

# **CANAAN TOWNSHIP**

**Wayne County, Pennsylvania**

# **ZONING ORDINANCE**

**November 13, 2002**

**Canaan Township Board of Supervisors  
Canaan Township Planning Commission**

# Canaan Township Zoning Ordinance

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## **Introduction**

This Zoning Ordinance is enacted under the authority granted to townships in Pennsylvania by the Municipalities Planning Code. It consists of a Zoning Map dividing the Township into several districts or zones and a set of regulations governing certain uses of lands within those districts. The Ordinance itself involves a statement of purposes, definitions of the key terms used in the Ordinance and various forms of regulations.

These include a set of allowable uses, some of which are permitted as a matter of right and others which are permitted only after review by local authorities. The allowable uses are detailed for each district on a "Schedule of District Regulations" contained in Article III. Also contained on the Schedule are listings of development standards (i.e. minimum lot size, minimum height, yard requirements, etc.) that apply to each district. Article III also details how Conditional Uses work.

There are, in addition to the use regulations and general development standards, supplementary standards applicable to certain specific uses and some aspects of all uses. These include parking regulations, and special restrictions on various uses. Those labeled "General Supplementary Regulations" apply to all uses and may be found in Article IV of the Ordinance. Those applicable only to specific uses, the "Supplementary Regulations Applicable to Specific Uses," may be found in Article V.

The remainder of the Ordinance deals with procedures. Article VI details how non-conforming uses, structures and lots (those which are existing and do not meet the standards of the Ordinance) will be treated. Article VII provides for details of how various types of permit applications will be handled and the functions of the Zoning Officer. The Zoning Hearing Board is also created to act as a local court in interpretation of the Ordinance. The procedures for its operation are also outlined in Article VII.

Questions regarding the Ordinance can be directed to the Canaan Township Zoning Officer.

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## Article I - General Provisions

### § 125-01. Title and Short Title.

An Ordinance establishing regulations and restrictions for, among other purposes, the location and use of lots, land, buildings, and other structures; the height, number of stories, and size or bulk of buildings and structures; the density of population; off-street parking and signs in Canaan Township, Wayne County, Pennsylvania. This Ordinance shall be known as, and may be cited as the "Canaan Township Zoning Ordinance."

### § 125-02. Authority and Purposes.

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

### § 125-03. Community Development Objectives.

The Community Development Objectives of this Ordinance include those recommendations for Canaan Township as expressed in the Canaan Township Comprehensive Plan and the following specific additional objectives:

- A. Guiding land uses to areas of the Township that can best accommodate them so as to provide for both controlled growth and economic development.
- B. Maintaining safe means of circulation through the Township.
- C. Maintaining good housing conditions and affordable housing availability.
- D. Protecting the community to as great a degree as practical from natural or man-made disasters or other dangers.
- E. Ensuring all development is done with proper regard for health, safety and welfare concerns of the Township and necessary improvements can or will be made to accommodate the activities which will result.
- F. Protecting agricultural security areas and farm operations so as to preserve the economic vitality of such enterprises, particularly family farms, and to promote the agricultural and farm character of the Township.

### § 125-04. Interpretation, Conflict and Separability.

- A. The provisions of these regulations in their interpretation and application shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.
- C. These regulations are not intended to interfere with, abrogate, or annul any other Ordinance rule or regulation statute or provision of law. Where any of the provisions of these regulations impose restrictions different than any other Ordinance rule or regulations or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- D. If any part or provision of these regulations is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Township hereby declares that it would have enacted the remainder of these regulations even without such part or provision or application.

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## Article II - Definitions

### § 125-05. Use of Words.

As used in this Ordinance, words in the singular include the plural and those in the plural include the singular. The words "shall" and "will" are, for the purposes of this Ordinance, defined as mandatory.

Also, for the purposes of this Ordinance, the following terms shall be considered interchangeable:

- A. The words Ordinance and regulation(s).
- B. The terms Township and Canaan Township.

Unless otherwise expressly stated, the following definitions shall, for the purpose of this Ordinance, have the meaning herein indicated. The terms of the Pennsylvania Municipalities Planning Code are also incorporated herein by reference. Where any doubt exists as to the meaning of terms the legal definition pursuant to the Code shall prevail. Any other pertinent word or term not a part of this listing shall be construed to have a definition consistent with the description of the term in Webster's Unabridged Dictionary.

### § 125-06. Definitions of Terms.

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

**Accessory Buildings and Structures:** A subordinate building or portion of the main building on a lot, the use of which is customarily incidental to that of the main building, including fences, electronic reception devices, and all swimming pools as herein defined. It shall also be constructed of a combination of materials which is safe and stable.

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

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

**Bed and Breakfast:** A dwelling in which up to eight (8) guest rooms with shared bathroom facilities are available as lodging for persons, either individually or as families, for specific periods of time, with one or more meals offered.

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

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

**Churches and Related Activities:** A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

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

**Conditional Use:** A use permitted within a district subject to specific review criteria established in this Ordinance that may require attachment of condition of approval or limit the location and nature of the use. Conditional uses

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are allowed or denied by the Canaan Township Board of Supervisors after recommendations by the Canaan Township Planning Commission.

**Conservation Subdivision (Cluster Development):** A form of development for single-family residential subdivisions that permits a reduction in lot area and other development standards, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant extra land is devoted to open space.

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

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

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

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

**Dwelling, One-Family:** A dwelling unit accommodating a single family and having two (2) side yards.

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

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

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

**Forestry Uses:** Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services, including the operation of a portable sawmill used on a temporary basis while harvesting the woodlot where it is located, but excluding other wood processing operations where forestry products are cut, graded, dried, sawed, sorted, warehoused (inside or outside), or otherwise processed on a commercial basis for re-use or re-sale.

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

**Home Occupation:** Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes (see § 125-14 for further details).

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

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restaurants, meeting rooms and recreational facilities.

**Junkyard:** Any place or establishment where junk is stored or accumulated on the outside of any building, edifice, or structure that is enclosed on all sides or where the business of selling, buying, or dealing in junk is carried on or where two (2) or more motor vehicles are stored which are unlicensed, inoperable, and do not have a current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania.

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

**Light Industrial Uses:** Industries involving generally unobtrusive processes. These include but are not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, printing operations, wood products industries and the like. Warehousing shall also be considered a light industrial use.

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

**Lot:** A designated parcel 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.

- A. **Lot Area:** The area of land contained within the limits of the property lines bounding that lot, including any area within a highway right-of-way.
- B. **Lot Coverage:** That portion or percentage of the lot area which is covered by buildings, roads, driveways, parking areas, pavement or other impervious surfaces.
- C. **Lot Depth (Average):** The average of the depths of a lot along the two side lot lines.
- D. **Lot Width (Average):** The average of the widths of a lot at the building setback line and the rear lot line.

**Mobile Home:** A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. The term Mobile Home shall not include recreational vehicles, any unit of less than forty feet in length or ten feet in width or modular homes.

**Mobile Home Park:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**Motel:** A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least 25% of the rooms having direct access to the outside.

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

**Non-Conforming 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 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 a structure, which does not comply with the applicable use provisions in this Ordinance or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment to its location by reason of annexation. Such non-conforming uses include, but are not limited to, non-conforming signs and other structures.

**Off-Site Sewage Disposal:** A sanitary sewage collection system in which sewage is carried from individual lot or



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dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties or employing sub-surface disposal in any manner shall not be considered as off-site sewerage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

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

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

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

**Public-Uses:** A building or a structure owned and operated by a governmental agency to provide a governmental service to the public.

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

**Recreational Facilities:** Outdoor or indoor areas or structures used for purposes of amusement, entertainment or recreation including the following;

- A. **Public Recreational Facilities:** Municipally owned or operated parks, playgrounds, ballfields, courts, trails and other attractions that are open for public use.
- B. **Private Recreational Facilities:** Privately owned or operated parks, playgrounds, ballfields, courts, trails and other attractions that are open for public use or to members or guests of a non-profit entity such as a property owners association, youth group or charitable organization on a non-commercial basis.
- C. **Commercial Recreational Facilities:** Privately owned or operated amusement and entertainment attractions operated for profit on a commercial basis; including animal farms, ski areas, golf courses, riding stables, driving ranges, theaters, campgrounds, fun parks, racetracks and similar attractions.

**Retail and Service Establishments:** Stores and services operated for the purposes of serving local and visiting clientele, including grocery stores, clothing shops, pharmacies, specialty shops and the like but excluding vehicle and equipment sales operations, car washes, hotels and motels and other activities broken out as specific uses on this schedule.

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

**Services, Essential:** Public utility uses and public or semi-public providers of emergency services such as fire and ambulance uses.

**Sign:** Any device for visual communication located on the outside of a building or out of doors that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or any civic, charitable, religious, patriotic, or similar organizations.

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

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**Stable (Riding):** A structure or area used for the shelter, care and/or riding of donkeys, horses or mules for hire, remuneration or sale.

**Stable (Private):** An accessory structure or use which involves the keeping of donkeys, horses or mules not for hire, remuneration or sale.

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

**Swimming Pool (Private):** Any structure, whether of temporary or permanent nature, either above or below ground that contains water to a depth of 2.0 feet or more and is used for swimming purposes and is not available for public use.

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

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

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

**Vehicle and Equipment Sales and Service:** The use of any building, land area or other premise for the display, sale or service of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including car washes and gasoline service stations.

**Yard:** An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the highway right-of-way and other yards from property lines.

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

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## Article III - Basic Zoning Regulations.

### § 125-07. Designation of Districts.

- A. Canaan Township is hereby divided into Zoning Districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.
- B. Canaan Township shall consist of Zoning Districts as follows:

Agricultural District (AG)  
Rural Development District (RD)  
Neighborhood Development District (ND)  
Low-Density Residential District (LR)  
Public and Recreational District (PR)

An additional classification is also hereby made for the purpose of regulating floodplains as designated by the Federal Emergency Management Agency. This shall be an overlay zoning district wherein the provisions of the Canaan Township Flood Damage Prevention Ordinance shall apply in addition to standards normally applicable to the underlying district.

- C. District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Wayne County Recorder of Deed's Office and the Wayne County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map. In any case of uncertainty the Canaan Township Board of Supervisors shall interpret the intent of the map.

### § 125-08. Application of Regulations.

- A. District regulations are of two types; Use Regulations and Development Standards. The intent of each Zoning District, and regulations that shall apply in each, are given in the Schedule of District Regulations attached hereto and made a part hereof. Supplemental regulations also applicable to any proposed new use, expansion of an existing use or change of use of land and/or structures in Canaan Township are found in Article IV hereof. Whenever any owner or occupant of any property in Canaan Township shall, for any purpose or in any manner;

- (1) establish a new use,
- (2) commercially clear, excavate or grade land for purposes of making permanent structural improvements to a property,
- (3) change an existing use,
- (4) make permanent structural improvements to a property,
- (5) erect a new building,
- (6) move, alter, add to or enlarge any existing land use or building;

such owner or occupant shall first comply with these and the other requirements of this Ordinance and obtain a zoning permit, unless specifically exempted from such requirements by this Ordinance. A zoning permit shall be required whenever a change in land use occurs, regardless whether any new construction is involved or not, excepting that agricultural harvesting, grazing, tilling and crop rotation, shall be exempt from any and all permit requirements.

