchoring device should be in the form of anchor bolts, fastened securely to the base frame of the mobile home and anchored to the concrete footing with adequate anchor plates or hooks.
- 410.2 All axles, wheels, and any hitch shall be removed from the mobilehome and either removed from the lot or placed within a building.
- 410.3 An enclosure of compatible design and materials shall be erected around the entire base of the mobilehome. Such enclosures shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- 410.4 The mobilehome shall be connected to a suitable water and sewer system meeting all state and local regulations.
- 410.5 No mobilehome shall be removed from the lot without first obtaining a certification from the Township Tax Collector that all taxes assessed against the home are paid.
- 410.6 All piping from outside fuel storage tanks or cylinders to mobilehomes shall be securely and permanently fastened in place and shall have shut off valves located within five inches (5") of storage tanks. All fuel storage tanks or cylinders shall be placed no closer than five feet (5') from any entrance and shall not be placed under the mobilehome.
- 410.7 A barrier to termites shall be provided between any footing, wall or pier and the structure of the mobile home.

411 MOBILEHOME PARKS: Mobilehomes Parks shall be designed and constructed in conformance with this section and with the "Oneida Township Subdivision and Land Development Ordinance". Mobilehome Parks shall meet the following requirements:

- 411.1 No mobilehome park shall have an area of less than five (5) acres.
- 411.2 Each mobilehome site within the park shall have an area of at least 5,000 square feet.
- 411.3 No mobilehome shall be closer than 50 feet to an adjacent property.
- 411.4 No less than twenty percent (20%) of the gross area of the park must be improved for outdoor recreational activity of the residents of the park.
- 411.5 The park shall be appropriately landscaped and screened from adjacent properties (See definition of "screening").
- 411.6 There shall be at least 20 feet between mobilehomes.
- 411.7 Mobilehome Parks shall only be permitted if community water and sewer facilities are available.
- 411.8 All mobile homes must be enclosed from the ground to the floor level of the mobile home with a solid or lattice type enclosure.
- 411.9 Lot coverage in mobilehome parks shall not exceed 50%.

412 CEMETERIES: All cemeteries, whether private or public, shall be constructed in conformance with this section.

- 412.1 The minimum lot size for the construction of a cemetery or burial of any human remains shall be two (2) acres.
- 412.2 No burial site shall be closer than 50 feet to an adjacent property. The cemetery shall be appropriately landscaped and screened from adjacent properties (See definition of "screening").
- 412.3 A "perpetual care" maintenance plan shall be submitted to the township. This plan will set forth the means by which the site will be managed and maintained.
- 412.4 No burial site shall be created within any environmentally sensitive site (see 408). Cemeteries are subject to the site plan review requirements of Section 409.
- 412.5 The location of burial sites shall be recorded on the property deed in the office of the Recorder of Deeds of Huntingdon County.

412.6 Cemeteries shall meet all requirements of Title 28 of the Pennsylvania Code or other applicable state or federal regulations.

412.7 All burial of human remains shall be contained within a sealed concrete burial vault or its equivalent.

412.8 Public cemeteries shall be required to provide adequate off-street parking. Cemetery sites may be required to submit a traffic circulation plan.

413 WATER RECREATION AND STORAGE AREAS: Any facility for water recreation, such as private swimming pools, swimming clubs and commercial fishing ponds, or any such other water storage facility such as reservoirs, fish hatcheries, sewage lagoons and farm ponds shall comply with the following regulations:

413.1 The facility must meet the yard requirements for the applicable district.

413.2 Before a permit shall be issued to the operator or owner of the facility, a plan shall be approved by the Board of Township Supervisors after recommendations by the Planning Commission as to the size of the facility, proposed used, parking arrangement and the use of buildings on site, surrounding properties and their usage, and any other pertinent information, such as fences.

413.3 No water recreation facility or storage facility shall be constructed in the required front yard. Such facilities including surrounding decks or walkways shall conform to all setback requirements for accessory uses.

413.4 In addition to the above, outdoor swimming pools located within 200 feet of a residential structure shall meet the following:

413.4 (a) The swimming pool shall be completely surrounded by a fence or wall of not less than four (4) feet high, which shall be so constructed as not to have any openings, holes, or gaps larger than two (2) inches for chain link or horizontal slats nor more than four (4) inches for vertical pickets in a picket fence. This requirement shall not apply to above-ground pools having a wall measuring four (4) or more feet high and having a retractable or removable ladder or hot tubs/spas that are kept covered when not in use.

413.4 (b) All gates or doors opening through such enclosure shall be equipped with a self-closing, self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

414 BOARDING HOME FOR SHELTERED CARE, COMMUNITY RESIDENTIAL FACILITY: These facilities are designed to provide residential care for five to fifteen (15) clients who are unable to properly care for themselves in an independent dwelling unit. Such facilities are suitable in a residential district provided the following and other applicable conditions are observed:

414.1 No such facility shall be located closer than 1,000 feet from another similar facility.

414.2 The facility shall meet any applicable State or Federal regulations for such facilities.

414.3 The facility shall be situated on a lot of adequate size to provide adequate parking and recreation for its residents.

