

RUSH TOWNSHIP, CENTRE COUNTY,
PENNSYLVANIA

PROPOSED ORDINANCE 2013-1
ZONING

DECEMBER 18, 2013

Table of Contents

ORDINANCE 2013-1 ZONING	1
Article I. Short Title and Purposes.....	1
§ 1-1. Short Title.....	1
§ 1-2. General Intent.	1
§ 1-3. Purpose.	1
§ 1-4. Scope.	2
§ 1-5. Community Development Objectives.	2
§ 1-6. General Objectives.	2
§ 1-7. Authority.....	3
Article II. Zoning Districts.....	3
§ 2-1. Establishment of Districts.....	3
§ 2-2. Purpose of Districts.	3
§ 2-3. Zoning Maps.....	7
§ 2-4. Interpretation of Boundaries.....	7
§ 2-5. Potable Water Protection Overlay District Changes.	8
§ 2-6. Utility Corridor Protection Overlay District Changes.....	8
§ 2-7. Floodplain Overlay District Changes.	8
Article III. District Regulations.	9
§ 3-1. Application of District Regulations.....	9
§ 3-2. Description of District Regulations.	9
§ 3-3. Residential (R) District.....	10
§ 3-4. Rural Resource (RR) District	11
§ 3-5. Commercial/Office (CM/O) District	12
§ 3-6. Industrial (I) District.....	13
§ 3-7. Industrial Enterprise (IE) District	14
§ 3-8. Commercial Aviation (CA) District	14
§ 3-9. Regional Business Park (RBP) District.....	15
§ 3-10. Business Incubator (BI) District	15
§ 3-11. Public/Semi-Public (P/SP) District.....	15
§ 3-12. Village-Mixed Use (VMU) District	16
§ 3-13. Potable Water Protection Overlay (PWPO) District.	17
§ 3-14. Utility Corridor Protection Overlay (UCPO) District	17
§ 3-15. Floodplain Overlay (FO) District	17
Article IV. Supplementary Regulations.....	18
§ 4-1. General Applicability.	18
§ 4-2. Lot Requirements.	18
§ 4-3. Yard Requirements.	18
§ 4-4. General Requirements.	18
§ 4-5. Prohibited Uses.....	19
§ 4-6. Dwelling Units.....	19
§ 4-7. Conversion Apartments and Duplexes.	19
§ 4-8. Seasonal Dwellings.....	19

§ 4-9. Agricultural Uses.....	20
Article V. Conditional Uses.....	21
§ 5-1. Application Procedures.....	21
§ 5-2. Criteria for Conditional Use.....	22
§ 5-3. Additional Conditional Use Requirements.....	25
§ 5-4. Mobile Home Parks.....	25
§ 5-5. Airports.....	25
Article VI. Nonconformities.....	25
§ 6-1. Nonconforming Uses and Structures.....	25
§ 6-2 Nonconforming Lots.....	28
Article VII. Parking, Loading and Access Drives.....	29
§ 7-1. Off-street Parking.....	29
§ 7-2. Driveways, Access Drives, and Loading Areas.....	29
Article VIII. Zoning Hearing Board.....	29
§ 8-1. Organization and Procedure.....	29
§ 8-2. Hearings.....	30
§ 8-3. Powers and Duties.....	30
§ 8-4. Parties Appellant Before the Zoning Hearing Board.....	30
§ 8-5. Zoning Appeals to Court.....	30
Article IX. Administration and Enforcement.....	31
§ 9-1. Zoning Officer.....	31
§ 9-2. Zoning Permits.....	32
§ 9-3. Certificate of Occupancy.....	33
§ 9-4. Violations and Penalties.....	35
§ 9-5. Fees.....	35
§ 9-6. Appeals.....	35
§ 9-7. Amendments to Zoning Ordinance.....	36
Article X. Terminology.....	36
§ 10-1. Interpretations.....	36
§ 10-2. Definitions.....	36
Article XI. Enactment.....	36
§ 11-1. Warning and Disclaimer of Liability.....	36

ORDINANCE 2013-1 ZONING

ORDINANCE 2013-1 ZONING

GENERAL REFERENCES

Planning Commission (Chapter 47)
Uniform Construction Codes (Chapter 135)
Floodplain Management (Chapter 183)
Sewers and Sewage Disposal (Chapter 265)
Stormwater Management (See Subdivision and Land Development-Chapter 290)
Subdivision and Land Development (Chapter 290)

Article I. Short Title and Purposes.

§ 1-1. Short Title.

This ordinance shall be known and cited as the “Rush Township Zoning Ordinance.”

§ 1-2. General Intent.

The intent of this ordinance is to establish comprehensive controls for the development and use of land based upon the Rush Township Comprehensive Plan as prepared by the Rush Township Planning Commission and accepted by the Rush Township Board of Supervisors, and it is enacted in order to promote and protect the safety, health, welfare, comfort, convenience and the general welfare of the residents of Rush Township.

§ 1-3. Purpose.

- A. This ordinance is designed and made in accordance with the comprehensive plan and with consideration being given to the character of the Township, the uses presently in place, and the suitability of the various parts of the Township for particular uses and structures.

- B. This ordinance is designed to provide the minimum conditions necessary to achieve the goals of the Rush Township Comprehensive Plan.

§ 1-4. Scope.

- A. From and after the effective date of this ordinance, the use of all land and every building or portion of a building erected or altered with respect to the area thereof or added or relocated and every use within a building or use accessory thereto in Rush Township shall be in conformity with the provisions of this chapter.
- B. Any existing building or structure and any existing use of a building or land not in conformity with the regulations as herein described shall be regarded as nonconforming. Such building or use may be continued, extended or changed only subject to the special regulations herein provided regarding nonconforming buildings and uses.

§ 1-5. Community Development Objectives.

- A. The Board of Supervisors of Rush Township sets forth the following legislative finding with respect to land use, density or population, location and function of roads and other Township facilities and utilities and other factors which the Board believes relevant in establishing goals for development objectives for the future development of the Township. It is the purpose and intent of this chapter to establish such goals and objectives and to provide the means and regulations whereby these goals and objectives may be attained.
- B. A more complete discussion of the goals and development objectives of Rush Township may be found in the Rush Township Comprehensive Plan as prepared by the Rush Township Planning Commission and adopted by the Rush Township Board of Supervisors. This chapter is based upon and drawn from the Comprehensive Plan.