- B. If a proposed use is not specifically listed in any category of uses or within any zoning district on the Schedule of District Regulations, the Board of Supervisors shall render a formal determination as to whether

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or not the use is permitted in a given district and if the use is permitted, it shall then process the application as a Conditional Use. The Board of Supervisors shall make its determination on the basis of similarities of the use to other specifically listed uses within various districts, taking into consideration the impacts of the use on the community and the neighborhood in which it is proposed. This shall not permit the Board of Supervisors to reclassify uses which are already listed nor shall the Board of Supervisors allow any use which is not listed in a particular district if that use is already permitted in another district.

## **§ 125-09. Use Regulations.**

Use Regulations and statements of intent for each District are provided in the Schedule of District Regulations. Permits for principal permitted uses and accessory uses shall be issued as a matter of right provided the standards contained in this Ordinance are otherwise met. Conditional uses shall be subject to additional review procedures as specified herein.

## **§ 125-10. Development Standards.**

- A. The Development Standards that apply to each District include minimum lot sizes, minimum average lot widths, yard requirements, maximum lot coverage for buildings and other impervious surfaces, and maximum building height. These standards vary among Districts and are listed on the Schedule of District Regulations. Supplementary regulations (Articles IV and V) may establish additional or differing standards as they apply to specific uses.
- B. Building height standards found on the Schedule of District Regulations shall not apply to church spires, belfries, cupolas, domes, elevator structures, monuments, water towers, chimneys, smokestacks, flagpoles, communications towers, energy generation devices, farm buildings or similar non-inhabited structures under two-hundred (200) feet in height. Structures of a similar nature that exceed two-hundred (200) feet in height may be permitted as Conditional Uses provided they are sufficiently setback from adjoining properties to avoid any safety hazard connected therewith and meet all State and Federal air safety and electronic communications standards.
- C. All development standards contained herein are minimums and shall apply to each dwelling unit unless otherwise specifically provided. A two-family dwelling shall, for example, require the equivalent of two minimum sized lots insofar as lot area, as will any two dwelling units on the same property. Single studio apartments occupied by immediate family members shall, however, be exempt from this requirement.

## **§ 125-11. Conditional Uses.**

- A. Procedures Applicable to Conditional Uses.
  - (1) Uses specified as Conditional Uses shall be permitted only after review and approval pursuant to the Supplementary Regulations provided herein for specific conditional uses and the express Conditional Use review criteria provided below.
  - (2) The Zoning Officer shall, within fifteen (15) days of the filing of an application for a conditional use, determine if an application is complete and, if so, forward a copy of said application, along with the site plans and required supporting data, to the Township Planning Commission for review and report to the Board of Supervisors. If such application is not complete as to the information requirements of Sub-Section B below, however, the Zoning Officer may reject such application, provided the applicant shall, within five (5) days of this determination, be notified in writing of the information that is lacking.
  - (3) The Planning Commission shall report its findings to the Board of Supervisors within forty-five (45) days of its first regular meeting following its receipt of the application, together with a recommendation indicating whether the criteria listed and any applicable performance standards have been satisfied. The applicant may make a request for a public hearing before the Board of Supervisors as soon as the Planning Commission has made its recommendation to the Board but not before such action.

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- (4) The Township Board of Supervisors shall, upon receipt of the conditional use application, the recommendation of the Planning Commission and the applicant's request for a public hearing, conduct at least one public hearing on the application. A public hearing shall take place within sixty (60) days, pursuant to public notice and the Board of Supervisors shall grant or deny the application within forty-five (45) days after the last public hearing, accompanying its decision with findings of facts or conclusions based on the requirements of this Ordinance. If the application is granted, the Board of Supervisors shall attach such reasonable conditions and safeguards as the Board deems necessary to protect the public health, safety and welfare and implement the purposes of this Ordinance.
- (5) Should the Pennsylvania Municipalities Planning Code be amended with respect to conditional use procedures, those provided herein shall be considered to be amended in like fashion and no provision contained herein shall be construed to restrain the Township from any action or with respect to any time periods permitted by such Code.

## B. Conditional Use Site Plan Requirements.

The following information shall be included on any site plan connected with a conditional use application, provided that the Township Planning Commission may waive a particular application requirement where the size or scope of a project would render the data inapplicable or unnecessary. The purpose of the site plan is to evaluate the ability of the project to meet the Conditional Use criteria contained herein and not necessarily to give final approval if further submissions under the Township's Subdivision and Land Development Ordinance or other Township ordinances are required. The following information shall be included on the site plan:

- (1) A detailed narrative description or statement as to the proposed use of the building or land.
- (2) A site layout drawn to a scale of not less than one (1) inch equals one hundred (100) feet showing the location, dimensions and area of each lot, the location, dimensions and height of proposed buildings, structures, streets, roads, and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
- (3) The location, dimensions and arrangements of all open spaces and yards, landscaping, fences and buffer yards, including methods and materials to be employed for screening. Landscaping information shall be sufficiently detailed and illustrative to determine compliance with Section 502.7 hereof and the buffering and screening requirements contained herein, although final landscaping plans can be deferred to the Land Development stage of approval. The Township Board of Supervisors may require the use of a Registered Landscape Architect to prepare such plans for the Conditional Use and Land Development applications.
- (4) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
- (5) The types, dimensions, locations, landscaping and methods of illumination for project signage and exterior lighting.
- (6) The location, surfacing and dimensions of sidewalks, trails and all other areas to be devoted to pedestrian use.
- (7) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
- (8) The capacity and arrangement of all buildings used or intended to be used for dwelling and other purposes, including information on total land area, area to be reserved in common open space, density, maximum building coverage, total area to be covered with impervious surfaces and other information which will assist the Commission in determining compliance with this Chapter.

# Canaan Township Zoning Ordinance

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- (9) A description of any proposed use in sufficient detail with regard to traffic generation to permit the Commission to determine compliance with the performance and traffic impact requirements set forth in § 125.15. Traffic studies required hereunder and by the Pennsylvania Department of Transportation (PennDOT) shall also be submitted. All such studies, regardless of location on State or Township roads, shall meet PennDOT's requirements as well as the Township's, excepting that the requirements for projects accessing only Township roads may be modified by the Township Board of Supervisors on the recommendation of the Township Engineer. The Township may also require studies meeting the standards found in the Pennsylvania Municipalities Planning Code for purposes of establishing transportation impact fees applicable to the project.
- (10) Site contours at five (5) foot intervals.
- (11) A plan depicting all proposed site grading; drainage provisions; road, driveway and parking lot construction and proposals.
- (12) A key map showing the entire project and its relation to surrounding properties and existing buildings thereon.
- (13) Soils, slopes and floodplain delineations.
- (14) Certification by engineer or surveyor, others, e.g., landscape architect.
- (15) Certification of ownership and acknowledgment of plan signed by owner or developer.
- (16) Current zoning of the property proposed to be developed plus current zoning of all adjoining lands.
- (17) Such other information as shall be determined by the Township Board of Supervisors to be reasonably necessary to determine compliance with the criteria provided below.

## C. Conditional Use Site Plan Review Criteria.

The Township Planning Commission and Board of Supervisors, in reviewing the Conditional Use site plan, shall consider its conformity to the Canaan Township Comprehensive Plan and the various other plans, regulations and ordinances of the Township. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Township shall be part of the review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The Board of Supervisors shall further consider the following specific factors:

- (1) Building design and location. Building design and location should be suitable for the use intended and compatible with natural and man-made surroundings. New buildings, for example, should generally be placed along the edges and not in the middle of open fields. They should also be sited so as to not protrude above treetops or the crestlines of hills seen from public places and busy highways. Building color, materials and design should be adapted to surroundings as opposed to adaptation of the site to the building or the building to an arbitrary national franchise concept.
- (2) Large commercial buildings. Commercial facades of more than one-hundred (100) feet in length should incorporate recesses and projections, such as windows, awnings and arcades, along 20% of the facade length. Variations in ruefulness should be added to reduce the massive scale of these structures and add interest. All facades of such a building that are visible from adjoining streets or properties should exhibit features comparable in character to the front so as to better integrate with the community. Where such facades face adjacent residential uses, earthen berms planted with evergreen trees should be provided. Loading docks and accessory facilities should be incorporated in the building design and screened with materials comparable in quality to the principal structure. Sidewalks should be provided along the full length of any facade with a customer entrance and integrated into a system of internal landscape defined pedestrian walkways breaking up all parking areas.

# Canaan Township Zoning Ordinance

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- (3) Lighting and signage. Improvements made to the property should not detract from the character of the neighborhood by producing excessive lighting or unnecessary sign proliferation. Recessed lighting and landscaped ground signs are preferred.
- (4) Parking and accessory buildings. Parking areas should be placed in the rear whenever possible and provide for connections with adjoining lots. Accessory buildings should also be located in the rear with access from rear alleys. If placement in the rear is not possible, parking lots should be located to the side with screening from the street.
- (5) Drainage systems. Storm drainage, flooding and erosion and sedimentation controls should be employed to prevent injury to persons, water damage to property and siltation to streams and other water bodies.
- (6) Landscape preservation. Trees, shrubs and other landscaping should be used to buffer or soften a use in terms of visual or other impacts on adjoining property owners. Impacts on other Township residents and visitors, on whom the local economy often depends, should also be considered. Existing landscape features such as stone walls, hedgerows, tree borders and individual large trees should be retained for this purpose and removal should be limited to the area of building or driveway construction unless additional sight-distance is required.
- (7) Driveway and road construction. Whenever feasible, existing roads onto or across properties should be retained and re-used instead of building new, so as to maximize the use of present features such as stone walls and tree borders and avoid unnecessary destruction of landscape and tree canopy. Developers building new driveways or roads through wooded areas should reduce removal of tree canopy by restricting clearing and pavement width to the minimum required for safely accommodating anticipated traffic flows.
- (8) Construction on slopes. The crossing of steep slopes with roads and driveways should be minimized and building which does take place on slopes should be multi-storied with entrances at different levels as opposed to regrading the site flat.
- (9) Tree borders. New driveways onto principal thoroughfares should be minimized for both traffic safety and aesthetic purposes and interior access drives which preserve tree borders along highways should be used as an alternative. Developers who preserve tree borders should be permitted to recover density on the interior of their property through use of clustering.
- (10) Development at intersections. Building sites at prominent intersections of new developments should be reserved for equally prominent buildings or features which will appropriately terminate the street vistas. All street corners should be defined with buildings, trees or sidewalks.
- (11) Streets and sidewalks. Cul-de-sac and dead-end streets should be discouraged in favor of roads and drives which connect to existing streets on both ends. Streets within residentially developed areas should be accompanied by on-street parking and a sidewalk on at least one side of the street. Sidewalks should also be provided in connection with new commercial development adjacent to residential areas and pedestrian access should be encouraged.
- (12) Setbacks. New buildings on a street should conform to the dominant setback line and be aligned parallel to the street so as to create a defined edge to the public space.

## D. Additional Conditional Use Review Criteria.

The Board of Supervisors, in acting upon the Conditional Use permit application, shall take into consideration not only the criteria contained above, but also the following:

- (1) Whether the proposed use will have a detrimental or positive impact on adjacent properties. A new use should not produce a significant negative impact on the property values of adjacent properties nor should it create potential nuisance impacts related to noise, odors, vibrations or glare.