415 AGRICULTURE: Agriculture uses shall comply with the following:

415.1 No farm building other than a dwelling may be erected within 150 feet of a neighboring property line.

415.2 Agricultural uses shall be located on a parcel of at least ten (10) acres.

415.3 Roadside stands for the sale of agriculture products shall be permitted as a Special Exception in Residential Districts providing:

415.3 (a) A structure of up to 500 square feet shall be located a distance from the road right-of-way line of not less than the minimum building setback for the district in which the property is located, unless the structure is a portable structure (to be removed at the end of each growing season) of less than 200 square feet, in which case it may be located within 15 feet of the right-of-way line.

415.3 (b) Parking spaces for at least three vehicles are provided off the road right-of-way.

415.3 (c) At least fifty (50%) percent of the products offered for sale shall have been grown or produced on the property.

416 INTENSIVE AGRICULTURE

416.1 Intensive agriculture facilities including barns, feed lots, runs, commercial stables, and pens, shall meet the requirements of this section.

416.2 Intensive agricultural uses shall be located on a parcel of at least one hundred fifty (150) acres.

416.3 The Intensive Agriculture Facility must have and be in compliance with both a Conservation Plan and Nutrient Management Plan.

416.4 Intensive Agricultural facilities described in Section 416.1 shall observe the following setbacks:

416.4 (a) 1,000 feet from a dwelling not owned by the owner of the Intensive Agriculture Facility.

416.4 (b) 500 feet from a property line.

416.4 (c) 200 feet from a stream.

416.4 (d) 500 feet from a well not owned by the owner of the Intensive Agriculture Facility.

416.5 Adequate access shall be provided to facilitate safe movement of trucks and farm vehicles.

416.6 A stormwater management plan shall be prepared .

416.7 The Intensive Agriculture Facility shall be sited on the best possible location on the property with regard to the dispersal of odors and minimizing impacts on neighboring properties.

416.8 Intensive Agriculture Facilities shall meet the requirements of all local and state ordinances including but not limited to the Oneida Township Subdivision and Land Development Ordinance, PA Nutrient Management Act, and Clean Streams Act.

417 MINERAL EXCAVATIONS: Excavation of sand, gravel, coal, oil, gas or other material from the ground shall be considered a temporary use, and may be permitted in some districts as a conditional use if approved by the Board of Township Supervisors. All mineral excavations shall comply with the following minimum requirements and any other measures that the Township Supervisors might specify to protect the public interest. A Zoning Certificate shall be required for each property.

417.1 All operations must be conducted no closer than 200 feet to an adjacent property, unless under common lease or ownership, and no closer than 100 feet to any road right-of-way line.

417.2 All operations must be conducted no closer than 300 feet to an existing dwelling, school, hospital, or similar residential use.

417.3 The operator shall file with the Supervisors a plan showing location of adjacent properties, roads and natural features.

417.4 Except for oil and gas extraction, the operator shall submit to the Board of Supervisors, a plan for the restoration of the area to be mined, which shall include anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, steps which will be taken to

conserve the topsoil, and the location of future roads, drainage courses, or other improvements contemplated.

417.5 No approval shall be given for mineral excavation until all state regulations have been complied with and permits issued.

418 JUNKYARDS AND SIMILAR STORAGE AREAS (INCLUDING AUTOMOBILE WRECKING)

418.1 All junkyards shall be completely screened from roads or developed areas with a solid fence or wall eight (8) feet or more in height, maintained in good condition, and painted (except for masonry construction), or screened and buffered with suitable planting. All existing junkyards shall comply with this requirement within one (1) year of the date of this Ordinance, or shall terminate their operation.

418.2 No junkyard established after the effective date of this Ordinance shall be located closer than 1,000 feet to existing State and Federal roads, nor closer than 100 feet to a Township road.

418.3 No junk material, appurtenant structure, related activity or other enclosure shall be stored, placed or conducted within fifty (50) feet of any adjoining property or public right-of-way, and such setback area shall be kept free of weeds and scrub growth.

418.4 No oil, grease, tires, gasoline or any other material shall be dumped or burned at any time.

418.5 Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors that would be hazardous to public health, nor to cause the breeding or harboring of rats, flies, or other vectors.

419 SOLID WASTE PROCESSING AND DISPOSAL FACILITIES: Plans for sanitary landfill areas, incinerators, transfer stations, and other facilities shall be in harmony with existing surrounding uses, and shall meet the requirements of the State Department of Environmental Protection, including but not limited to proper drainage, cover and operational requirements. Plans shall be provided by the applicant to the Supervisors in accordance with the Pennsylvania Solid Waste Management Act (Act 97) as same may be amended and this Ordinance.

419.1 All landfill operations must be conducted no closer than 500 feet to an adjacent property unless under common lease or ownership, no closer than 1,500 feet to any existing residence not served by public water or any public water supply, and no closer than 100 feet to any road right-of-way line.

419.2 All landfill operations shall be conducted no closer than 600 feet to an existing dwelling, school, hospital, or similar residential use.

419.3 All other processing, transfer, and disposal facilities shall meet the performance standards as required by Section 407 of this Ordinance.

419.4 The operator shall file with the Supervisors a plan showing location of the proposed facilities, adjacent properties, roads, and natural features as required by Section 409 of this Ordinance.

419.5 Any Recycling Center shall be permitted if it complies with the following: 1. Does not contain any outdoor storage of materials or equipment, 2. Does not include dismantling or disassembling of vehicles or major appliances, 3. Accepts no explosive or hazardous materials, 4. Does not process materials by heat, such as smelting, melting, or burning, 5. Provides adequate parking and loading areas, 6. Meets Performance Standards.