§ 1-6. General Objectives.

- A. To provide for the orderly development of the Township based upon the Rush Township Comprehensive Plan.
- B. To encourage the best use of the land and protect against potential nuisance uses of the land.
- C. To provide for a harmonious relationship between different land use categories by providing proper and adequate sites for each use.

§ 1-7. Authority.

The Supervisors of Rush Township, under authority granted to them by Articles **IV** through **X**, inclusive, of Act 247, entitled, the “Pennsylvania Municipalities Planning Code,” and its amendments, do hereby ordain that this chapter is to promote the public health, safety, morals and general welfare of the Township residents. *Editor’s Note: See 53 P.S. § 10601 et seq.*

Article II. Zoning Districts.

§ 2-1. Establishment of Districts.

For the purpose of implementing the objectives of this ordinance, Rush Township is hereby divided into the following zoning districts.

R	Residential
RR	Rural Resource
CM/O	Commercial/Office
I	Industrial
IE	Industrial Enterprise
CA	Commerce Aviation
RBP	Regional Business Park
BI	Business Incubator
P/SP	Public/Semi-Public
VMU	Village-Mixed Use
PWPO	Potable Water Protection Overlay (Overlay District)
UCPO	Utility Corridor Protection Overlay (Overlay District)
FO	Floodplain Overlay (Overlay District)

§ 2-2. Purpose of Districts.

A. Residential (R)

The purpose of this district is to account for existing and future residential development in the Township. Residential development in the Township is of low density in much of the township, as evidenced by larger lots and rural-style development. Other residential areas of the township contain residential development at a higher density, including the primary residential area in the township that exists in areas immediately surrounding the Borough of Philipsburg and the Village of South Philipsburg, which contain areas of more dense dwelling units such as apartments and multi-family dwellings.

Sewer and water facilities are limited in some areas of this district. Lot sizes are based on the need to safeguard the health of citizens by providing ample space to allow for the provision of on-lot sewage and water facilities where necessary, and to require the connection to public sewer and water in areas where these services are available.

Uses in the residential district have been determined to protect the health and welfare of the community. Uses were selected to maintain the semi-rural character present in much of the Township, but at the same time allow the full utilization of those areas of the Township which have a higher residential density such as suburban and high density residential areas. Permitted uses in this district include single family detached dwellings, duplex dwellings, and public and private parks and playgrounds, and public utility structures. Industrial uses are prohibited in residential districts, unless as specifically indicated as special exceptions. Home occupations are permitted, and commercial and office uses are permitted as special exceptions. In certain instances, multi-family or higher-density residential development may also be permitted as a conditional use.

B. Rural Resource (RR)

This district includes areas of the township that have rural resources, such as rural occupations, agriculture, low to very low residential uses, hunting cabins and vacation properties, mineral extraction, and timbering. On-lot water and sewage are the primary method for potable water and sewage treatment. Public water and public sewerage have not been extended into these areas and there is no pending need to extend the utilities.

Permitted uses in this district include single-family detached dwellings, rural occupations such as arts and crafts manufacturing, bed and breakfast inns, trade occupations, woodworking and cabinet shops, butcher shops, public and nonprofit parks and playgrounds, preservation of natural and historic resources, public uses and public utility structures, and agricultural, agricultural-related, horticultural, mineral extraction, and forestry uses. Rural occupations shall be limited in size and intensity of use and will typically occur on larger tracts of land that are well buffered from adjoining neighbors. Industrial, urban, and other non-compatible land uses are discouraged. Regulations are provided to encourage forestry, farming where feasible, and other agricultural land uses.

C. Commercial/Office (CM/O)

The purpose of this district is to provide a suitable location for businesses that rely on a regional market for customers. The district allows for a mixture of commercial and office uses. It is the intent of this district to provide ample space for concentrated development of commercial and office properties while preventing commercial sprawl along the major roadways of the Township.

This district is provided for office uses, personal service and retail businesses, general wholesale establishments, and businesses which as a rule cater to large volumes of people or which can attract customers from sizeable distances. The regulations governing this district are intended to guide future development so as to discourage the formation of abandoned or vacant commercial

areas. Permitted uses include a wide range of retail and office uses. Contained in this classification are current commercial and office buildings and vacant areas around them that are not considered to be public lands.

D. Industrial (I)

This district contains existing tracts of industrial land and large tracts adjacent to non-residential uses. The purpose of this district is to provide a location for the introduction of small scale and light industries as well as large scale industrial operations for general industrial, manufacturing, and warehousing purposes. The regulations governing this district substantially prohibit any use which interferes with this purpose and afford some protection to the industries which are located therein. Areas set aside for this purpose have been carefully analyzed to insure satisfactory access and to maximize the use of existing public services, facilities, and utilities. Permitted uses in this district include warehouses, service industries, small manufacturing and assembly operations, automotive and truck repair, wholesale distributors, and small scale non-obtrusive industrial activities.

E. Industrial Enterprise (IE)

This district has been established to provide for high intensity industrial uses with availability for railway and interstate access. Allowable uses include innovative waste management, warehousing, transportation, and renewable energy technology for this Brownfield site (former strip mine).

F. Commercial Aviation (CA)

The CA district is located at the existing airport. It has been established for protection of the existing airport use, to allow development of nearby vacant lots, and to allow low to medium density development with very low truck traffic. Uses such as aviation support facilities, office, light industrial and commercial uses, recreation and accommodations, re permitted uses.

G. Regional Business Park (RBP)

The regional business park district contains an existing development site with developed infrastructure. The district in intended for low to medium density commercial and industrial uses, such as office and light industrial uses.

H. Business Incubator (BI)

The business incubator district is a fully developed site now used as a business incubator. Due to location, with surrounding residential areas, it is intended for low intensity uses such as office and very light industrial and manufacturing uses.

I. Public/Semi-Public (P/SP)

The majority of the township's land area is contained in the Public/Semi-Public land classification. Primary uses of this land are recreational or governmental. These public lands are responsible for the predominantly rural nature of the township. Permitted uses include recreation and timber harvesting.