# Canaan Township Zoning Ordinance

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- (2) If the proposed use is one judged to present detrimental impacts, whether an approval could be conditioned in such a manner as to eliminate or substantially reduce those impacts.
  - (3) Whether the use will have a positive or negative effect on the environment, job creation, the economy, housing availability, open space preservation or any other factors which reasonably relate to the health, safety and general welfare of present or future residents of Canaan Township.
  - (4) Whether the granting of an approval will cause an economic burden on community facilities or services, including but not limited to highways, sewage treatment facilities, water supplies and fire-fighting capabilities. The applicant shall be responsible for providing such improvements or additional services as may be required to adequately serve the proposed use and any approval shall be so conditioned. The Township shall be authorized, subject to the limitations of the Pennsylvania Municipalities Planning Code, to demand fees in support of such services where they cannot be directly provided by the applicant.
  - (5) Whether the site plan indicates the property will be developed and improved in a way which is consistent with that character this Ordinance and the Township's Comprehensive Plan are intended to produce or protect, including appropriate landscaping and attention to aesthetics and natural feature preservation.
- E. No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties affected, all conditions necessary to protect the general health, safety and welfare shall be imposed as conditions of approval. Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, hours of operation, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.



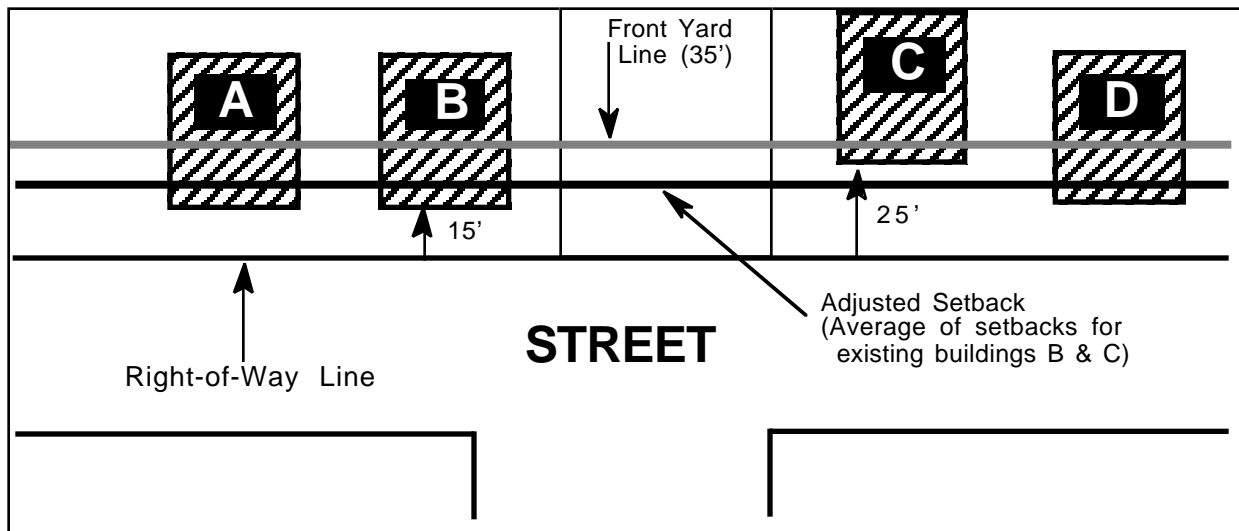
# Canaan Township Zoning Ordinance

## Article IV - General Supplementary Regulations

### § 125-12. Special Lot Provisions

- A. Corner lots. No obstruction to vision (other than an existing building, post, column or tree) exceeding thirty (30) inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the intersecting street centerlines and a line drawn between points along such street centerlines seventy-five (75) feet distant from the points of intersection. Also, a corner lot shall be considered to have two front yards, one along each street.
- B. Through lot requirements. A through lot shall be considered as having two (2) street frontages, both of which shall be subject to the front yard requirements of this law.
- C. Minimum lot frontage. All residential lots shall have a front lot line with a minimum length of fifty (50) feet.
- D. Side yard exception. Where the side wall of a building is not parallel with the side lot line or is irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such yard shall not be narrower at any point than one-half (1/2) the otherwise required minimum width.
- E. Front yard exception. When an unimproved lot is situated adjacent to or between improved lots already having a principal building within the required front yard, the front yard for the unimproved lot may be reduced to the average depth of the front yards for the two (2) nearest adjoining improved lots, but not less than twenty-five (25) feet from the centerline. The illustration below depicts how the front yard exception shall apply.

**Illustration of Front Yard Exception**



- F. Provision of yard or other open space. No yard or other open space provided about any buildings for the purpose of complying with the provisions of the law shall be considered as providing a yard or open space for any other building, and no yard or other open space on another lot shall be considered as providing a yard or open space for a building on any other lot.
- G. Waterfront yards. Any yard that borders on a Pennsylvania Department of Environmental Protection classified lake, stream or body of water shall be not less than one-hundred (100) feet in depth except for boathouses and docks.

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## **§ 125-13. Accessory Uses or Structures.**

- A. No detached accessory building or structure (one not attached to a principal structure), excepting a sign, shall be erected closer to the street than any principal structure on the lot, except in the case of farm buildings. Buildings accessory to principal structures located more than one-hundred (100) feet from a lot line shall also be exempt. Accessory structures may, in these situations, be located in front of residences but not in required front yard areas.
- B. Detached accessory structures shall otherwise be no closer than ten (10) feet to any property line. An exception shall be provided for fences, which may be located on the property line and may be attached to the primary structure. Fences, nevertheless, shall not exceed a height of eight (8) feet and shall comply with clear-sight triangle requirements. All fences shall be maintained in an upright position.
- C. Below ground swimming pools and others where the water surface is less than four (4) feet above the ground, shall, in addition to meeting the above requirements, also, be entirely enclosed with a permanent fence not less than five (5) feet in height; and, such fence shall be of a design adequate to restrict entry to the pool (e.g. chainlink, wire mesh, solid picket, etc.) The entrance gate shall be closed when the pool is not in use.
- D. The aggregate ground area covered by any accessory buildings in any rear yard shall not exceed fifty percent (50%) of the rear yard area.
- E. Accessory structures of more than 1 story in height within required side or rear yards shall be subject to Conditional Use review.
- F. When an accessory structure is attached to the principal building, it shall comply with requirements for principal buildings.
- G. Storage trailers, railroad cars, bulk containers or retired mobile home units and recreational vehicles shall not be used for purposes of accessory structures in connection with any residential use and only as Conditional Uses in conjunction with any commercial, industrial or institutional use.

## **§ 125-14. Home Occupations.**

- A. Home occupations include any occupation or business activity that occurs within structures or on property where the primary land use is residential, and where the occupation or business is clearly incidental to such residential use. Such uses may include professional offices, antique and craft shops, artisan activities, personal service shops and other non-automotive related businesses.
- B. Home occupations are permitted as Accessory Uses within specified residential districts, provided they do not detract from the residential character, appearance, or make-up of the neighborhood in which the business is located. The following criteria shall be used to determine if this standard will be met:
  - (1) Extent of the business - whether or not the residential use will be the primary use of the property. Factors that shall be used to determine the primary use of the property shall include, but are not limited to, the area of the property used for the business (limited to a maximum of 35%), the number of non-resident employees (limited to 3) and the amount of time the business will be open to the public on a daily basis (limited to 10 hours).
  - (2) Appearance from an adjacent street - whether or not the use of the property as a business is distinguishable from an adjacent street. Except for a non-illuminated, permanent identification sign no larger than two (2) square feet in size attached to the principle structure, there shall be nothing that occurs on the property that can be observed from adjacent streets that make it readily apparent that a business is being operated on the premises. In cases where the principle structure is obscured from the street, or the structure is setback more than fifty (50) feet from the property line, a non-illuminated ground sign not to exceed four (4) square feet may be used. Factors for evaluating this standard shall be that the residential dwelling not be altered to change its residential appearance. No activity related to the conduct of the home occupation shall be permitted to occur in such a manner as to be obtrusive to the neighborhood, attract undue attention to the business or adversely impact the residential

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character of the neighborhood.

- (3) Impact on the neighborhood - whether or not the business activity will cause a nuisance to surrounding property owners; adversely impact the peace, health, or safety of neighborhood residents; and/or create a deviation from the residential character of the neighborhood. Factors for determining conformance with this standard shall be:
  - (a) Traffic - whether or not the business will generate traffic that is excessive and/or detrimental to the neighborhood. A business will be allowed to generate a maximum of twenty-four (24) vehicle trips per average weekday, Saturday and Sunday. However, based on the characteristics of a specific neighborhood, these amounts may be lowered or raised by the Board of Supervisors. The factors to be used for such a determination shall include, but are not limited to, pertinent characteristics of the neighborhood such as width of properties, width of the streets, hills, curves, the number of children present and existing traffic levels on the adjacent street.
  - (b) Parking - whether or not parking problems could result from the business use. Factors which shall be used to determine conformance with this standard include, but are not limited to the following: 1) parking shall be provided on the property, or along the frontage of the property on the street; 2) parking on the property shall be on a gravel or other improved surface of adequate capacity to accommodate the total number of visitors expected at any one time; and 3) parking on the street shall be limited to accommodation of special gatherings, or for the drop-off or pick-up of customers or products for periods not to exceed 15 minutes in duration.
  - (c) Nuisance - whether or not the business activity would cause a nuisance to surrounding property owners. Existing property maintenance codes, fire codes, building codes, environmental and safety codes and other related regulations shall be the basis for determining conformance with this standard.

- C. No home occupation, having once been permitted or established, shall be added to, expanded, enlarged or otherwise increased or changed substantially in character without complying with this law and such permission or establishment shall not be a basis for a later application to establish a principal commercial use. Moreover, the conversion of a residence with a home occupation to a commercial use by the abandonment of the residence or sale, rent or transfer of the business to a party which does not reside on-site is strictly prohibited unless the business is then moved off-site.

## **§ 125-15. Parking, Loading, Access and Traffic Standards.**

- A. Off-street parking, loading and unloading facilities shall be provided as necessary in connection with every use. One-family and two-family residential uses shall be provided with two (2) off-street parking spaces per dwelling unit. Parking needs with respect to all other uses shall be determined in conjunction with site plan review. The amount of parking required shall be based on the following factors:
  - (1) Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Planning Commission may require the developer or applicant to gather and submit such data in support of its proposed parking provisions. The National Parking Association and the Urban Land Institute are examples of such industry sources.
  - (2) The characteristics of the proposed customers, residents, occupants or visitors to a given facility. Housing for the elderly would, for example, require fewer spaces per dwelling unit than time-shared recreational units, though the number of dwelling units might be the same.
  - (3) The expected occupancy rates, traffic levels and numbers of employees in connection with any enterprise and the degree to which these directly relate to parking requirements.
  - (4) Recommendations, if any, from other public agencies or information sources which suggest, based on experience, the appropriate amount of parking in connection with a given use.