420 RESERVED

421 HOME OCCUPATIONS: A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

421.1 The occupation is customarily carried on in a dwelling unit or in a building accessory to a dwelling unit;

421.2 Minor home occupations shall be a permitted use in all residential districts, however Major home occupations shall be permitted as a Special Exception by the Zoning Hearing Board after demonstrating conformance with these standards;

421.3 The occupation is carried on wholly within the principal building or accessory building;

421.4 There shall be no exterior display, exterior sign other than permitted by Article 5 of this Ordinance, no exterior storage of material and no exterior indication of the home occupation or variation from the residential character of the principal building;

421.5 There shall be no exterior alterations which are not customary in residential buildings;

421.6 No offensive odor, no vibration, smoke, dust, heat, noise or glare shall be produced;

421.7 There shall be no commodity sold which is produced elsewhere than on the premises except those items clearly incidental to the home occupation;

421.8 The occupation shall occupy not more than 30 percent of the principal building and accessory building;

421.9 Adequate off-street parking shall be provided.

Home occupations may include, but are not limited to: art studios, dressmaking, professional offices of physicians, dentists, lawyers, engineers, architects, or accountants; real estate offices, insurance offices, barber shops and beauty parlors, or musical instruction. Home occupations other than those listed above may be permitted provided they are not prohibited and that they meet the other requirements of this Section.

Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall be permitted not more than once each month and each sale shall not last more than 72 hours.

422 JUVENILE OR ADULT CORRECTION AND TREATMENT FACILITIES

422.1 The facility shall meet any applicable State or Federal regulations for such facilities.

422.2 The facility shall be located on a parcel of adequate size to minimize its impact on nearby residential properties and shall have a setback from all property lines of 300 feet.

423 CAMPGROUNDS: Campgrounds shall be designed and constructed in conformance with this section and with the Oneida Township Subdivision and Land Development Ordinance and applicable State regulations. Campgrounds shall meet the following requirements:

423.1 No campground shall have an area of less than ten (10) acres.

423.2 Each camp site shall have an area of at least 1,500 square feet exclusive of roadways and parking areas, and shall have parking for one automobile in addition to a tent or trailer site.

423.3 At a minimum, campgrounds shall provide: back-in parking, central sanitary dump stations, central water facilities, toilets and shower facilities.

423.4 No camp site shall be placed closer than 100 feet to an adjacent property.

423.5 No less than twenty (20%) percent of the gross area of the park must be improved for recreational activity of the residents of the campgrounds.

430 PUBLIC FACILITIES AND UTILITIES

430.1 Municipal Buildings and Uses

This Ordinance shall not apply to any building of the Township if the township Supervisors shall, after a public hearing, decide that such building or extension thereof or such use of any premises, is reasonably necessary for the convenience or welfare of the public, provided that any municipal recreational building or use may be established by the

Township Supervisors at any location in the Township without holding such public hearing.

430.2 Public Utility Building and Uses

This Ordinance 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 such 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 or welfare of the public.

430.3 Essential Services

The erection, construction, alteration, use and maintenance by municipal or governmental agencies and public utilities or public service corporations, of such facilities as are necessary for the furnishing of adequate service by such agencies, utilities or public service corporations, or for public health, safety, or general welfare, including underground or overhead electrical, gas, steam, or water transmission systems, including poles, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, gas regulator and measuring devices, including the structures in which they are housed, and other similar equipment shall conform to the general character as to appearance and structural material of the other structures within the district and provided that such structure shall not include the storage of vehicles or equipment necessary to the normal maintenance, repair or installation for any utility. Structures shall not be permitted for the housing of transformers, pumps, and similar equipment that cause any noise, odor, smoke, or other hazardous effect. The installation of these "essential services" shall be permitted without the requirements of a public hearing by the Public Utility Commission, the Township Supervisors, or the Zoning Hearing Board.

430.4 Other Public Buildings or Facilities

Whenever in any district established under this Ordinance a public use is neither specifically permitted nor denied and an application is made for such public use, the Zoning Officer shall refer the application to the Zoning Hearing Board. The Zoning Hearing Board shall consider the necessity for such use, the benefit to the community as a whole, and the compatibility of such use with other uses permitted in the district. In evaluating community benefit and necessity, the Board shall consider information submitted by the applicant. This may include but not be limited to statements by the PA Department of Environmental Protection or other governmental agencies. The use may be permitted if it is not in conflict with the general purpose and intent of this Ordinance.

431 USES NOT PROVIDED FOR

Whenever in any district established under this Ordinance a use is neither specifically permitted or denied and an application is made by a property owner to the Zoning Officer

for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have authority to permit the use or deny the use. The use may be permitted if it is similar and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance.

440 HABITABLE FLOOR AREA

Every dwelling shall meet the minimum habitable floor area requirements of this section.

440.1 Single and Two-family Dwellings

440.1 (a) Every single and two family dwelling shall have a minimum habitable floor area of six hundred (600) square feet.

440.2 Multi-family Dwellings

440.2 (a) Every multi-family dwelling unit shall have a minimum habitable floor area of four hundred (400) square feet.