J. Village-Mixed Use (VMU)

This classification includes the area formerly known as South Philipsburg Borough which is located in a rather secluded area between the Moshannon Creek on the west, Philipsburg Borough on the north, and on the east by the ridge upon which SR-350 runs. This district was developed to help preserve and celebrate the long standing community identity and pride of the "southies", to preserve and encourage a mix of residential densities and small scale commercial land uses arranged in a grid and modified grid development pattern, and efficiently capitalize upon the availability of undeveloped and underdeveloped land connected to public water and sewer services, essentially an extension of the urbanized area of Philipsburg Borough.

Permitted uses in this district include a mix of residential dwellings types including single, two and multiple family dwellings, accessory dwellings, senior housing, and assisted living facilities. Additionally, a mix of small scale, low intensity commercial and office type uses (limited in building size and intensity of use) located within the same building, upon the same lot, or in close proximity to the residential uses, are permitted in order to encourage pedestrian traffic. Non-residential uses include bed and breakfasts, home occupations, daycare centers, professional offices, retail sales and services (including restaurants and shops), senior/assisted housing, public and semi-public uses, parks and open space. Mixed use development at this density and intensity shall be required to be connected to the public water and sewerage systems.

K. Potable Water Protection Overlay District (PWPO)

This overlay district protects potable water source areas and critical source water areas to improve the quality of potable water resources in the township. Permitted uses within this land classification include undeveloped land, cabins, and very low density residential development. Development guidelines such as riparian buffers are required to act as primary filters. The Potable Water Protection Overlay modifies the uses permitted or the standards required in the base district.

L. Utility Protection Corridor Overlay District (UPCO)

The Utility Corridor Protection Overlay is designed to show and maintain existing utility rights-of-way so that property owners are aware of these rights and where they occur. The Utility Protection Corridor Overlay modifies the uses permitted or the standards required in the base district.

M. Floodplain Protection Overlay District (FO)

Preserving floodplain areas from development is crucial in minimizing potential damages to property and risk of injury due to flooding. Allowing floodplain areas to remain in their natural state will also minimize any major changes to the balance of the hydrologic system and allow for groundwater recharge. The Floodplain Protection Overlay District shall include those areas identified as being in the 100-year floodplain, as defined on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) or Flood Hazard Boundary Maps. The Floodplain Protection Overlay modifies the uses permitted or the standards required in the base district.

§ 2-3. Zoning Maps.

- A. The boundaries of each of these zoning districts are hereby established as shown on the Official Zoning Map and the Official Zoning Overlay District Map, which are made part of this ordinance together with all future notations, references, and amendments.
- B. The Official Zoning Map and Official Zoning Overlay District Map shall be identified by the signatures of the Townships Supervisors, properly attested by the Township Secretary, and shall bear the Township seal.
- C. No change of any nature shall be made to any matter shown on the Official Zoning Map and/or the Official Zoning Overlay District Map except in conformance with the procedures set forth in Article IX herein. The final authority as to the current status of zoning districts within the Township shall be the Zoning Map and the Zoning Overlay District Map located in the office of the Township Secretary.

§ 2-4. Interpretation of Boundaries.

- A. Designation of District Boundaries.
 - (1) The district boundary lines, except for the overlay districts, are intended generally to follow the center lines of streets, the center lines of the railroad rights-of-way, existing lot lines, the mean water level of stream and other waterways or municipal boundary lines, all as shown on the Official Zoning Map.
 - (2) Where a district boundary line does not follow such a line, its position shall be shown on said Official Zoning Map by a specific dimension in feet (and compass bearing or other reference, as necessary) from a road center line or other boundary line as indicated.
- B. Determination of Boundary Locations. In the case of uncertainty as to the true location of the boundary line in a particular district, the Zoning Officer, either on his own or at the request of a concerned party, shall present the matter to the Zoning Hearing Board. The Zoning Hearing Board may collect whatever information it feels necessary and shall then render a decision with

respect thereto, provided, however, that no boundary shall be changed by the Zoning Hearing Board. Changes in district boundary lines shall be made according to the procedures in Article IX.

- C. Extension of District Boundaries. Where a district boundary line divides a lot or parcel of land which was in single ownership as of the date of passage of this ordinance, the Zoning Hearing Board may permit, under the rules and procedures herein regarding variances, the extension of regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot. Requests for extension of regulations in excess of 50 feet shall be considered requests for changes in boundary lines and shall be handled in accordance with the procedures for amending and changing boundary lines set forth in Article IX.

§ 2-5. Potable Water Protection Overlay District Changes.

The delineation of any boundary of the Potable Water Protection Overlay District may be revised by the Board of Supervisors in accordance with the amendment procedures set forth in Article IX of this ordinance where natural or man-made changes have occurred, where experience demonstrates that a change is necessary or advisable and/or more detailed studies have been performed by a qualified agency or individual, such as a Source Water Protection Plan.

§ 2-6. Utility Corridor Protection Overlay District Changes.

The delineation of any boundary of the Utility Corridor Protection Overlay District may be revised by the Board of Supervisors in accordance with the amendment procedures set forth in Article IX of this ordinance where natural or man-made changes have occurred, where experience demonstrates that a change is necessary or advisable and/or more detailed studies have been performed by a qualified agency or individual, or new utility easements have been obtained or new utility corridors installed.

§ 2-7. Floodplain Overlay District Changes.

The delineation of any boundary of the Floodplain Overlay Districts may be revised in accordance with the amendment procedures set forth in the Township's Floodplain Management Ordinance or through issuance of new Flood Hazard Boundary Maps or Flood Insurance Rate Maps from the Federal Emergency Management Agency.

Article III. District Regulations.

§ 3-1. Application of District Regulations.

The regulations set forth in this article for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located, including any overlay districts.
- B. No building or other structure shall hereafter be erected or altered:
 - (1) To exceed bulk or other dimensions;
 - (2) To accommodate or house a greater number of families;
 - (3) To occupy a greater percentage of area;
 - (4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces, then herein required or in any other manner contrary to this ordinance.
- C. Note that all permitted uses, accessory uses and structures, and conditional uses are subject to the requirements of the three overlay districts, the Potable Water Protection Overlay District, the Utility Corridor Protection Overlay District, and the Floodplain Overlay District. Any lot which is located in any or all of the above overlay districts is subject to the regulations for both the zoning district it is proposed for and the overlay district(s).

§ 3-2. Description of District Regulations.