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- (5) The likelihood that parking will be shared with adjoining facilities, the impact of daily peak visitation or use periods on demand and the hours of operation as compared to other neighborhood activities.
- (6) Where industry standards are inadequate for the particular use or site involved or such standards are unavailable, the following standards may be applied:

Home-occupations	1 space per 100 sq. ft. of floor area devoted to use
Hotels/motels	1 space per rental room
Industrial uses	1 space per 400 sq. ft. floor area
Commercial uses	1 space per 250 sq. ft. floor area
Places of public assembly	1 space per 5 seats
Offices	1 space per 300 sq. ft. floor area
Restaurants	1 space per 50 sq. ft. floor area
Vehicle service establishments	4 spaces plus 1 per employee

- B. Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages, carports, and driveways not in the public right-of-way may be considered parking spaces.
- C. Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.
- D. All parking areas which are designed to accommodate twelve (12) or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control. The following are guideline standards the Township may apply:
  - (1) No more than twelve (12) parking spaces should be allowed in a continuous row uninterrupted by landscaping.
  - (2) No parking areas should be designed such that a vehicle might directly back out onto a public highway or through road within the development. Traffic flows through a parking area should be minimized and limited to connections from one lot to another (which shall be encouraged) and to the public highway or through road.
  - (3) Parking areas should generally be located in the rear yard of any use, with the principal building situated near the front lot line as permitted by Schedule of District Regulations. This is for the purpose of maintaining the continuity of the building line along any highway and avoiding the effective merger of parking areas along a highway into one mass of pavement where entrances and exits become difficult to identify.
- E. Any building erected, converted or enlarged for commercial, office, manufacturing, wholesale, institutional or similar uses shall, in addition to the off-street parking space required above, provide adequate off-street areas for loading and unloading of vehicles. Public rights-of-way shall, under no circumstance, be used for loading or unloading of materials.. The minimum size loading space shall be sixty (60) feet in depth and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.
- F. Access to and from all non-residential off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with the following provisions:
  - (1) Access drives shall not open upon any public right-of-way within (80) feet of the nearest right-of-way line of any intersecting public street or highway or where the sight distance in either direction would be less than two-hundred (200) feet. Access drives onto state highways shall be subject to Pennsylvania Department of Transportation standards.
  - (2) There shall be no more than one entrance and one exit to any business or commercial use parking area on any one highway unless safety considerations should demand it. Each entrance and exit shall be

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clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits. In no case shall one entrance and exit be located within 80 feet of any other on the same property or adjoining property along the same public right-of-way. Non-conforming lots, however, may be exempted from this requirement.

- (3) All access drives shall be subject to the requirement of obtaining a road occupancy or street encroachment permit from the Canaan Township or the Pennsylvania Department of Transportation, as the case may be, and approval of any permits hereunder may be conditioned upon the application for and/or receipt of such permits from these authorities.
- G. All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least twenty (20) feet in depth landscaped according to standards provided herein for such landscaping.
- H. The Planning Commission, at its discretion, may require a traffic impact study with any Conditional Use application involving an activity likely to generate more than five-hundred (500) trip-ends per day based on the following daily rates:

Residential uses	9.6 trip-ends per dwelling unit
Industrial uses	3.3 trip-ends per employee
Restaurants	7.9 trip-ends per seat
Fast-food restaurant	23.9 trip-ends per seat
Convenience market	605.6 trip-ends per 1,000 sq. ft. gross floor area
Supermarket	177.6 trip-ends per 1,000 sq. ft. gross floor area
Car wash	108.0 trip-ends per car stall
Offices	6.0 trip-ends per employee
Other commercial uses	50.0 trip-ends per 1,000 sq. ft. gross floor area
Institutional uses	4.0 trip-ends per employee
Other uses	See <u>Trip Generation</u> - Institute of Transportation Engineers

The study shall examine existing and projected traffic flows before and after development and generally follow the guidelines set forth for such studies by the Institute of Transportation Engineers and the Pennsylvania Department of Transportation. Its purpose shall be to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access to the site from the network. It shall identify solutions to potential problems and any improvements needed. The scope of the study shall be approved in advance by the Township Board of Supervisors.

## **§ 125-16. Commercial and Manufacturing Performance Standards.**

Wherever commercial, manufacturing or other non-residential uses, with the exception of agricultural activities and home occupations, are proposed, the following performance standards shall apply. The Zoning Officer shall ensure these standards are met prior to issuing Certificates of Use for such uses and may require the applicant(s) to provide documentation of compliance.

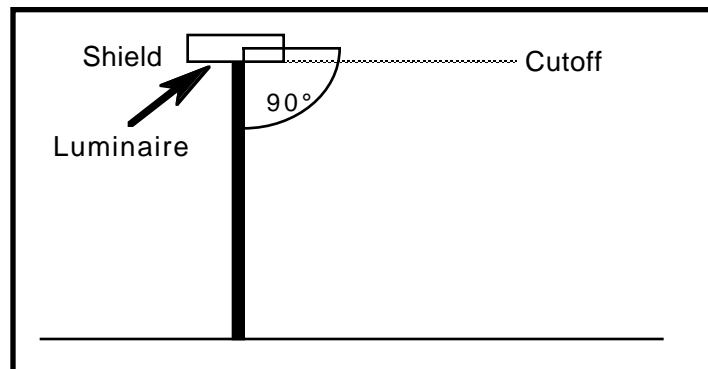
- A. Where a commercial or manufacturing use is contiguous to an existing residential use in any District (including those situated on the opposite side of a highway) or any approved residential lot in a residential district, the Board of Supervisors may require that the minimum front, side and rear yards be increased by up to fifty percent (50%). The Board may also require, for purposes of separating incompatible activities or shielding the residence from negative impacts, that a buffer consisting of a solid fence of wood and/or a twenty (20) feet wide dense evergreen planting not less than six (6) feet high be maintained, unless the properties are in the same ownership or the full width of the yard is already wooded. See also the landscaping standards contained herein.
- B. All activities involving the manufacturing, production, storage, transfer or disposal of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Fire-fighting and fire suppression equipment and devices shall be provided pursuant to National Fire Protection Association guidelines. Burning of waste materials in open fires is prohibited. Details of the potential hazards and planned safety and accident response actions shall be provided by the applicant. The

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Township may also require greater front, side and rear yards, fencing and other buffers as safety measures.

- C. No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- D. The outdoor day-night average sound level (DNL) in decibels at the property line shall not exceed sixty-five (65) decibels. The Zoning Officer shall determine such average sound level by taking no less than three measurements with a decibel meter, all of which shall occur within seventy-two (72) hours but no less than fifteen (15) minutes apart.
- E. No vibration shall be permitted on a regular or continuing basis which is detectable without instruments at the property line.
- F. All lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare onto operators of motor vehicles, pedestrians and land uses in proximity to the light source. Light sources shall comply with the following standards:

Type of Light Source	Maximum Illumination Permitted at Property Line	Maximum Permitted Height of Light
Globe light	0.20 Footcandles	15 Feet
>90% Cutoff	0.75 Footcandles	25 Feet
<90% Cutoff	2.00 Footcandles	30 Feet



No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or other sources, so as to be visible at the property line on a regular or continuing basis, shall be permitted.

- G. No emission shall be permitted on a regular or continuing basis from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.
- H. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted on a regular or continuing basis which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.
- I. All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and planned safety devices and contamination response actions shall be provided by the developer.
- J. Whenever a vehicle and equipment sales, mechanical and body repair use is proposed as a Conditional Use, or as an expansion of an existing non-conforming use, the following additional performance standards shall apply:

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- (1) All mechanical and body repair work shall be performed within buildings.
  - (2) All automobile or vehicle parts, new or used, shall be stored within buildings.
  - (3) Vehicles which are temporarily on the property awaiting to be repaired, shall be stored in an area which meets the minimum yard and buffer requirements applicable for the district and the use.
- K. All industrial uses, processing and storage shall be within fully enclosed structures, and no tanks, cupolas, vents or other apparatus peculiar to the processing shall be visible outside the approved buildings. The facade of buildings and structures in industrial uses shall be compatible with adjacent development and shall be fully landscaped in accordance with the requirements therefore that are contained herein.
- L. The Planning Commission or Board of Supervisors may require a landscape plan be prepared as part of any Conditional Use application. Such a plan may also be required whenever any non-residential and non-agricultural use is proposed in any district so as to buffer parking areas and buildings from the highway, each other and other uses. Where it is determined that a proposed Conditional Use would not have a significant impact on the natural environment, adjoining landowners or the view from a public highway, these requirements may be appropriately modified by the Planning Commission or Board of Supervisors. The landscape plan, if required, shall specify locations of all mature shade trees or other species of six (6) inch caliper or greater and indicate existing vegetation to be removed or preserved. It shall demonstrate how building materials, colors, and textures will be blended with the natural and man-made landscape. It shall also include visual depictions of the proposed landscape from the perspective of persons who will view the site from the highway or adjoining properties. Specific locations, varieties, sizes, winter hardiness, and schedules for all proposed plantings shall, too, be provided as part of the plan. The Township, in reviewing a landscape plan, may employ the assistance of design professionals and shall specifically consider the following in acting upon the Conditional Use application:
- (1) The plan should promote attractive development, preserve existing vegetation to the maximum extent possible, enhance the appearance of the property and complement the character of the surrounding area.
  - (2) The plan should use landscaping to delineate or define vehicular and pedestrian ways and open space.
  - (3) The plant material selected should be of complementary character to buildings, structures and native plant species. It should be of sufficient size and quality to accomplish its intended purposes. All ornamental and shade trees should have a minimum caliper of two and one-half (2.5) inches measured four (4) feet above the ground and a minimum height of six (6) feet. All shrubs should be a minimum of two (2) feet in height excepting for ground cover species used as part of an overall plan including other shrubs and trees.
  - (4) The plan should effectively buffer the activity from adjoining land uses as may be necessary and soften the impact of other site development as contrasted with the natural environment.
  - (5) The plan should be realistic in terms of maintenance and use materials that, as a minimum, are winter hardy to Zone 4.

## **§ 125-17. Sign Regulations.**

- A. All signs shall comply with the standards provided below and permanently placed signs of twelve (12) square feet or more in surface area on one side shall require sign permits issued by the Zoning Officer. Nothing herein, however, shall prohibit the reverse side of any sign being used for advertising purposes and such additional surface area shall not be counted in measuring the total sign surface area.
- B. An application for a permit to install or relocate a sign shall be submitted on a form obtained from the Zoning Officer, together with the fee required. Every application shall include a graphic presentation of the placement and appearance of the proposed sign. This presentation shall depict the location of the sign in

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relation to buildings and property features, any method of illumination, the graphic design (including symbols, letter, materials and colors) and the visual message, text copy or content. Written consent of the property owner shall also be provided.