441 RIPARIAN BUFFER

In conjunction with any development proposal, a riparian buffer of one hundred (100) feet (measured from the top of the stream bank) shall be preserved along each side of Standing Stone Creek, the Juniata River, Murray Run and Muddy Run in conjunction with any development proposal. Where the land bordering these streams does not already support forest, a forested riparian buffer shall be established in conformance with the advice of the Huntingdon County Conservation District. No less than 90% of stream frontage of any lot or development shall be maintained as a riparian buffer. With the exception of trails, bridges, docks and piers, no structures or development may take place within the riparian buffer.

442 NEIGHBORHOOD OR REGIONAL SHOPPING CENTER

Neighborhood Shopping Centers shall be permitted as a conditional use in Limited Business (B-1) and General Business (B-2) zones subject to the requirements of each zone as herein modified. Regional Shopping Centers shall be permitted as a conditional use in General Business (B-2) zones. In addition to the other requirements of this ordinance, shopping centers shall be subject to the following conditions:

442.1 Access shall be via an arterial or collector street as designated by the Pennsylvania Department of Transportation. In addition, a traffic study shall be prepared in accordance with Township requirements and all appropriate traffic controls shall be installed. Internal traffic circulation shall be designed to discourage through traffic and to promote pedestrian and vehicular traffic safety.

442.2 Screen plantings and buffer yards shall be installed between the shopping center and any residential use or district.

442.3 All buildings shall be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street right-of-way.

442.4 All parking shall be off-street, and no parking shall be closer than thirty (30) feet from any property line. A minimum of 15% of the parking area shall be landscaped using terminal islands at the end of each row of parking and other landscaped areas.

442.5 Minimum lot size shall be five (5) acres.

442.6 Maximum lot coverage (e.g. buildings) shall be thirty (30) percent, and total impervious surface shall not exceed eighty (80) percent of the lot area.

442.7 The development shall be completed as a unified site plan and architectural and landscape plan under single ownership or guaranteed unified management control. A shopping center shall be considered a subdivision.

ARTICLE 5
SIGNS

514 SIGNS: The purpose of this article is to provide for the use, location, and size of signs. No sign, billboard, or exterior graphic display shall be permitted in any district except as herein provided.

514.1 General Sign Regulations

The following regulations shall apply to all sign uses:

514.1 (a) Placement - No sign shall be placed in such a position that it will cause danger to vehicular or pedestrian traffic on a street by obscuring the view. For purposes of this Ordinance, signs shall be exempt from setback requirements except those in this section. No sign or portion of any free standing sign shall be located within five feet (5') of any lot line.

514.1 (b) Signs in Right-of-Way - No sign or sign-bearing structure other than official traffic signs and public utility signs necessary for the operation, identification or protection of public utility facilities shall be erected within or extend into the right-of-way of a street or highway.

514.1 (c) Illumination - Signs may be lighted with non-glaring lights, or may be illuminated by shielded flood lights. 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 National Electrical Code.

514.1 (d) Height - No sign shall be higher than the height limitations of the particular district in which it is located. 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 at the lowest part of the roof.

514.1 (e) Construction - In addition to the above requirements of this Section, every sign referred to in this Section must be constructed of durable materials, must be kept in good condition and repair and shall not be allowed to become dilapidated.

514.1 (f) Sign Area Definition - Sign area shall be defined as follows: that area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc., which are not a part of the main supports of the sign, are to be included in determining sign area. On a two-sided sign, only one face is counted in computing the sign's area.

514.1 (g) 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. Free standing signs shall have no more than two faces.

514.1 (h) Wall Sign - No wall sign shall project more than twelve (12) inches from the building surface, nor extend beyond the ends of the wall to which is attached.

514.1 (I) Maintenance - Any sign legally existing at the time of passage of this ordinance that does not conform to the standards contained in this ordinance 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.

514.2 Signs Permitted in All Districts

The following signs are permitted (in any use district) without a permit:

514.2 (a) A non-illuminated sign not exceeding two (2) square feet in surface size is permitted which announced the name, address, or professional activity of the occupant of the premises on which said sign is located.

514.2 (b) Signs advertising the sale, lease, or rental of the premises upon which the sign is located, which sign shall not exceed eight (8) square feet.

514.2 (c) Signs denoting the architect, engineer, or contractor placed on premises where construction, repair, or renovation is in progress, which signs shall not exceed forty (40) square feet.

514.2 (d) A sign or notice having an area of forty (40) square feet or less of a public or non commercial nature, which shall include community service information signs, public utility

information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historic points of interest, and signs erected by a public officer in performance of a public duty.

514.2 (e) Temporary Signs advertising a sale or event sponsored by a civic or religious group provided that such signs shall not be displayed in excess of one (1) month, shall be removed promptly after the event and provided the sign conforms with the provisions of Section 514.2 (d).

514.3 The following signs are permitted (in any use district) but require a permit as provided herein:

514.3 (a) Signs or bulletin boards, not exceeding forty (40) square feet in aggregate area, are permitted in connection with any non-commercial, church, school or similar public structure.

514.4 Signs shall be permitted in connection with any permitted use when located on the same premises. Such signs shall require a permit and are permitted in any use district in which the permitted use is allowable by this Ordinance and if they meet the following requirements:

514.4 (a) Advertising - Signs shall not contain information or advertising for any product not sold on the premises.