- A. The regulations apply to each district are described in condensed form in the following sections.
- B. Additional regulations pertaining to the uses permitted, accessory uses, and conditional uses within each district are found in Article IV, Supplementary Regulations, and in Article V, Conditional Uses.

§ 3-3. Residential (R) District

Permitted Uses and Structures	Conditional Uses
Single-family detached dwellings	Multi-family housing developments
Conversion apartments/duplexes	Multifamily dwellings
Two family dwellings	Public and/or private schools
Individual mobile homes	Fraternities and sororities
Churches and places of worship including parish houses and convents	Day-care services for children, day nurseries, and family, and group day-care homes
Bed and breakfast inn	Nursing and convalescent homes
Municipal government buildings	Assisted living facility
Agricultural uses and agricultural related uses including land cultivation	Personal care home
Forest product removal operations or controlled timbering.	Professional offices and clinics
No-impact Home-based business/home occupation	Medical clinics
Essential services	Telecommunication facilities
Other uses and structures customarily incidental or accessory to permitted uses	Mobile home parks
Public utilities	Roadside stands
Individual mobile homes	Animal hospitals or kennels and veterinary clinics
Private parks and playgrounds	Grain storage facilities, including elevators
Public or semipublic outdoor recreational facilities and/or services; public parks and playgrounds	Motels and transient lodging facilities
	Farm-related sales and service shops
	Clubs, lodges and social halls
	Self-storage units
	Cemeteries
	Funeral homes

Permitted Uses and Structures	Conditional Uses
	Municipal government buildings

§ 3-4. Rural Resource (RR) District

Permitted Uses	Conditional Uses
Single-family detached dwellings	Mining
Two-family dwellings	Nursing homes
Agriculture uses and agricultural related uses, as defined herein, including land cultivation, greenhouses, nurseries and raising livestock	Personal care homes
Churches	Saw mills
Veterinary offices	Mobile home parks
Dog kennels	Self-storage units
Bed-and-breakfast inns	Small businesses
Contractors/supply yards	Recreation lodging and RV camping
Hunting, fishing and gun clubs	Assisted-living residence
Fire stations	Winery
Public utilities	Public and semipublic outdoor recreation facilities and/or services; municipal parks and playgrounds
Individual mobile homes	Roadside stands
Home occupations	Farm related equipment, sales and service shops
Golf courses	Grain storage facilities, including elevators
Eating and drinking establishments	Essential services
Day care/nurseries	Commercial dairy
Riding stables	Small wind energy systems
Forest product removal operations or controlled timbering	Telecommunication facilities

Permitted Uses	Conditional Uses
Other uses and structures customarily incidental or accessory to permitted uses	
Oil and gas operations	

§ 3-5. Commercial/Office (CM/O) District

Principal Permitted Uses and Structures	Conditional Uses
Personal service, convenience, and retail business establishments	Warehousing and wholesaling
Professional offices and/or clinics, including branch banks	Automotive and motorized vehicle service stations
Theatres, bowling alleys, and similar indoor recreational uses	Car washes
Automotive and motorized vehicle sales, including truck, trailer, or farm equipment sales establishments	Light manufacturing, restricted
Barber and beauty shops	Shopping malls
Variety, gift, and antique shops	Microbrewery
Agricultural uses and agricultural related uses, including land cultivation	Taverns/bars
Churches and places of worship and funeral homes	Oil and gas operations
Municipal government buildings	Telecommunication facilities
Nonmunicipal government buildings	
Radio and television stations or studios	
Public and private hospitals	
Self-service storage units	
Forest product removal operations or controlled timbering	
Veterinary offices	
Medical clinics	
Commercial recreation	
Home and garden centers	
Eating and drinking places (including drive-through)	

Principal Permitted Uses and Structures	Conditional Uses
Commercial printing	
Fire stations	
Motels and hotels	
Essential services	
Accessory uses	

§ 3-6. Industrial (I) District

Principal Permitted Uses	Conditional Uses
Light manufacturing and assembling	Petroleum products wholesale distribution
Warehousing and wholesaling	Chemical storage, sales and distribution
Contractor's yards	Mining
Lumber mills, sales and storage	
Research and testing centers	
Offices	
Supply yards	
Industrial parks	
Brick/ceramic manufacturing	
Feed mills	
Public utilities	
Essential services	
Oil and gas operations	
Accessory uses	

§ 3-7. Industrial Enterprise (IE) District

Principal Permitted Uses	Conditional Uses
Manufacturing and light manufacturing	Petroleum products wholesale distribution
Industrial park	Chemical storage, sales and distribution
Research and testing centers	Mining
Offices	Asphalt batch plants
State and federal prisons	Heavy equipment sales and service/tractor trailer sales and service
Fire stations	Telecommunications facilities
Accessory uses	Adult entertainment facilities
Essential services	Sanitary landfills
Halfway houses	
Group homes	
Oil and gas operations	
Warehousing, wholesaling and truck terminals	
Wind turbine farms	
Seasonal dwellings, camps, and campgrounds	

§ 3-8. Commercial Aviation (CA) District

Principal Permitted Uses	Conditional Uses
Airports and aviation support facilities	Research and testing centers
Restaurants	Variety, gift, and antique shops
Taverns/Bars	Oil and gas operations
Recreational uses	
Motels and hotels	
Offices	
Essential services	
Professional offices	
Personal service and retail establishments	
Light industrial uses	

§ 3-9. Regional Business Park (RBP) District

Principal Permitted Uses	Conditional Uses
Colleges and Universities	Research and testing centers
Offices	Variety, gift, and antique shops
Light manufacturing and assembling	Personal service and retail establishments
Light industrial uses	Restaurants

§ 3-10. Business Incubator (BI) District

Principal Permitted Uses	Conditional Uses
Colleges and Universities	Research and testing centers
Offices	
Light manufacturing and assembling	
Light industrial uses	

§ 3-11. Public/Semi-Public (P/SP) District

Principal Permitted Uses
Agricultural uses including land cultivation
Forest product removal operations or controlled timbering
Seasonal dwellings, hunting camps or lodges
One-family detached dwellings
Bed-and-breakfast inn
Radio and/or TV transmission and receiving towers

Principal Permitted Uses
Oil and gas operations

§ 3-12. Village-Mixed Use (VMU) District

Principal Permitted Uses	Conditional Uses
Single-family detached dwellings	Restaurants
Conversion apartments/duplexes	Clubs, lodges, and social halls
Two-family dwellings	Light manufacturing
Multi-family dwellings	Restaurants
Tourist homes, bed-and-breakfast inn	Public or semipublic outdoor recreational facilities and/or services; municipal parks and playgrounds
Churches and places of worship including parish houses and convents	Essential services
Day-care services for children, day nurseries, and family, and group day-care homes	Municipal government buildings
Assisted living facility	
Bed and breakfast inn	
No-impact Home-based business/home occupation	
Nonmunicipal government buildings	
Personal service, convenience, and retail business establishments	
Variety, gift, and antique shops	
Agricultural uses and agricultural related uses including land cultivation	
Professional office space	

§ 3-13. Potable Water Protection Overlay (PWPO) District.