- C. Permit applications. All free-standing signs and signs of twenty-four (24) square feet or more in total surface area on one side shall be submitted to the Township Planning Commission for review and approval prior to permit issuance.
- D. All applications not requiring Planning Commission approval shall be acted upon by the Zoning Officer within fifteen (15) days of receipt. All applications submitted to the Planning Commission shall be acted upon within sixty-two (62) days of receipt.
- E. The Planning Commission shall review sign applications relative to the appropriateness and compatibility of their design, shape, materials, colors, illumination, legibility, location and size. It may approve, approve with modifications, or disapprove signs. Approval shall be based on consistency with the design criteria listed below:
  - (1) Signs should be a subordinate part of the landscape viewed from the road;
  - (2) Signs within a given area should exhibit visual continuity, complementing each other rather than competing for attention;
  - (3) Multiple signs should be combined into one to avoid clutter;
  - (4) Signs should be as close to the ground as possible and ground signs shall ordinarily be preferred;
  - (5) A sign's design should be consistent with the architectural character of the building on which it is placed and not cover any architectural features on the building. It should be sized and located in proportion to the building to preserve a human perspective.
  - (6) Garish colors (e.g., fluorescent lime-green) and materials shall be avoided and vivid colors (e.g., bright red) shall not dominate a site.
  - (7) The sign should be located so as to not interfere in any way with the clear views required for public safety by highway travelers or pedestrians.
  - (8) The sign must not be an overhead danger or obstacle to persons below.
  - (9) The size of the sign shall be the minimum which will achieve ready visibility without becoming an unnecessary distraction from the highway view or detriment to the highway scenery.
  - (10) The sign shall not block the view of any other signs.
  - (11) The sign shall be of good construction quality that is easy to maintain in safe condition and good appearance.
  - (12) Sign materials and design shall be compatible with the surrounding natural landscape.
  - (13) The sign should not substantially interfere with the views to and from other enterprises or residences.
  - (14) All free-standing signs of twenty-four (24) square feet or more in surface area on one side shall require landscaping around the base of the sign. The size of the landscape area shall be approved as part of the sign permit. Landscape plans shall be submitted and shall include the size, species, location and spacing of plant materials, method of separating the planter from the adjacent area and the irrigation plan for maintaining the landscape materials.
  - (15) No homemade free-hand permanent signs shall be permitted.



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F. The following regulations shall apply to all signs:

- (1) All signs shall be immediately removed when the reasons for their erection no longer apply.
- (2) Signs shall not be permitted on the roof or above the roof line of the building to which they are attached.
- (3) No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.
- (4) Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures in the District where the sign is located.
- (5) No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- (6) No light shall be permitted that by reason of intensity, color, location, movement or directions of its beam would be a distraction or would otherwise interfere with public safety. Flashing lights shall not be permitted in connection with any sign.
- (7) No sign shall be attached to any tree, fence, utility pole or other object not intended for such use.
- (8) A portable sign shall be considered a free-standing sign and be subject to all regulations pertaining to such signs. All portable signs shall require permits, however.
- (9) No sign shall exceed in height one-half its distance from the highway right-of-way, notwithstanding any other height limitation which may also be applicable.
- (10) Vehicles parked in specific highly visible locations for extended periods of time so as to serve in a signage capacity shall be subject to all the requirements contained herein.

G. Business and commercial property owners are encouraged to submit Master Signage Plans for their properties, which plans shall specify the location, dimensions, type, design and number of all signs to be erected on the property now or in the future. Such plans shall be prepared by a landscape architect, architect, sign designer, engineer or other qualified professional and shall identify existing signs, signs proposed for installation, anticipated future sign locations, temporary sign locations and the design criteria which shall apply to all signs to be erected on the property. These plans shall be adopted by the property owners, who shall agree that all signs to be constructed by them or any of their tenants or occupants now or in the future shall comply with the standards therein. A Master Signage Plan may also be submitted for multiple properties provided they are contiguous.

H. All Master Signage Plans shall be submitted for approval to the Planning Commission which shall, in reviewing and acting upon the Plans, be guided by the design review criteria provided above. The Board, in acting upon a Master Signage Plan, may waive any of the standards contained herein relating to numbers or sizes of any signs other than pole signs and projecting signs, provided it is satisfied the Master Signage Plan will meet the review criteria and the specific purposes of this local law. When the Commission has approved such a Plan, no further permits will be required for any sign which is in compliance with the Plan.

I. The owner, lessee or occupant of any parcel of land in the Township may erect and maintain on such land not more than one (1) free-standing sign or one (1) free-standing sign per two-hundred (200) linear feet of lot frontage up to a total of three (3) signs, whichever shall be greater.

- (1) If such signs are pole signs or portable signs they shall not exceed thirty-two (32) square feet each in surface area or twenty (20) feet in height and shall be setback from the edge of the highway right-of-way line no less than twenty-five (25) feet. All pole signs shall be separated by a distance of no less than two-hundred (200) feet.

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- (2) If such signs are ground signs they shall be permitted provided they do not exceed sixty-four (64) square feet in surface area each or six (6) feet in height.
- (3) Name plate signs shall be permitted on all lots provided they do not exceed two (2) square feet in surface area or one (1) in number per lot.
- J. The signs actually physically attached to the supporting wall of a business building shall not be counted in the number of signs permitted hereunder but shall be limited in total coverage for all signs to a maximum of 10% of any wall surface area. This requirement may, however, be waived in cases where the entire wall is devoted to a single sign (e.g. "Mail Pouch Chewing Tobacco" type signs) otherwise meeting the review criteria contained herein.
- K. Nothing herein contained shall prevent:
  - (1) Signs bearing the words "sold" or "rented" or similar phrases, together with the name of the person effecting sale or rental. Such signs shall be removed within fourteen (14) days after the sale, rental or lease.
  - (2) Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development, provided:
    - (a) The size of such sign is not in excess of thirty-two (32) square feet;
    - (b) Not more than two (2) signs are placed upon any property unless such property fronts upon more than one (1) street, in which event two (2) such signs may be erected on each frontage;
    - (c) Such sign is not illuminated.
    - (d) Such signs are removed no more than thirty (30) days following completion of a sale.
- L. Signs to provide for the normal and safe flow of traffic into and out of the place of business such as entrance, exit and parking signs shall be permitted in excess of the limitations provided herein (e.g. "Office Entrance This Way"). Such signs shall be of a size no greater than necessary for persons of normal vision to observe.
- M. Bus shelter signs shall be considered free standing signs and be subject to all regulations pertaining to such signs.
- N. Special advertising or temporary business identification signs or banners not exceeding sixty-four (64) square feet in total surface area shall be permitted; including, but not limited to, signs announcing to the general public any special events such as commercial sales days, cultural or entertainment attractions, or charitable activities. These shall be permitted for the length of the activity, but in no case exceeding twenty (20) days after the event or thirty (30) days prior. Yard sale, political and other similar temporary signs may be permitted on a similar basis but shall not exceed twenty (20) square feet in size or two (2) in number per lot frontage. Such signs shall be removed within seven (7) days after the event to which they pertain.
- O. Where permitted, signs shall be illuminated only by a steady, stationary (excepting for indicators of time and temperature), shielded light source directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. The illumination shall not make the sign resemble traffic signals or be excessively bright.
- P. Existing non-conforming signs may be repaired or reconstructed on the same site, but shall not be relocated or increased in size. All non-conforming signs shall be removed within five (5) years of the enactment of this law. During the interim any non-conforming sign connected with a change of business, abandoned for sign purposes for more than ninety (90) days or damaged to the extent of 50% or more of the replacement cost value, shall be immediately removed by the property owner.
- Q. No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to

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become unsightly or in disrepair so as to endanger the public or to become a public nuisance.

- R. In the event such a sign is not repaired or properly restored or removed within thirty (30) days after written notice has been given to the owner of the sign or lessee of the land upon which the sign is located, the governing body may institute appropriate legal action to end the violation and abate the nuisance.

**§ 125-18. Reserved.**

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## Article V - Supplementary Regulations Applicable to Specific Uses

### § 125-19. Multi-Family Dwellings.

Multi-family dwellings, where permitted, shall be subject to the standards of Section 100-36 of the Canaan Township Subdivision and Land Development Ordinance, the provisions of which are included herein by reference, and processed thereunder.

### § 125-20. Mobile Home Parks.

Mobile home parks, where permitted, shall be subject to the standards of Section 100-31 and 100-32 of the Canaan Township Subdivision and Land Development Ordinance, the provisions of which are included herein by reference, and processed thereunder.

### § 125-21. Recreational Land Developments.

Recreational land developments, where permitted, shall be subject to the standards of Section 100-33 and 100-34 of the Canaan Township Subdivision and Land Development Ordinance, the provisions of which are included herein by reference, and processed thereunder.

### § 125-22. Conservation Subdivisions.

Conservation subdivisions shall be permitted in all districts and shall be subject to the standards of Section 100-37 of the Canaan Township Subdivision and Land Development Ordinance, the provisions of which are included herein by reference, and processed thereunder. The Township Board of Supervisors shall have the authority to adjust minimum lot sizes and densities provided for herein to accommodate such conservation subdivisions.

### § 125-23. Kennels.

Kennels are permitted as a Conditional Use in the AG and RD Districts subject to the Canaan Township Dog Ordinance and the following conditions:

- A. A minimum parcel of three (3) acres or 10,000 square feet per dog, whichever shall be greater, shall be required for any kennel.
- B. No structure used for the keeping of dogs shall be located closer than 300 feet to any property line or right of way line of any public road.
- C. Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each non-resident employee and one space per four (4) dogs kept on the premises.
- D. A noise barrier consisting of a solid fence not less than 6 feet in height or a dense vegetative planting of not less than 6 feet in height shall be provided at a distance not to exceed 15 feet and fully encircling all kennel areas not enclosed in a building.
- E. Dogs shall be restricted from using kennel areas that are not fully enclosed in a building between the hours of 8:00 P.M. to 8:00 A.M..

### § 125-24. Adult Oriented Businesses.

Adult oriented businesses, which are permitted Conditional Uses in the Rural Development District, can have serious negative impacts on surrounding areas, including declines in property values, degradation of neighborhoods, increases in crime and deterioration of community character. This has been substantiated by a number of studies conducted throughout the United States. The Canaan Township Board of Supervisors has considered the findings of these studies and those incorporated in the cases of; a) City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); b) Young v. American Mini Theatres, 426 U.S. 50 (1976); and c) Northend Cinema, Inc. v. Seattle, 585 P.2d 1153 (Wash.1978). The Township's intent in enacting this section is not to restrict speech protected by the

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First Amendment but rather to provide for it in a way which is consistent with the demands of the U.S. Constitution, as expressed in the referenced cases. It is also, however, intended to address, in a practical way, the very real secondary affects of adult-oriented businesses on the peace, good order and safety of Township residents.

These prohibitions are further based on the findings of the U.S. Supreme Court in the case of *Barnes v. Glen Theatre*, 501 U.S. 560, 115 L.Ed 2d 504 (1991) and are intended to fulfill purposes identical to those upheld in that case. Moreover, there exists within adjoining areas substantial experience with these activities that indicates they, indeed, have the types of negative impacts on the community that the Indiana statute was designed to address and produce general deterioration of the character of the area in which they were located, leading to commercial and residential blight.

A. Purposes. The primary purposes of this section are as follows:

- (1) To preserve the character and quality of life in the Township neighborhoods and business areas.
- (2) To control such documented harmful and adverse secondary effects of adult oriented business on the surrounding areas such as: decrease in property value; attraction of transients; parking and traffic problems); increased crime (including prostitution, rape and assaults) in the vicinity of such businesses; loss of business for surrounding non-adult businesses; and deterioration of neighborhood.
- (3) To maintain property values.
- (4) To prevent crime.
- (5) To protect retail trade.
- (6) To restrict minors access to adult oriented businesses.
- (7) To maintain the general welfare, safety and morals for Canaan Township residents.

B. Special Definitions.

**Adult Oriented Business:** Use of a building, structure or property for a business that has adult materials in a section or segment devoted to such materials or as substantial or significant portion of its stock in trade for the purposes of sale, lease, trade, gift or display of such adult materials. For the purposes of this law adult oriented businesses shall also mean and include any nightclub, bar, tavern, restaurant, eating and drinking establishment, arcade, theater, motel, hotel, or any other establishment that regularly features, for economic gain or other consideration, entertainment in any form which is characterized by nudity or the depiction or display of sexual activities.