514.4 (b) Area - Signs shall not have a combined aggregate surface size greater than two and one-half square feet for each foot of width of the principal structure facing the public right-of-way up to a maximum of one hundred (100) square feet. No single sign shall exceed fifty (50) square feet in area. Where the principle structure fronts on more than one (1) street, the gross sign area allowed shall be determined by the smallest building frontage.

514.4 (c) Shopping Center Signs - A Shopping Center or similar multi-tenant building is permitted one on-premises free standing sign. The total area of this sign may be added to that calculated for individual tenants. The sign may include individual panels identifying specific occupants at that location. The maximum area of this sign shall be a half (0.5) square foot for each foot of width of the building with a maximum area of fifty (50) square feet.

514.5 Directional Signs - 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 (3) feet in height above the grade of the public street or drive adjacent to said sign.

514.6 Setback - Signs in the Commercial and Industrial Districts may be placed no less than twenty (20) feet from the front lot line. In the Open Space - Agricultural District no sign shall be located closer than twenty (20) feet from the front lot line and in Residential Districts not less than five (5) feet from the front lot line.

514.7 Billboard (panel type signs) - Signs advertising a product or service other than those which are found on the premises on which the sign is located are permitted only in the General Business, and Industrial Districts provided the following conditions, as well as other applicable conditions, are complied with:

514.7 (a) The surface of the sign shall not exceed three hundred (300) square feet in area on one side; provided, however that a sign containing two (2) sides shall be permitted.

514.7 (b) No more than one (1) panel (two sides) shall be permitted.

514.7 (c) No panel type signs shall be erected within six hundred (600) feet of existing residences.

514.7 (d) No panel type sign shall be erected within two thousand five hundred (2,500) feet of any other panel type sign.

514.7 (e) If lighted, a non-glare lighting fixture designated for outdoor use must be used.

514.7 (f) No part of the sign shall be more than twenty-five (25) feet in height measured from the ground at the base of the sign.

514.7 (g) All signs shall be set a minimum distance of fifty (50) feet from the street right-of-way line.

514.8 Temporary (or Portable) Signs: - Advertising a product, sale, or event may be permitted provided that such signs shall: not be larger than forty (40) square feet, not be displayed in excess of one (1) month at a time, not be displayed more than two (2) months per year, be removed promptly after the event, and provided the sign conforms with the provisions of Section 514.1. Temporary signs shall not be counted in the maximum sign area calculation as stipulated in Section 514.4 (b) or other sections of this Article.

ARTICLE 6
OFF-STREET LOADING AND PARKING

608 OFF-STREET LOADING AND PARKING: In all districts, in connection with every building or part thereof hereafter created, sufficient parking facilities shall be provided off-street to meet all the parking needs. Off-street loading and parking spaces shall be provided in accordance with the specifications in this section in all districts whenever any new use is established or an existing one is enlarged.

608.1 Off-Street Loading: Every use which requires the receipt or distribution by vehicle of material or merchandise shall provide off-street loading berths in accordance with the table which follows:

OFF-STREET LOADING SPACE REQUIREMENTS

USES	SQ. FEET OF FLOOR SPACE	REQUIRED OFF-STREET LOADING BERTHS
1. Schools	15,000 or more	1
2. Hospitals (in addition to space for ambulance)	10,000-300,000	1
	For each additional 300,000 or major fraction thereof	1 additional
3. Undertaker and Funeral Parlors	5,000	1
	For each additional 5,000 or major fraction thereof	1 additional
4. Hotels and Offices	10,000 or more	1
5. Commercial Wholesale Manufacturing and Storage	up to 25,000	1
	25,000-40,000	2
	40,000-60,000	3
	60,000-100,000	4
	For each additional 50,000 or major fraction thereof	1 additional

Each loading space shall not be less than twelve (12) feet in width, sixty (60) feet in length, and fourteen (14) feet in height. In addition to this, the design and construction of each loading space shall conform to the requirements of Section 608.2 (d), (e), (f), and (g).

608.2 Off-Street Parking:

608.2 (a) Size and Access: Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles, and be in usable shape and condition. Except in the case of Single Family Dwellings, no parking area shall contain less than three spaces. Parking areas shall be designed to provide sufficient turn-around area so that vehicles are not required to back into major roads, collector or arterial roads. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall not be less than ten (10) feet wide. Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

608.2 (b) Number of Parking Spaces Required:
The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, the required number of parking spaces shall be determined by the Zoning Hearing Board using one of two methods: 1. The Board may apply the parking requirement for a use deemed to be similar in nature. 2. The Board may require a parking study. The study shall include: a. Type of use and estimated number of total trips generated during peak conditions (inbound and outbound), 2. Estimated parking duration per vehicle trip (turnover rate), 3. Based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required, and 4. Estimated number of employees with one space provided for every two employees working the maximum shift.