Permitted Uses and Structures
Generally the same as in the underlying district
Undeveloped recreational uses such as hiking and skiing trails, fishing and recreational boating and hunting
Single family dwellings
No development or temporary use or structure shall be permitted in this district which shall cause any degradation to source water resources

§ 3-14. Utility Corridor Protection Overlay (UCPO) District

Permitted Uses and Structures
Generally the same as in the underlying district
Any use that does not prevent the operation and maintenance of the utility easement

§ 3-15. Floodplain Overlay (FO) District

Permitted Uses and Structures
Generally the same as in the underlying district
Undeveloped recreational uses such as hiking and skiing trails, fishing and recreational boating and hunting
Land cultivation for agricultural use
No development or temporary use or structure shall be permitted in this district which shall cause any rise in the elevation of the one-hundred year flood. All development within this district must comply with the regulations of the Rush Township Floodplain Management Ordinance and all applicable state, federal, and local regulations

Article IV. Supplementary Regulations

§ 4-1. General Applicability.

The requirements set forth in this article shall be in addition to any other requirements set forth in this chapter and shall apply generally to all lots and uses. Where a requirement of this article conflicts with the requirements of another article herein or another Township or county ordinance, the more stringent shall apply.

§ 4-2. Lot Requirements.

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth in Section 611 of the Rush Township Subdivision and Land Development Ordinance (Chapter 290). Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by Section 611 of the Rush Township Subdivision and Land Development Ordinance (Chapter 290).

§ 4-3. Yard Requirements.

All yards and setbacks shall meet the requirements of Section 611 of the Rush Township Subdivision and Land Development Ordinance (Chapter 290).

§ 4-4. General Requirements.

- A. Two or more uses in the same building. Unless otherwise provided herein, when two or more uses occupy the same building, sufficient parking spaces, yard widths, lot areas, open space, etc., shall be provided so that the standards herein pertaining to each will be met in full.
- B. Presumed width of roads. When determining lot or yard sizes or dimensions, the following minimum rights-of-way shall apply:
 - (1) All roads with a right-of-way of less than 50 feet shall be considered to be 50 feet wide.

§ 4-5. Prohibited Uses.

Any use not expressly permitted in any district shall be prohibited. If an individual desires to undertake any activity not expressly permitted, he may request the Township Supervisors to consider amending this chapter to permit such a use. See Article **IX** for amendment procedures.

§ 4-6. Dwelling Units.

All dwelling units, including seasonal structures, single-family, two-family and multiple-family units shall adhere to the requirements set forth below. In addition to the other requirements hereunder and all other applicable Township and county rules, regulations and ordinances, such plans and proposals shall meet the requirements set forth below. Where there is a conflict between the provisions and two or more applicable Township ordinances, the more stringent requirement shall apply.

- A. Every dwelling unit which is to be located in the Floodplain Overlay District shall comply with all applicable district regulations in Article **III** and elsewhere in this ordinance and with the Rush Township Floodplain Damage Prevention Ordinance (Chapter 183) and with all other applicable state, federal and local regulations.
- B. Setbacks and other requirements as defined in Section 611 of the Rush Township Subdivision and Land Development Ordinance (Chapter 290) shall be met.

§ 4-7. Conversion Apartments and Duplexes.

In addition to the other requirements hereunder and all other applicable Township and county rules, regulations and ordinances, such as plans and proposals shall meet the requirements set forth below. Where there is a conflict between the provisions of two or more applicable Township ordinances, the more stringent requirement shall apply.

- A. All conversion apartments and duplexes shall meet the requirements of Section 611 of the Rush Township Subdivision and Land Development Ordinance (Chapter 290).

§ 4-8. Seasonal Dwellings.

- A. In addition to the requirements herein, all seasonal dwellings shall conform to all applicable Township and county rules, regulations and ordinances.
- B. Where there is a conflict between the provisions of two or more applicable Township ordinances, the more stringent requirement shall apply.

- (1) Responsibility. The owner(s) of such seasonal dwellings shall be solely responsible for year- round maintenance of their structure(s) and all surrounding lands. When necessary, this maintenance shall include grass cutting. Further, these landowners shall be responsible for all activities occurring on their property.
- (2) Construction requirements. The construction of seasonal dwellings shall meet the following requirements:
 - (a) Seasonal dwellings shall not be converted into permanent dwelling units or occupied as permanent dwelling units (i.e., in excess of 90 consecutive days) unless the same shall conform to all applicable Township and county codes and ordinances, including the provisions of this chapter.
 - (b) No buses, trucks or similar vehicles or sheds, garages or similar structures are permitted as seasonal dwelling structures.
 - (c) No more than one seasonal dwelling unit shall be erected on an individual lot. Minimum lot sizes shall be accordance with those set forth in Section 611 of the Rush Township Subdivision and Land Development Ordinance (Chapter 290).
 - (d) Seasonal home developments shall conform to the requirements of this ordinance, all other applicable Township ordinances and all applicable county and state requirements.
 - (e) All seasonal dwelling units shall conform to the requirements of §4-6 of this article.

§ 4-9. Agricultural Uses.

- A. In all districts, agricultural uses shall include land cultivation activities such as private gardens or orchards.
- B. Nothing in this chapter shall be construed to prohibit a farmer, as herein defined, from carrying out the normal operations of his farming business, including the spreading of manure, fertilizer or other appropriate chemical products. Such noxious odors as are normally associated with farming shall not be construed to be a violation of this chapter.
- C. All owners of concentrated animal operations shall comply with the regulations established by the Pennsylvania Nutrient Management Law, Act 6 of 1993.