**Adult Materials:** Adult materials shall include but not be limited to any literature, books, magazines, pamphlets, newspapers, papers, comic books, drawings, articles, computer or other images, motion pictures, mechanical devices, instruments, clothing or any other writings, materials or accessories which are distinguished or characterized by their emphasis on matter depicted, described or related to "specified sexual acts" or "specified anatomical areas" as defined herein, or an establishment with a segment or section exclusively devoted to the sale, lease, gift, trade, display of such materials or of any drug paraphernalia.

**Nudity:** Nudity means the showing of the human male or female genitals, pubic area, buttocks, or anus, any part of the nipple or any part of a female breast below a point immediately above the top of the areola with less than a fully opaque covering.

C. Permit required. No adult oriented business shall be commenced or continued without a conditional use permit being obtained from the Township pursuant to this chapter.

D. Zone in which permitted. Adult oriented business shall be permitted only in the RD Rural Development District of Canaan Township.

E. Geographical limitations. Because adult oriented businesses can lend themselves to ancillary unlawful and

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unhealthy activities they shall be separated from other uses which could be severely impacted by their presence or which, in combination with the adult oriented business, accentuate the negative impacts on the area. No adult oriented business shall be located within 1,000 feet of any residence, residential facility, institution, health facility, church, synagogue, school, public or semi-public parks or recreational facility, any establishment which serves alcoholic beverages or any other existing adult oriented business. This setback is consistent with the open rural character of the Township within which numerous locations exist that can meet this standard.

- F. Alcoholic beverages prohibited. Sale of alcoholic beverages at an adult oriented business shall not be permitted unless the business is being operated as a bona-fide restaurant or eating and drinking establishment.
- G. Signs and displays. No exterior display or interior display which is visible from outside the business shall be made to identify or portray the type of activity which occurs at an adult oriented business excepting for one (1) approved ground sign not to exceed a surface area of thirty-six (36) square feet for both sides combined. Such sign shall be subject to all other limitations applicable to signs. It shall not incorporate any obscene material but shall be otherwise unlimited as to message.
- H. Non-conforming buildings or lots. No non-conforming building or lot shall be used for an adult oriented business. No other existing building, lot or use shall be added to, enlarged, expanded in size or program or converted for purposes of conducting an adult oriented business unless application to do so has been made pursuant to this section.
- I. Prohibited activities. Because they are known to encourage prostitution, increase sexual assaults and attract criminal activity, the following activities shall not be permitted in any adult oriented business within Canaan Township:
  - (1) Public appearance by a person knowingly or intentionally engaged in sexual intercourse, deviate sexual conduct or the fondling of the genitals of himself or another person, or the fondling of female breasts.
  - (2) The knowing and intentional public appearance of a person in a state of nudity.

## **Specified Sexual Activities:**

- (1) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus [or] female breast.
- (2) Sex acts, normal or deviant, actual or simulated, including intercourse, oral copulation or sodomy.
- (3) Acts of human masturbation, actual or simulated;
- (4) Excretory function as part of or in connection with any of the activities set forth in (1), (2) or (3) above.

## **Specified Anatomical Areas:**

- (1) Less than completely and opaquely covered:
  - (a) Human genitals, pubic region;
  - (b) Buttock; and
  - (c) Female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

## **§ 125-25. Agricultural Security Areas**

The Canaan Township Board of Supervisors recognizes farming as an essential enterprise and an important industry that enhances the economic base, natural environment and quality of life in the Township. The Board of

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Supervisors further declares that it shall be the policy of this Township to encourage agriculture and foster understanding by all residents of the necessary day to day operations involved in farming so as to encourage cooperation with those practices. This Ordinance is intended to maintain the rural traditions and character of the Township, to permit the continuation of agricultural practices and to protect the existence and operation of farms, to encourage the initiation and expansion of farms and agri-businesses. So as to maintain a viable farming economy in the Township it is necessary to limit the circumstances under which farming may be deemed to be nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction. Therefore, farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in sound agricultural practices within this Township's Agricultural Security Areas at all times as are reasonably necessary to conduct the business of agriculture. Agricultural practices conducted on farmland shall not be found to be a public or private nuisance within the meaning of this Ordinance if such agricultural practices are:

- (1) Reasonable and necessary to the particular farm or farm operation,
- (2) Conducted in a manner which is not negligent or reckless,
- (3) Conducted in conformity with generally accepted and sound agricultural practices,
- (4) Conducted in conformity with all local, state, and federal laws and regulations,
- (5) Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and

The Board of Supervisors shall also, in acting upon any Conditional Use application within or adjacent to any Canaan Township approved Agricultural Security Area, attach such conditions as may be required to protect the integrity of the Agricultural Security Area and achieve the purposes connected with their formal designation by the Township.

## **§ 125.26. Tele-communication Facilities**

Tele-communication structures, shall be permitted in AG and RD Districts as Conditional Uses, and shall be subject to the standards of Section 100-35.E(1) of the Canaan Township Subdivision and Land Development Ordinance, the provisions of which are hereby fully incorporated in this Zoning Ordinance by reference.

## **§ 125-27. Storage and Warehouse Uses**

A. Location. Self-storage units and/or warehouse uses may be located in AG, RD and ND Districts.

B. Site plan review criteria. Self-storage unit and warehouse uses shall be considered Conditional Uses wherever permitted and be subject to the following site plan review criteria:

- (1) Site planning. The site shall have sufficient area to accommodate the number of units planned for storage use with allowance for spacing between units and the setback clearances required; along with spacing for fire truck and delivery truck access and unit clearances. No construction shall be permitted in areas prone to fire hazards or difficult to serve with fire fighting equipment and all flammable or otherwise hazardous materials shall be removed from the site.
- (2) Screening and Fencing. Warehouses and self-storage structures shall be screened by maintaining the natural vegetation to the greatest extent possible. Where natural vegetation does not provide adequate screening from adjacent properties and public right-of-ways, a dense planting of spruce, hemlock, or other such evergreens, approved by the Township Board of Supervisors, shall be planted along the property lines and/or berms setback area that will serve as a buffer between adjacent properties. Evergreens shall not be less than eight (8'-0") feet in height at the initial planting and shall be measured from the grade level at the earth or berm. Plantings shall be staggered and shall be maintained in good growing condition in order to maintain a continuous obstructed and blocked view between the property and adjacent properties. Whenever the view is unobstructed due to dead vegetation, the planting, not in good growing condition, shall be removed and replaced to insure

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- continued compliance with the intent of the approved screening requirements of this ordinance. No limbs or branches shall project beyond the property line onto adjoining property. Except for access drives there shall be no uses or structures in the buffer area. A landscaping plan shall be submitted with the conditional use application. The plan shall indicate the type and names of the vegetation planned for the screening. Perimeter fencing may be required by the Township to secure units and reduce any attractive nuisance aspects of the operation.
- (3) Access. Any access road into the site shall be defined by curbing, landscaping, or other appropriate means so as to restrict access to the buildings and site. Access to any public road shall be no less than two hundred and fifty (250) feet from any public road intersection. All regulations of the Pennsylvania Department of Transportation shall be observed, and evidence that such regulations have been satisfied shall be presented as part of the Conditional Use application. Roadway access to the site from the public right-of-ways shall be paved with blacktop placed on a compacted sub-base capable of withstanding truck loads. The road bed shall be not less than twelve (12) feet in width and shall have an apron extending a minimum of six (6') feet into the site. All accesses shall also be gated. Gate openings shall be a minimum of ten (10) feet in width and all gates shall be on rollers.
- (4) Parking and loading facilities. Parking and loading facilities shall, as a minimum, comply with the off-street parking requirements contained herein. No parking shall be permitted on the public right-of-ways and all parking shall be on site and within the confines of the property. For self-storage units no special areas are required to be designated for parking, loading, or unloading; however, for warehouses specific areas for parking shall be assigned. Areas for parking, loading, and unloading at warehouses shall be paved. Parking spaces shall be suitably marked.

## C. Operation Standards.

- (1) Storage of materials. There shall be no hazardous material stored on such sites or within any self-storage unit and/or warehouse without the express approval of the Township Board of Supervisors, Zoning Officer, Building Inspector and Fire Department. If permission is granted to store small quantities of hazardous material, the storage shall be in accordance with the NFPA Standards for the material to be stored. Any ventilation that is required shall be provided in a manner approved by the Authorities having jurisdiction and in accordance with the BOCA Code. Hazardous material shall be defined as any material or combination of materials that pose a substantial danger, now or in the future, to human, plant, or animal life, and which, therefore, cannot be handled or disposed of without special precautions. Any other material or waste that is defined as hazardous by the EPA because of the ignitability, corrosivity, reactivity or toxicity shall not be stored in the self-storage units. In addition any pressurized containers or aerosols shall be defined as hazardous material and shall not be stored in the self-storage units and/or warehouse.

No materials, supplies, equipment, or goods of any kind shall be stored outside the warehouse and/or the self-storage units except for a vehicle required for their operation and being used for unloading or loading storage material. Boats, RV's, and automobiles may be stored in a self-storage unit or in a warehouse provided all gasoline, propane gas, or other inflammables are removed from the tanks and batteries are removed. The vehicles shall be devoid of any toxic or hazardous liquids or materials that may have been in the vehicle.

- (2) Performance standards. All warehouses and self-storage units structures shall comply with the performance standards for Commercial, Manufacturing, and other Non-Residential Uses as provided herein. However, all warehouses and self-storage units shall be provided with motion-controlled or permanent outdoor and/or site lighting for security purposes. Lighting shall be low level and low intensity and shall be directed to prevent glare on adjoining property. Fire alarm and smoke detection devices shall be required if the Building and/or Fire Department determines the same are necessary for the particular use proposed. Gate entrances shall be designed and/or equipped for fire and/or police entrance in the night hours to permit emergency access. A macadam, concrete or similar non-pervious floor shall be provided for each self-storage unit. There shall be not less than one telephone maintained on the site for connection to the police or fire company so that a call can be placed so they may respond to theft or fire on the premises. Telephones may be coin operated with a dial tone for



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- dialing 911 without depositing any coins. Fire alarm pull stations shall be provided at or near each entrance to or exit from the site. Alarms shall be connected to the County Communications Center or the Fire Department and in addition sound an alarm on the site. Pulling a fire alarm shall cause the gates to open to provide emergency access. In lieu of automatic operation the use of a lock and chain may be employed.
- (3) Uses. No warehouse or self-storage shall be used for any purpose other than storage, including, without exception, any other kind of commercial activity such as, but not limited to art studios, business offices or practice areas producing annoying noises due to loudness or pitch. No warehouse or self-storage units shall be used for any residential purposes. No auctions for the liquidation of any material that was stored at the site shall be held, unless and until, a special permit is obtained from Canaan Township. The permit shall limit the time of the auction and could provide other restrictive covenants affecting the procedure for conducting the auction. Storage unit structures shall also not be used for the storage or keeping of animals, food, or any perishable material or substance. There shall be no automobile or other major or minor repairs performed on the site.
  - (4) Rubbish and garbage. No burning of rubbish shall be permitted on the site and no open fires shall be permitted on the site. Rubbish or garbage shall be removed from the site on a weekly basis. Dumpsters shall be concealed from view by enclosing within an approved fencing of treated wood or be contained in one of the storage units. Rubbish or other debris that has accumulated in the buffer zone between the screening and the fence shall be removed on a weekly basis so that the site is in pristine condition.
  - (5) Inspection. The Township Board of Supervisors shall be authorized to require, as a condition of approval of any application for a storage or warehouse use, periodic inspections by the Township's designated Code Enforcement Officer to determine compliance herewith, and to establish fees connected with such inspections.