OFF-STREET PARKING SPACE REQUIREMENTS

USES	REQUIRED PARKING SPACES
1. Car Wash	6 for each wash lane
2. Automobile Sales and Service or Garages	1 for each 400 sq. ft. of floor space
3. Banks or Professional Offices	1 for each 100 sq. ft. of floor space
4. Churches and Schools	1 for each 3 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater
5. Bowling Alleys	8 for each alley
6. Community Buildings and Social Halls	1 for each 50 sq. ft. of floor space

7. Driving Ranges and Miniature Golf	1 for each tee
8. Dwellings	2 for each family or dwelling unit including space in garage
9. Food Supermarkets	1 for each 200 sq. ft. of floor space
10. Funeral Homes, Mortuaries	10 for first parlor; 5 for each additional parlor
11. Furniture or Appliance Stores	1 for each 200 sq. ft. of floor area
12. Hospitals, Nursing or Convalescent Homes	1 for each bed for visitors, and 1 for each 1.5 employees (including staff), based upon the peak shift
13. Hotels and Motels	1 for each living or sleeping unit*
14. Manufacturing Plants, Research or Testing Laboratories, Bottling Plants	1 for each 500 sq. ft. of floor space
15. Medical Offices	10 for each doctor
16. Dental Offices	5 for each dentist
17. Restaurants, Taverns and Night Clubs	1 for each 2 seats
18. Retail Stores and Shops	1 for each 200 sq. ft. of floor space
19. Bed and Breakfast and Dormitories	1 for each living or sleeping unit
20. Service Stations	3 for each pump
21. Sports Arenas, Auditoriums, Theaters, Assembly Halls	1 for each 3 seats
22. Trailer or Monument Sales	1 for each 2,500 sq. ft. of lot area
23. Wholesale Establishment or Warehouses	1 for each 2 employees on maximum shift; the total parking area shall not be less than 25% of the building floor area

* If a motel has restaurant facilities included, it must also comply with the off-street parking provisions for same as No. 17 (Restaurants, Taverns and Night Clubs).

608.2 (c) Location of Parking Area: Required parking spaces shall be located on the same lot with the principal use. No parking or service area shall be permitted within the required front yard area.

The Zoning Hearing Board may permit parking spaces to be located not more than 400 feet distant from the lot of the principal use if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.

608.2 (d) Screening and Landscaping: Off-street parking areas for more than six vehicles, and off-street loading areas, shall be effectively screened on each side which adjoins or faces any residential district (See definition of “screening”).

608.2 (e) Minimum Distance and Set Backs: No off-street parking areas for more than six (6) vehicles, or off-street loading areas shall be closer than twenty (20) feet to any adjoining property containing a dwelling, school, hospital or similar institution and in accordance with Section 603.4 of this Ordinance.

608.2 (f) Construction: With the exception of dwellings, all parking and loading areas and access drives shall have an adequate stone base, a paved or stabilized dust free surface, graded and drained to dispose of all surface water, and designed to provide for orderly and safe loading and parking.

608.2 (g) Lighting: Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from adjoining premises of any residential district, and away from roads or highways.

608.2 (h) Landscaping: In parking areas containing greater than six (6) spaces, visual relief shall be provided through the use of planted and landscaped dividers, islands, and walkways.

ARTICLE 7
PLANNED RESIDENTIAL DEVELOPMENT

701 **PURPOSES:** The purposes of this planned residential development (PRD) article are as follows:

701.1 To insure that the provisions of the Oneida 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 the zoning ordinance;

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;

To provide greater opportunities for better housing and recreation for all who are or will be residents of the Township;

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 endure to the benefit of those who need homes;

To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, ground water, wooded areas, steeply-sloped areas, and areas of unusual beauty or importance to the natural ecosystem;

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.

702 **PROCEDURE:** The Board of Township Supervisors may permit departures from the Zoning regulations for any PRD in the manner herein provided for conditional uses. Application procedures, tentative and final approvals, public hearings, and construction shall be in full accordance with Article VII of the Municipalities Planning Code, as amended. The content of an application for a PRD shall be consistent with those of Section 409 of this Ordinance and with the Oneida Township Subdivision and Land Development Ordinance.

703 **ELIGIBILITY:** No application for tentative approval of PRD shall be considered or approved unless the following conditions are met:

- 703.1 The area of land to be developed is not less than twenty-five (25) acres.
- 703.2 The development will be served by community water and sewer systems.
- 703.3 The development is found to be generally consistent with the Oneida Township Comprehensive Plan and this Ordinance.
- 703.4 Adjacent properties will not be adversely affected.

704 DEVELOPMENT STANDARDS:

- 704.1 The average gross density of dwelling units for the total PRD is not greater than the density requirements in the district in which the plan is located. Densities for individual land uses shall not exceed the following:
 - Single Family Residential - 8 du/acre
 - Two Family Residential - 10 du/acre
 - Multi-Family Residential - 16 du/acre
- 704.2 A minimum of twenty (20%) percent of the area of a PRD shall be reserved for open space or recreational use. This open space shall be required within every area of the development. This area may include areas for recreation, slope preservation, stream protection, and other conservation uses.
- 704.3 The use of the land shall not differ substantially from the uses permitted in the district, except that limited commercial facilities intended to serve only the planned project area and fully integrated into the design of the project may be allowed.
- 704.4 All regulations set forth in this Ordinance with respect to signs, parking and loading, drainage, and other applicable provisions shall apply.
- 704.5 All regulations set forth in the Oneida Township Subdivision and Land Development Ordinance with regard to streets, drainage, and other physical improvements shall apply.

ARTICLE 8
ADMINISTRATION, ENFORCEMENT, AND APPEALS

801 ZONING OFFICER: The Board of Township Supervisors shall appoint the Zoning Officer, who shall administer and enforce the provisions of this Ordinance.