Article V. Conditional Uses

§ 5-1. Application Procedures.

- A. Application for a conditional use hereunder shall be made to the Township Secretary who shall refer such application to the Planning Commission. In addition, the Planning Commission shall forward a copy of the application to the Board of Supervisors for their review and information. The Planning Commission shall consider the proposal and shall transmit either their recommendation that the Supervisors either approve or disapprove within 30 days of receipt.
- B. All applications for such uses shall include a written statement describing the tract of land and its intended use and a site plan of the purposed development or area developed in accordance with the following criteria:
- (1) The written statement. The written statement shall contain the following information:
 - (a) The location and size of the tract of land.
 - (b) The present use of adjoining tracts.
 - (c) The present use of the tract for which the conditional use is proposed.
 - (d) The type of conditional use for which the application is being made.
 - (e) A detailed description of the type and extent of the activities to take place on the land.
 - (f) An accurate estimate of the total development cost of the conditional use.
 - (g) The names, addresses and phone numbers of: the applicant, the owner, the developer of the conditional use, the person or organization which will operate the conditional use. When any of the above are corporate entities, the names, addresses and phone numbers of the chief executive officers of those corporate entities shall be listed. If any corporate entity listed hereunder is owned or controlled by another corporate entity or parent company, the same information shall be supplied for the parent company.
 - (h) Failure to provide accurate, current or complete information with regard to any of the above shall constitute grounds for rejection of the application. Should said failure to provide accurate and complete information become apparent after the issue of a conditional use permit, said permit may, at the option of the Township Board of Supervisors, be revoked and the Township may proceed against the parties as if they had never obtained a permit.
 - (2) The site plan. The site plan shall be drawn to scale sufficient to clearly show the features of the tract and shall show:

- (a) A title block containing the name of the developer or landowner, date, scale and name profession of the preparer or the plan.
- (b) Tract boundaries showing bearings and distances.
- (c) Existing significant natural or man-made features of the site.
- (d) Existing and proposed streets, right-of-ways, easements, means of access and setback lines.
- (e) Existing and proposed buildings, sewers, water mains, culverts, transmission lines, utilities and fire hydrants on or adjacent to the site.
- (f) Proposed grading and drainage plan.
- (g) Proposed plan of landscaping for the tract, showing all paved and planted areas, screens, buffer zones and fencing.
- (h) Plans of any proposed sanitary sewer or storm sewer systems including a stormwater management plan, as appropriate, and water supply system.
- (i) Location, space and floor plan of all proposed buildings or structures and proposed use of all buildings, structures, enclosed and open areas of the tract.
- (j) Failure to provide accurate or complete information with regard to any of the above shall constitute grounds for rejection of the application. Should said failure to provide accurate and complete information become apparent after the issuance of a conditional use permit, said permit may, at the option of the Township Board of Supervisors, be revoked and the Township may proceed against the parties as if they had never obtained a permit.

§ 5-2. Criteria for Conditional Use.

- A. The Planning Commission shall consider the following criteria in making their recommendations:
 - (1) The purpose of the zone in which is requested conditional use would be located and the compatibility of the requested conditional use with the existing and potential land uses on adjacent tracts of land.
 - (2) Whether the specific site is an appropriate location for the use, structure or condition with regard to the problems of water supply, sewage and waste disposal and potential for pollution of water supplies downgradient should some system fail at the site.

- (3) Whether the use as developed will adversely affect the neighborhood, including but not limited to property values, health, safety, character of the neighborhood and increase in traffic, noise and congestion.
- (4) Whether the use as developed will create nuisance or hazard to vehicles and pedestrians.
- (5) Whether adequate and appropriate facilities will be provided to ensure the proper continuing operation of the proposed use.
- (6) The economic, noise, glare or odor effects of the proposed use on adjoining and nearby properties and properties generally in the district.
- (7) Whether satisfactory provision and arrangement have been made for the following:
 - (a) Ingress and egress to the property and structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
 - (b) Off-street parking and loading areas.
 - (c) Refuse storage and service areas.
 - (d) Utilities, with reference to location, availability and compatibility.
 - (e) Sewage and wastewater treatment and disposal.
 - (f) Stormwater management.
 - (g) Drinking water supply.
 - (h) Screening and buffering with reference to type, design, dimension and character.
 - (i) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect may be brought to their attention.

B. Presentation of material. In presenting material relevant to any portion of this article, the burden of proof shall be on the applicant to affirmatively demonstrate that: the criteria have been addressed; and the criteria have been, or will be, met insofar as possible. Failure to meet the burden of proof shall be grounds for the rejection of the application or an adverse recommendation.

C. Presenting material at public hearing of the Board of Supervisors.

- (1) The applicant and members of the public shall be afforded an opportunity to present material, evidence and plans, as appropriate, at a public hearing held by the Board of Supervisors pursuant to public notice after the Board has received the recommendation of the Planning Commission. The Board of Supervisors shall decide on a conditional use

permit application only after having afforded the applicant, the public and the Planning Commission the opportunity to give evidence and comment at a public hearing.

- (2) Should questions arise than cannot be answered at the initial public hearing, the Board may schedule additional public hearings as may be necessary.
- (3) The Board shall either grant or deny the permit within 45 days following the last public hearing on the conditional use application.

D. Bonding and financial security. The Board of Supervisors may require that bonds or other forms of financial security be given by the applicant to insure that work such as reclamation be accomplished or that sewage and water systems will be properly maintained or in any instance where the Board of Supervisors feels that such security is necessary. The terms of such bond or other security shall be as the Board of Supervisors, in consultation with the Township Solicitor and the Planning Commission, shall find appropriate.

E. Other terms and conditions. In addition to the above, the Board of Supervisors may make other such conditions as it deems necessary to protect the health, welfare and safety of the Township residents a condition of approval for a conditional use permit hereunder. Such conditions may include, but are in no way limited to: the construction and maintenance of test or monitoring wells, regular testing of effluents, the construction of embankment walls to contain spills and similar measures to tract and test the effectiveness of waste treatment systems, contain or limit damage should some system or storage fail and the like.