## **§ 125-28. Junkyards**

Junkyards shall be permitted in RD Rural Development Districts only as conditional uses. They shall also be subject to the requirements of the Canaan Township Junkyard Ordinance, as amended.

## **§ 125-29. Reserved**

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## ARTICLE VI - NON-CONFORMING USES, STRUCTURES, AND LOTS

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

### § 125-30. Normal Maintenance and Repair Activities

Normal maintenance and repair activities, such as painting, replacing a roof or fixing gutters, shall be permitted, as well as alterations (i.e. adding or removing windows) and interior renovations that do not structurally alter buildings.

### § 125-31. Outside Storage

The outside storage or display of retail or wholesale inventory which, in the ordinary course of business would be sold within one year, and increases in the same shall be permitted, junkyards excepted, provided they do not eliminate parking spaces, unoccupied open spaces or accesses which are required by this Ordinance. Notwithstanding this provision, however, the Township Board of Supervisors, in reviewing any conditional use application for expansion or upon determining, with respect to any present use, that a condition exists which requires remedies, may establish limits on such storage or display or require removal of inventory (altogether or to another location on the site) to preserve adequate sight distances and residential buffers or otherwise protect the public health, safety and welfare.

### § 125-32 Changes and Additions

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

- A. Storage of materials. There shall be no expansion in the land area outside a non-conforming facility which is used for storage of materials, supplies and/or products, excepting with respect to those types of uses outlined in Section 125-31 above and Section 125-32.B below.
- B. Screening. Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a wood products manufacturer), the use may only be expanded if a solid fence of wood and/or a dense evergreen screen, not less than six (6) feet in height, is present on all sides of the immediate area in use. Stored material shall not exceed the height of the screening material and nine (9) feet at the maximum.
- C. Yards and setbacks. No addition, change or expansion of a non-conforming use shall further violate setback and/or height regulations of the district in which it is located.
- D. Storm water. There shall be no increase in the amount of storm water runoff for the site over what was existing as of the date of the enactment of this Ordinance. The U.S.D.A. Soil Conservation Service, a Professional Engineer or other appropriate professional may be relied on to recommend appropriate measures to control storm water runoff which may be attached as conditions of approval by the Township.
- E. Parking and traffic. In no case will a change, addition or expansion of a non-conforming use be allowed which would result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residence should one be located within 100 feet of the property line, or result in violation of any of the parking and unloading requirements of this Ordinance. If the total number of parking spaces for the site is to be increased more than 25% over those available as of the date of this Ordinance, the Township may require

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vegetative screening of the parking area from nearby residential areas.

- F. Extension onto other properties. The use may only be expanded or extended onto another property of record if; that property is immediately adjacent to the lot on which the original structure or use was located as of the effective date of this Ordinance or amendments hereto and the use is not one which has been altogether prohibited as a new use under this Ordinance.
- G. Prohibited expansions. Should the use proposed for expansion or extension be one which is specifically prohibited as a new use in the Township or is a use judged by the Board of Supervisors with the advice of the Planning Commission to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested expansion or extension shall be denied.

## **§ 125-33 Re-Establishment, Restoration or Reconstruction**

A non-conforming structure use may be re-established within a period of twelve (12) months after it has been discontinued or vacated, with an extension in time allowable where proven necessary. If less than 75% of the floor area of any non-conforming use is damaged, it may be restored or reconstructed within twelve (12) months of the date of the damage, with an extension in time allowable where proven necessary. If more than 75% is affected then the replacement or reconstruction shall be permitted by conditional use permit.

## **§ 125-34 Existing Lots of Record**

A structure may be erected on any existing lot of record, providing the owner does not own adjoining property; no yard is reduced to less than fifty (50) percent of the requirement for the district in which it is located; and a sewage permit can be properly issued.

# Canaan Township Zoning Ordinance

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## ARTICLE VII - ADMINISTRATION AND ENACTMENT

### § 125-35. Zoning Officer

It shall be the duty of a Zoning Officer, to be appointed by the Board of Supervisors, to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the Board of Supervisors may require. Permits for construction and uses which are conditional uses shall be issued only upon written order of the Planning Commission and the Board of Supervisors. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.

### § 125-36. Permits

- A. Requirements of Permits. A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof (including accessory buildings or structures of 200 square feet or more in size) including in-ground swimming pools; prior to the use or change in use of a building or land; and prior to the change or extension of a non-conforming use, accessory uses excluded as provided herein for other uses. It shall be unlawful for any person to commence work for the land use until a permit has been duly issued therefore. No zoning permit and/or building permit shall be required in cases of normal maintenance activities (painting, replacement of siding or new roofing), minor repairs or alterations which do not structurally change a building, structure or change the use. Accessory uses not involving new construction, fences or uses and structures which are less than 200 square feet in size and portable shall also be exempt. In the case of accessory uses and building attachments, however, this shall not exempt one from otherwise conforming with the requirements of this Ordinance.
- B. Applications for Permits. All applications for permits shall be accompanied by plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied. Applications for uses which also necessitate approvals under the Canaan Township Subdivision and Land Development Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Canaan Township Subdivision and Land Development Ordinance. A zoning permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Canaan Township Subdivision & Land Development Ordinance.
- C. Issuance of Permits. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this Ordinance as well as with all the provisions of other applicable regulations. A permit issued hereunder shall become void twenty-four (24) months after the issuance date if no activity has taken place.
- D. Temporary Permit. A temporary permit may be authorized by the Board of Supervisors for a non-conforming structure or use which it deems necessary to promote the proper development of the community, provided that such non-conforming structure or use shall be completely removed upon expiration of the permit for a specified period of time not to exceed one (1) year and may be renewed annually for an aggregate period not exceeding three (3) years.

### § 125-37. Fees

The Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, special permits, variances and other matters pertaining to this Ordinance. Such fees may be waived by the Board of Supervisors for good cause.

# Canaan Township Zoning Ordinance

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Said schedule of fees shall be posted in the office of the Zoning Officer.

Permits, special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.

## **§ 125-38. Inspection**

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

## **§ 125-39. Certificate of Use**

- A. A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance; or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.
- B. No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered or changed in use shall be occupied or used, until a Certificate of Use shall have been issued therefore by the Zoning Officer.
- C. A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for co-incidentally with the application for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance.
- D. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used or such land or building changed in use, and such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.
- E. A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.
- F. A record of all Certificates of Use shall be kept on file in the administrative offices of the Township and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

## **§ 125-40. Violations**

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of

# Canaan Township Zoning Ordinance

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land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance. When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, occupant and/or contractor, such violation shall be discontinued immediately.

## **§ 125-41 Penalties and Remedies**

It shall be unlawful to erect, construct, reconstruct, alter and maintain or use any building or structure or to use any land in violation of any provisions of this Ordinance or amendment thereto. Any person, partnership or corporation who or which shall violate any of the provisions of this zoning ordinance or prior enabling laws shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (\$500) dollars. Upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 (plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to Canaan Township.

In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.

## **§ 125-42. Zoning Hearing Board**

The Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members of such powers and authority as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended. The duties of the Zoning Hearing Board shall be limited to the following:

- A. The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.
- B. The Board shall hear challenges to the validity of a Zoning Ordinance or map excepting cases where there has been an alleged defect in the process of enactment or adoption and where a landowner, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest.
- C. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant.
- D. The Board shall hear and decide requests for special exceptions pursuant to the criteria also applying to conditional uses and outlined in Section 125-44.
- E. The Board shall hear other appeals as provided by the Pennsylvania Municipalities Planning Code.

In all its actions, the Zoning Hearing Board shall follow procedures as provided in Article IX and X-A of the Pennsylvania Municipalities Planning Code as amended. The Board may, pursuant to the Municipalities Planning Code, promulgate rules and regulations governing its proceedings.

## **§ 125-43. Appeals and Notices**

An appeal of this Ordinance, appeal of the decision of the Zoning Officer, request for special exception or request for

# Canaan Township Zoning Ordinance

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variance shall be made in writing to the Chairman of the Zoning Hearing Board and shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposed special exception, or variance.
- C. A brief description and location of real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the section of this Ordinance under which the variance, or special exception requested, may be allowed, and reasons why it should be granted.
- F. Any reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.

If the Zoning Hearing Board finds the appeal or request outside its scope of jurisdiction, it shall return the application for the same to the Zoning Officer for proper processing. Appeals shall otherwise be processed in conformance with the requirements of Article X-A of the Pennsylvania Municipalities Planning Code. Notices, shall be required to be given by the petitioner, in the case of all variances, special exceptions, conditional uses, zoning changes, interpretations or other appeals, to all owners of property within 500 feet of the nearest line of the property for which the action is sought, and to such other property owners as the Chairman of the Zoning Hearing Board or Chairman of the Board of Supervisors may direct. Said notice is to be given by certified mail, return receipt requested, or by personal service to each and every owner.

## **§ 125-44. Variances**

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

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not to be detrimental to the public welfare; and
- E. 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 granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Article VI of the Pennsylvania Municipal Planning Code and the Zoning Ordinance.

# Canaan Township Zoning Ordinance

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## § 125-45. ENACTMENT

Any existing Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same effects this Ordinance.

This Canaan Township Zoning Ordinance is hereby enacted into law this 2nd day of October, 2002, pursuant to the authority granted under the Pennsylvania Municipalities Planning Code, to be effective five days hereafter.