802 DUTIES OF THE ZONING OFFICER: The Zoning Officer shall interpret and enforce all the provisions of the Zoning Ordinance and shall have such duties and powers as are conferred on him/her by the Zoning Ordinance and are reasonably implied for that purpose.

802.1 Applications, Zoning Certificates, Building Permits and Inspection: She/he shall receive applications for Zoning Certificates and Building Permits and make all inspections in accordance with the provisions of the Zoning Ordinance.

802.2 Inspection: The Zoning Officer may examine or cause to be examined all structures and/or land for which an application has been filed for a Zoning Certificate, and he may conduct such inspections from time to time during and at completion of the work for which a Zoning Certificate has been issued.

802.3 Non-Conforming Uses: The Zoning Officer shall keep an up-to-date list of all Non-Conforming Uses, Structures, and Lots.

803 ZONING CERTIFICATE:

803.1 Requirements: Until the Zoning Officer has issued a Zoning Certificate applicable thereto, no person shall:

803.1 (a) Occupy or use any vacant land; or

803.1 (b) Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged; or

803.1 (c) Change the use of a structure or land to a different use; or

803.1 (d) Change a non-conforming use.

803.2 Expiration of Zoning Certificate: The Zoning Certificate shall expire twelve (12) months from the date of its issuance.

803.3 Application and Fees: Each applicant for a Zoning Certificate shall present with the application a plat of the property showing clearly and completely the location, dimensions and nature of any structure involved and such other information as the Zoning Officer may require as to compliance with this ordinance, together with a filing fee in accordance with the schedule of same as fixed annually by the Township Supervisors.

803.4 Records: The Zoning Officer shall maintain a permanent file of all Zoning Certificates and Applications as public records.

804 BUILDING PERMITS:

804.1 The applicant for a building permit shall apply also for a Zoning Certificate as required by this Ordinance.

805 VIOLATIONS:

805.1 Enforcement Notice: If it appears to the municipality that a violation of the zoning ordinance has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice to the owner of record as provided in Section 616.1 of the Pennsylvania Municipalities Planning Code, as amended.

805.2 Causes of Actions: In the case of a violation of the zoning ordinance, the governing body may institute any appropriate action or proceeding to prevent, correct, or abate such violation before the District Justice and/or any other Court of appropriate jurisdiction.

805.3 Enforcement Remedies: In accordance with Section 617 of the Pennsylvania Municipalities Planning code, as amended, any person who violates the provisions of this Ordinance shall upon being found liable in a civil enforcement proceeding, pay a judgment of not more than Five Hundred (\$500) Dollars plus all court costs and municipal attorney fees for each day a violation continues once the determination of a violation has been made by the District Justice.

806 APPEALS: The procedure and time limitations for appeal from any ordinance, decision, determination, or order of the Board of Township Supervisors, Zoning Officer, Zoning Hearing Board, or other applicable agency or officer of the municipality in the enactment or administration of this Ordinance shall be in conformance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE 9
ZONING HEARING BOARD

901 GENERAL: In accordance with Article IX of the Pennsylvania Municipalities Planning Code, a Zoning Hearing Board shall be appointed and organized, which Board may adopt rules to govern its procedure. The Board shall hold meetings, keep minutes, and, pursuant to notice, conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing within forty-five (45) days after hearing or continued hearing, all as required by law. For the filing of any appeal or proceeding with the Board, a fee shall be charged in accordance with a schedule annually fixed by the Board of Township Supervisors.

Except as provided in Sections 909, 910, 912, and 916 of the Pennsylvania Municipalities Planning Code, as amended, the Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the Township.

902 APPEALS: Any person or Township official aggrieved or affected by any provision of this Ordinance or by any decision of the Zoning Officer may appeal to the Board within thirty (30) days of the approval or disapproval of a development application by the zoning officer or other municipal agency or body, as provided by rules of the Board, by filing a notice of appeal specifying the grounds thereof. The Board shall have the power to hear and decide appeals from any order, requirement, decision, grant or refusal made by the Zoning Officer in the administration of this Ordinance. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board.

Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall set forth exactly the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance should be granted. As the case may be, at least ten (10) days before the date of the hearing on an application or appeal, the Board shall transmit to the Planning Commission a copy of said application or appeal in order that the Planning Commission may have an opportunity to submit a report or opinion to the Board.

The hearings shall be conducted in accordance with Section 908 of the Pennsylvania Municipalities Planning Code. The Board may appoint any member as a Hearing Officer. The decision, or where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or finding by the Board and accept the decision of the Hearing Officer as final.

Where the Zoning Hearing Board has jurisdiction over a zoning matter, it shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, except as provided in Section 909 of the Municipalities Planning code, but shall take evidence and make a record thereon as provided in Section 908 of the Planning Code. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.

903 VARIANCES: In accordance with Sections 909.1 and 910.2 of the Pennsylvania Municipalities Planning Code, the Board, upon appeal, shall have the power to authorize variances from the provisions of this Ordinance providing the following findings are made where relevant in a given case:

- 903.1 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- 903.2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 903.3 That such unnecessary hardship has not been created by the appellant.
- 903.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 903.5 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In authorizing a variance, the Board may attach such reasonable conditions as it deems necessary to assure compliance with the objectives of this Ordinance.