F. Decision of the board.

- (1) The Board of Supervisors shall be in no way obligated to render a favorable decision on a conditional use application merely because the applicant has made a proper application and presented material to the Planning Commission and the Board of Supervisors.
- (2) Furthermore, more economic expedience or the fact that land was purchased, subdivided or sold with the expectation of obtaining a conditional use permit or that the landowner or developer has gone to considerable monetary expense to prepare plans and applications hereunder or that any other (conforming) use of the land will not be as profitable shall not, in and of themselves, be reasons for granting a conditional use hereunder.
- (3) The Board of Supervisors may reject any application, although properly and timely filed, and meeting all of the requirements hereunder, if in their view, after receiving the recommendation of the Planning Commission and allowing the applicant to present evidence on his own behalf and, hearing comment from the public, such use would not be in the best interest of the residents of the Township.

§ 5-3. Additional Conditional Use Requirements.

Conditional uses, which are also limited by zoning district in Article **III**, must meet all of the requirements of the Rush Township Subdivision and Land Development Ordinance (Chapter 290) in addition to those listed under all the other applicable Sections of this chapter, in order for a zoning permit to be issued.

§ 5-4. Mobile Home Parks.

Every proposed mobile home park must meet the requirements of Article 7 of the Rush Township Subdivision and Land Development Ordinance (Chapter 290) in addition to the requirements of all other applicable Township and county rules, regulations and ordinances. Where there is a conflict between the provisions of two or more applicable ordinances, the more stringent requirement shall apply.

§ 5-5. Airports.

All airport facilities shall meet the standards set forth in the Rush Township Airport Zoning Ordinance (Chapter 90), and all other applicable state, federal or local regulations shall apply.

Article VI. Nonconformities

§ 6-1. Nonconforming Uses and Structures.

Any nonconforming use or structure legally existing at the time of the adoption of this ordinance, or which is created whenever a district is changed by amendment to this ordinance hereafter, may be continued, altered, reconstructed, changed, sold or maintained even though it does not conform to the regulations for the district in which it is located (Article **III**) and the supplementary regulations (Article **IV**) except as provided below. (For nonconforming lots, see § **6-2**.)

- A. Repairs and alterations. Repairs and structural alterations may be made to a nonconforming building or to a building occupied by a nonconforming use. If said building is damaged by fire, flood or other natural disaster, it may be reconstructed, restored or used as before, providing:
- (1) Said work commences within 365 days of the damage.
 - (2) Where the nonconformity is located in the flood fringe or floodplain area (as defined in the Rush Township Flood Damage Prevention Ordinance (Chapter 183) the new construction must comply, to the greatest extent possible, with all floodproofing and

other requirements of the Rush Township Flood Damage Prevention Ordinance (Chapter 183).

- (3) Where nonconformity is located in a floodway area, the reconstruction may not exceed the size, bulk, height and area that existed prior to the damage.
- (4) Where the nonconformity is located in a floodway area, the reconstruction may not, under any circumstances, cause any rise in the elevation of a one-hundred-year-flood.
- (5) In the case of a nonconforming structure, said work or reconstruction must bring the structure, insofar as practically possible, into conformity with all the district regulations and other regulations of this chapter.

B. Abandonment. If any nonconforming use or structure is abandoned, as set forth below, for a period in excess of two years, the future use of such building or land shall be in conformity with the district regulations (Article III) and the supplementary regulations (Article IV).

- (1) A nonconforming use shall, for these purposes, be considered as abandoned when there occurs a deliberate cessation of any such or activity or by an apparent act or failure to act on the part of any tenant or owner, the use or activity ceases and the period of 180 days elapses without any open, concerted, definite act on the part of said tenant or owner to recommence the use or activity.
- (2) It is recognized that a nonconforming use may have several distinct accessory aspects, i.e., that one commercial or industrial nonconforming use may include uses such as offices, clerical and managerial, sales (either wholesale or retail), a storage, distribution or production as accessory uses. A use shall not be considered abandoned for purposes of this ordinance unless the primary use (i.e., appropriate) have ceased on the site for the required period of time.
- (3) In cases where a particular use operates under license or permit from either the commonwealth, the federal government, or some agency thereof, the existence of a current, valid license or permit, properly obtained, shall be considered prima facie evidence that the use has not been abandoned for these purposes.

C. Expansion of nonconforming uses and structures.

- (1) Pursuant to the community development objectives of this chapter as set forth in Article I, including the protection of the general health, welfare and environment of the Township, the Township provides herewith a sliding scale for the expansion of nonconforming uses within the Township. This scale is based on the premise that a small nonconforming use has less impact on the lands and waters of the Township and on the immediate neighborhood environment and should therefore be treated differently than a large nonconforming use.
- (2) Extensions, alterations and additions may be made to nonconforming uses and/or structures according to the following scale:

Area in Square Feet of Nonconforming Use or Structure

(Square Feet)	Expansion
1 to 1,000	500% or 4,000 square feet, whichever is greater.
1,001 to 3,000	400%
3,001 to 5,000	300%
5,001 to 10,000	200%
10,001 to 20,000	100%
20,001 to 50,000	75%
50,000 and larger	50%

(3) Any extension, enlargement, addition or alteration to any nonconforming structure shall conform to the regulations of the zoning district in which the structure is located, except as follows:

(a) A nonconforming structure may be extended, enlarged or added to in violation of the district's setback regulations; provided, that the encroachment into the setback area is no greater than currently exists. For example, if the district's setback requirement is 65 feet from the center of the highway and the existing structure is 50 feet from the center of the highway, and addition or extension of the structure may be 50 feet from the center of the highway.

(b) The extension, enlargement, addition or alteration may not be more violative of the setback regulations than the existing structure currently is.

D. With regard to nonconforming consumptive uses. Where a particular nonconforming use exists on a portion of an existing lot and where said nonconforming use is consumptive by its nature (i.e., quarrying), the use may be expanded (subject to setbacks and other regulations) to cover more than the lot as it exists as of the date of adoption of this chapter, plus additional contiguous land area amounting to 30% of the entire lot as it existed as of the date of adoption of this chapter.

E. Extension. A nonconforming use shall not be extended so as to displace a conforming use.

F. Existence for purposes of this chapter.

(1) A nonconforming use shall be deemed to be in existence, and legally protected hereunder, if valid Rush Township building and sewage permits have been issued and ground has been broken for a foundation (or other preparatory construction work has

begun) before the date of adoption of this chapter or applicable amendment hereto. Nothing herein shall require any change in plans, construction or designation of use of a building or structure which complies with existing laws or for which valid sewage and building permits were granted and where construction shall have commenced before the date of adoption of this chapter, or applicable amendment thereto.