ATTEST:

Township Secretary

Chairman, Board of Supervisors



## Canaan Township Zoning Ordinance - Schedule of District Regulations

DISTRICTS	PRINCIPAL PERMITTED USES	ACCESSORY USES	CONDITIONAL USES	DEVELOPMENT STANDARDS
<b>AG AGRICULTURAL DISTRICT:</b> This district is intended to be an area providing for agricultural uses and and development compatible with such uses, limiting activities that could conflict with farming and establishing lower densities for such activities as are allowed.	All agricultural land uses, buildings and activities including the growing of crops, dairying, and other livestock operations Cemeteries Churches & related activities Conservation subdivisions Essential services Forestry uses (except wood processing operations) Mobile homes Nurseries and greenhouses One-family detached dwellings Parks and playgrounds Public and private schools Public and semi-public uses Stables (riding)	Accessory farm buildings Garages and parking and unloading areas Home occupations, professions and trades Roadside stands for sale of agricultural products produced primarily on the premises. Signs Stables (private) Storage sheds Other accessory uses and structures customarily appurtenant to a principal permitted or conditional use	Campgrounds and RV parks Community buildings, country clubs, lodges and fraternal organizations Eating and drinking places Energy generation facilities Farm or construction machinery sales Hotels, motels and bed and breakfasts Kennels Lawn & garden sales Light industrial uses Mining and excavation Recreation facilities, including golf courses, ski areas, racetracks and other commercial recreation facilities. Self-storage & warehouse uses Shooting ranges Tele-communications facilities Vehicle and equipment sales & service Wood processing operations	Minimum Lot Area: 43,560 sq. ft.  Minimum Yards: Front Yard 50 feet Side Yards (both combined) 75 feet Side Yard (one yard) 20 feet Rear Yard 50 feet  Minimum Average Lot Width: 150 feet Minimum Average Lot Depth: 200 feet  Maximum Lot Coverage: 15%  Maximum Building Height: 35 feet*  *Farm structures excepted.
<b>RD RURAL DEVELOPMENT DISTRICT:</b> This district is intended to be an area providing for larger scale types of development compatible with a rural environment, allowing the Township to accommodate a wide variety of land uses on with significant flexibility as to location.	All agricultural land uses, buildings and activities including the growing of crops, dairying, and other livestock operations Cemeteries Churches & related activities Conservation subdivisions Essential services Forestry uses (except wood processing operations) Mobile homes Nurseries and greenhouses One-family detached dwellings Parks and playgrounds Public and private schools Public and semi-public uses Stables (riding) Two-family dwellings	Accessory farm buildings Garages and parking and unloading areas Home occupations, professions and trades Roadside stands for sale of agricultural products produced primarily on the premises. Signs Stables (private) Storage sheds Other accessory uses and structures customarily appurtenant to a principal permitted or conditional use	Adult oriented uses Campgrounds and RV parks Community buildings, country clubs, lodges and fraternal organizations Eating and drinking places Energy generation facilities Farm or construction machinery sales Hotels, motels and bed and breakfasts Kennels Lawn & garden sales Light industrial & warehousing uses Mining and excavation Mobile home parks Recreation facilities, including golf courses, ski areas, racetracks and other commercial recreation facilities. Self-storage & warehouse uses Shooting ranges Public and private airports Tele-communications facilities Vehicle and equipment sales & service Wood processing operations	Minimum Lot Area: With Off-Site Sewer & Water 32,670 sq. ft. With Off-Site Sewer or Water 43,560 sq. ft. Without Off-Site Sewer & Water 43,560 sq. ft.  Minimum Yards: Front Yard 50 feet Side Yards (both combined) 50 feet Side Yard (one yard) 20 feet Rear Yard 50 feet  Minimum Average Lot Width: 150 feet Minimum Average Lot Depth: 200 feet  Maximum Lot Coverage: 20%  Maximum Building Height: 35 feet*  *Farm structures excepted.

## Canaan Township Zoning Ordinance - Schedule of District Regulations

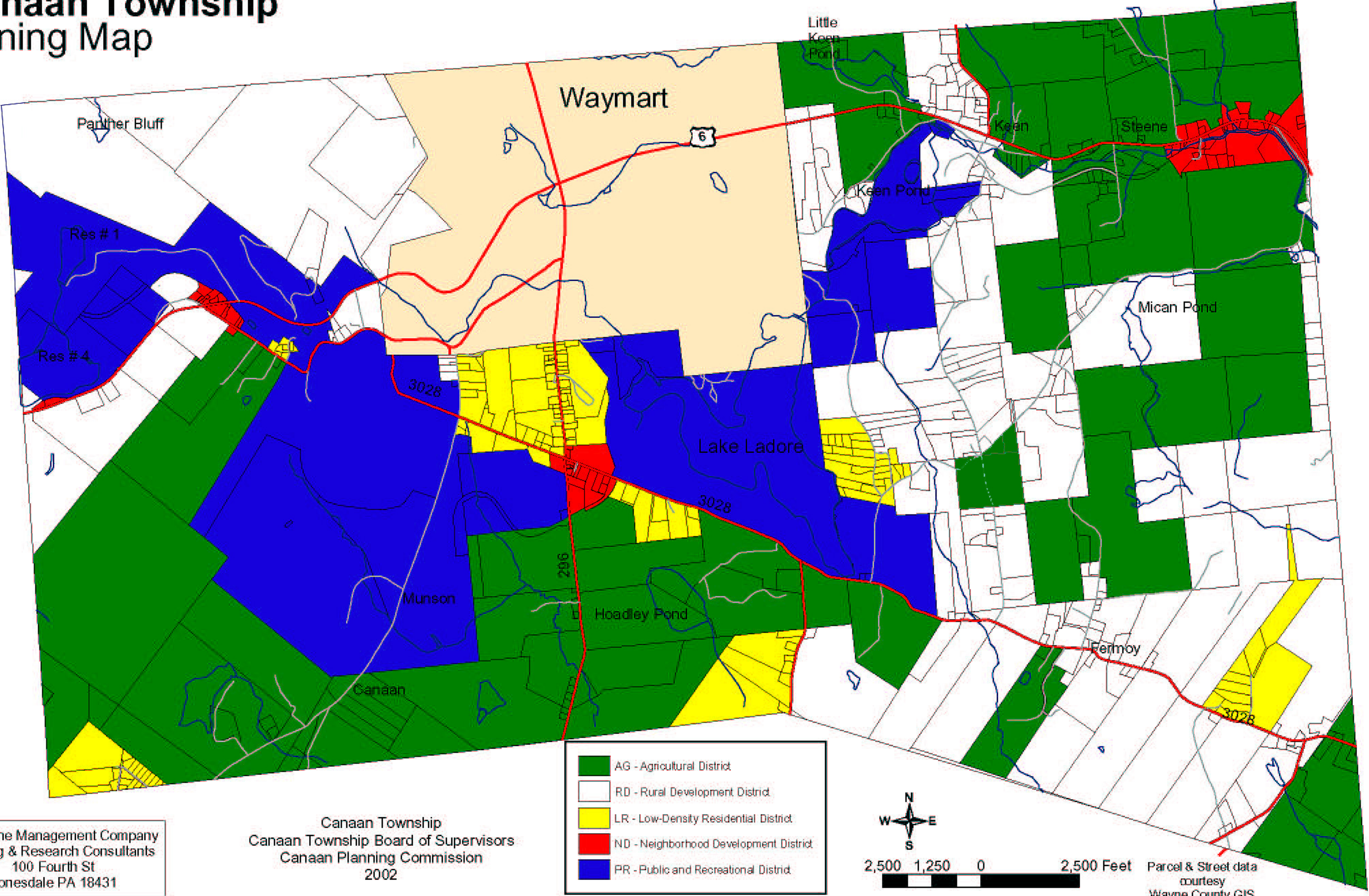
<p><b>ND NEIGHBORHOOD DEVELOPMENT DISTRICT:</b> This district is intended to provide areas for commercial and other uses of controllable impacts which are compatible with residential activity based on thorough prior evaluation of those impacts. Conditions will be imposed to ensure residences are protected. The combination of uses is intended to provide a quality residential environment while also offering the convenience of readily available services, with the latter being a priority for those residents who choose to make this district their home.</p>	<p>Bed &amp; breakfast facilities Churches &amp; related activities Conservation subdivisions Essential services Forestry uses (except wood processing operations) One-family dwellings Parks and playgrounds Public and semi-public uses Public schools Specialty shops Two-family dwellings</p>	<p>Home occupations, professions and trades Private garages &amp; parking areas Signs Stables (private) Storage sheds Other accessory uses and structures customarily appurtenant to a principal permitted or conditional use</p>	<p>Community buildings, country clubs, lodges and fraternal organizations Eating and drinking places Health service facilities Hotels and motels Multi-family dwelling projects Nurseries and greenhouses Private schools Professional services and offices Retail and service establishments Self-storage &amp; warehouse uses Vehicle and equipment sales &amp; service Wood processing operations</p>	<p>Minimum Lot Area: With Off-Site Sewer &amp; Water 21,780 sq. ft. With Off-Site Sewer or Water 32,670 sq. ft. Without Off-Site Sewer &amp; Water 43,560 sq. ft.</p> <p>Minimum Yards: Front Yard 35 feet Side Yards (both combined) 25 feet Side Yard (one yard) 10 feet Rear Yard 20 feet</p> <p>Minimum Average Lot Width: 100 feet Minimum Average Lot Depth: 100 feet</p> <p>Maximum Lot Coverage: 50%</p> <p>Maximum Building Height: 35 feet</p>
<p><b>LR LOW-DENSITY RESIDENTIAL DISTRICT:</b> This district is intended to provide safe and healthy living areas for residential use, free from intrusions of incompatible commercial and other uses which could have negative impacts on the welfare of homeowners and tenants. Specifically, this district is intended for a low to medium density development where access to services, while important, is not as critical as maintaining the character of the area.</p>	<p>Bed &amp; breakfast facilities Churches &amp; related activities Conservation subdivisions Forestry uses (except wood processing operations) One-family dwellings Parks and playgrounds Public and semi-public uses Public schools Two-family dwellings Essential services</p>	<p>Home occupations, professions &amp; trades Private garages &amp; parking areas Real estate &amp; home occupation signs Stables (private) Storage sheds Other accessory uses and structures customarily appurtenant to a principal permitted or conditional use</p>	<p>Community buildings, country clubs, lodges and fraternal organizations Multi-family dwellings Private schools Two-family dwellings Private noncommercial outdoor recreation facilities such as tennis clubs and swim clubs</p>	<p>Minimum Lot Area: With Off-Site Sewer &amp; Water 21,780 sq. ft. With Off-Site Sewer or Water 32,670 sq. ft. Without Off-Site Sewer &amp; Water 43,560 sq. ft.</p> <p>Minimum Yards: Front Yard 35 feet Side Yards (both combined) 25 feet Side Yard (one yard) 10 feet Rear Yard 25 feet</p> <p>Minimum Average Lot Width: 100 feet Minimum Average Lot Depth: 100 feet</p> <p>Maximum Lot Coverage: 30%</p> <p>Maximum Building Height: 30 feet</p>

## Canaan Township Zoning Ordinance - Schedule of District Regulations

<p>PR PUBLIC INSTITUTIONAL AND RECREATIONAL DISTRICT:</p> <p>This district is intended to provide an area in the Township specifically for private and public institutional and recreational activity as well as other uses that could be compatible therewith.</p>	<p>Churches &amp; related activities Community buildings, country clubs, lodges and fraternal organizations Conservation subdivisions Forestry uses (except wood processing operations) Essential services Public and semi-public uses Stables (riding)</p>	<p>Garages and parking and loading areas Signs Stables (private) Storage sheds Other accessory uses and structures customarily appurtenant to a principal permitted or conditional use</p>	<p>Recreational facilities and resorts Hotels, motels and bed and breakfasts Multi-family dwelling projects of 10 or less dwelling units Restaurants &amp; food-service establishments, not including drive-in or fast-food establishments Professional services and office buildings Private schools</p>	<p>Minimum Lot Area:                  With Off-Site Sewer &amp; Water      21,780 sq. ft.                  With Off-Site Sewer or Water      32,670 sq. ft.                  Without Off-Site Sewer &amp; Water      43,560 sq. ft.</p> <p>Minimum Yards:                  Front Yard      50 feet                  Side Yards (both combined)      50 feet                  Side Yard (one yard)      25 feet                  Rear Yard      50 feet</p> <p>Minimum Average Lot Width:      150 feet              Minimum Average Lot Depth:      200 feet</p> <p>Maximum Lot Coverage:      10%</p> <p>Maximum Building Height:      35 feet</p>
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# Canaan Township Zoning Map



Shepstone Management Company  
Planning & Research Consultants  
100 Fourth St  
Honesdale PA 18431

Canaan Township  
Canaan Township Board of Supervisors  
Canaan Planning Commission  
2002