904 SPECIAL EXCEPTIONS: The Board shall have the power to decide applications for special exceptions as specified in this Ordinance and in accordance with the Pennsylvania Municipalities Planning code Section 912.1, in harmony with its general purpose and intent and in accordance with the standards set forth. The Board shall approve a special exception only if it meets the following and other applicable standards and criteria:

- 904.1 The use is compatible with adjacent uses and structures.
- 904.2 The use is suited to the topography and other characteristics of the site.
- 904.3 The use complies with all yard, height, lot coverage, off-street parking and other provisions of this Ordinance.
- 904.4 The use meets the Site Plan Review Requirements of Section 409.

904.5 The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed site.

In interpreting and applying the provisions of this Ordinance, the Board shall be held to be the minimum requirements for the health, safety and general welfare of the Township. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

905 PERFORMANCE STANDARDS: In cases involving performance standards:

905.1 The Board may require a plan of the proposed construction or development. A description of machinery proposed, and specifications for the mechanisms and techniques to be used.

905.2 The Board may obtain qualified expert consultants to testify as to whether a proposed use will conform to the performance requirements. Any cost of such services shall be borne by the applicant.

906 NON-CONFORMING USES: The Board shall have the power to authorize change of lawful non-conforming uses as follows in accordance with Article 4:

906.1 A non-conforming use which occupies a portion of a structure or premises may be extended within such structure or premises as it existed when the zoning provision took effect, but not in violation of the area and yard requirements of the District in which such structure or premises are located.

906.2 The Board may impose such conditions as it deems necessary for the protection of adjacent property and the public interest. No change of a non-conforming use shall entail structural alterations beyond those required by law for the purpose of safety and health.

907 ANY APPEAL FROM BOARD'S DECISION: Any person aggrieved by any decision of the Board, or any taxpayer or the Board of Township Supervisors, may within thirty (30) days after notice of such decision of the Board, appeal therefrom in accordance with the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE 10
CONDITIONAL USES

1001 GENERAL: Conditional uses may be allowed or denied by the Township Supervisors, as authorized by Pennsylvania Municipalities Planning Code Section 913.2, after recommendations by the Planning Commission in accordance with the following criteria and provisions.

1002 APPLICATION: Applications for conditional uses will be filed with the Zoning Officer and shall be accompanied by:

1002.1 Fee: An application fee in an amount equal to that set by resolution of the Township Supervisors.

1002.2 Plans: Five (5) copies of a Site Plan in conformance with Section 409.

1003 REVIEW: The Zoning Officer shall forward copies of the Application to the Township Supervisors and to the Planning Commission for review and approval.

1003.1 Time: The Planning Commission shall forward its recommendation within forty (40) days unless the petitioner agrees in writing to a time extension and failure to act within the allotted time shall be deemed to be a favorable recommendation.

1003.2 Conditions: The Township Supervisors may attach such conditions as they deem necessary to the approval of any conditional use. The approved Site Plan and all attached conditions shall be recorded by the petitioner within thirty (30) days of final approval. All development, construction and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved and recorded. Any development contrary to the approved plan shall constitute a violation of this Ordinance.

1004 CRITERIA FOR APPROVAL: A conditional use shall be approved if, and only if, it is found to meet the following criteria:

1004.1 Use: The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.

1004.2 Special Standards: The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this Article or Article 4 Supplementary Regulations.

1004.3 Performance Standards: The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of Section 407.

1004.4 Relationship: The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

1004.5 Environment: The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

1004.6 Screening: A non-residential use proposed in a residential district shall be adequately screened from residential areas as deemed appropriate by the Board of Supervisors.

1004.7 Parking: Adequate off-street parking shall be provided in accordance with this Ordinance. No off-street parking area for a non-residential use shall be closer than 20 feet to any adjacent lot in a residential district.

1004.8 Access: The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood. Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

1004.9 Objectives: The proposed use shall preserve the objectives of this Ordinance.

ARTICLE 11
AMENDMENTS

1101 GENERAL: The Board of Township Supervisors may introduce and/or consider amendments to this ordinance and to the Zoning Map, as proposed by a member of the Board of Township Supervisors, the Planning Commission, or by a petition of a person or persons residing or owning property within the Township.

1102 PETITIONS: Petitions for amendment shall be filed with the Planning Commission, and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a schedule affixed by resolution by the Board of Township Supervisors. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Township Supervisors will take final action on the amendment.

1103 REFERRAL: Any proposed amendment presented to the Board of Township Supervisors without written findings and recommendations from the Oneida Township Planning Commission and the Huntingdon County Planning Commission shall be referred to these agencies for review prior to public hearing by the Board of Township Supervisors. A thirty (30) day review period shall be allowed before the Board of Township Supervisors may take final action on the amendment.

1104 ACTION: Before acting upon a proposed amendment, the Board of Township Supervisors shall hold a public hearing thereon. Notice of such public hearing, containing a brief summary of the proposed amendment and a reference to the place where copies of the same may be examined, shall be published once each week for two successive weeks in a newspaper of general circulation. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

1105 CURATIVE AMENDMENTS: A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 1004 of the Pennsylvania Municipalities Planning code, as amended. As with other proposed amendments the curative amendment shall be referred to the Oneida Township Planning Commission and the Huntingdon County Planning Commission at least 30 days before the hearing is conducted by the Township Supervisors.