- (2) For those purposes, subdivision, submission of subdivision plans to the county or Township, surveying and the like shall not be considered the commencement of construction. Construction shall be deemed to have been commenced by the issuance of a Rush Township sewage and building permit and the breaking of ground for a foundation.
- H. Expansion in a floodway. Existing nonconforming uses in a floodway district may not be expanded or enlarged.
- I. Supplementary regulations not applicable to existing nonconforming uses. Existing nonconforming uses (and accessory uses) shall not be subject to the supplementary regulations set forth in Article **IV** herein.

§ 6-2 Nonconforming Lots.

- A. Continuation. Any nonconforming lot legally existing at the time of the adoption of this chapter or which is created whenever a district is changed by amendment hereafter, may generally be continued, used, sold, bought, rented and/or maintained as before the adoption of this chapter; provided that all other yard dimensions and requirements of the lot shall conform to the regulations of this chapter or any other state, county or Township regulation that may apply. Variances of yard setback requirements can only be obtained through action of the Zoning Hearing Board.
- B. Permits. In the case of a lot of record, held in single and separate ownership at the effective date of this chapter, which does not meet the minimum area requirements for the district in which it is located, a structure for a permitted use within the district that a nonconforming lot exists, may be placed on the lot; provided, that:
 - (1) The owner does not own adjoining land.
 - (2) Each side yard is not less than 15 feet and is kept clear to permit the passage of fire and emergency vehicles.
 - (3) The rear yard is not less than 15 feet and is kept clear to permit the passage of fire and emergency vehicles.
 - (4) The front yard conforms to the minimum distance required.
 - (5) The site is approved for sewage disposal and has an adequate supply of potable water from either on-site or off-site wells.

- (6) The site and its intended use complied with all other applicable provisions of this ordinance.

Article VII. Parking, Loading and Access Drives

§ 7-1. Off-street Parking.

In all districts in connection with every business, institution, recreational, residential or any other use there shall be provided at the time any new building or structure is erected off-street parking spaces open to the public at no charge in accordance with the requirements of Section 607 of the Rush Township Subdivision and Land Development Ordinance (Chapter 290).

§ 7-2. Driveways, Access Drives, and Loading Areas.

All parking and loading areas and access drives shall be designed according to the requirements of Sections 604, 605, and 608 of the Rush Township Subdivision and Land Development Ordinance (Chapter 290).

Article VIII. Zoning Hearing Board

§ 8-1. Organization and Procedure.

- A. Establishment. There is hereby created a five-member Zoning Hearing Board whose membership, organization and procedures shall be those as set forth in Article **IX** of the Pennsylvania Municipality Planning Code, as amended. *Editor's Note: See 53 P.S. §10901 et seq.*
- B. Alternate members. The Board of Supervisors may appoint up to three alternate members of the Zoning Hearing Board who shall serve pursuant to Article **IX** of the Pennsylvania Municipalities Planning Code, as amended.

§ 8-2. Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the procedures provided in Article **IX** of the Pennsylvania Municipalities Planning Code, as amended. Notice of hearing shall be given to the public, the applicant, the Zoning Officer, the Township Board of Supervisors and to any person who has made timely request for the same. Notice shall be give at such time and in such manner a shall be prescribed by the rules of the Zoning Hearing Board. Notice shall also be given at such time and in such manner as shall be prescribed by the rules of the Zoning Hearing Board. Notice shall also be conspicuously posted on the affected tract of land for at least seven consecutive days prior to the hearing. The posting shall consist of a sign at least 24 inches by 24 inches.

§ 8-3. Powers and Duties.

The Zoning Hearing Board shall have such powers and perform such duties as are authorized by Article **IX** of the Pennsylvania Municipalities Planning Code, as amended.

§ 8-4. Parties Appellant Before the Zoning Hearing Board.

- A. Appeals from any decision of the Zoning Officer and proceedings to challenge the validity of this chapter may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township or by any person aggrieved.
- B. Requests for the variance may be filed with the Zoning Hearing Board by any landowner, any authorized agent of such landowner or by the Zoning Officer.

§ 8-5. Zoning Appeals to Court.

Appeals to court shall be governed by Article **X-A** of the Pennsylvania Municipalities Planning Code, as amended. *Editor's Note. See 53 P.S. § 11001-A et seq.*

Article IX. Administration and Enforcement

§ 9-1. Zoning Officer.

- A. The provisions of this chapter shall be administered and enforced by the Zoning Officer who shall be appointed by the Township Supervisors, shall hold no elective office in the Township, may be compensated and shall have the following duties:
- (1) To receive and process applications for permits, certificates, conditional uses, variances, appeals and other applications required under the terms of this chapter.
 - (2) To prescribe the form of all applications, permits and certificates required under the terms of this chapter.
 - (3) To issue zoning permits for the construction, alternation and occupancy of all uses and buildings which are in accordance with the requirements of this chapter within 30 days after receipt of an application for such a permit. In cases of applications for a conditional use or a variance, permits shall be issued only upon written order of the appropriate reviewing agency. It shall be the responsibility of the Zoning Officer to process the applications for hearings before the Zoning Hearing Board.
 - (4) To refuse applications for permits which do not meet the requirements of this chapter within 30 days following receipt of such application. Said refusal shall be in writing and shall state the reasons for such action.
 - (5) To examine and inspect land, buildings and structures to determine their consistency with this chapter at the time of application filing, during the work and upon completion of the work.
 - (6) To issue notice of violation to any persons violating any provision of this chapter, said written notice shall comply with the provisions of Article VI, § 626.2 of the Pennsylvania Municipalities Planning Code, as amended. *Editor's Note: See P.S. § 10626.2.* Duplicate copies of such notice shall be referred to the Zoning Hearing Board and to the Township's Supervisors. The Zoning Officer shall also issue citations where violations are not rectified.
 - (7) To maintain and update the official Zoning Map and Zoning Overlay District Map including any overlay districts that are a part of this chapter.
 - (8) To keep records of applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued.
 - (9) To perform such other duties as may be provided for or made necessary by the terms of this chapter.

- B. The compensation for the Zoning Officer shall be set by resolution of the Rush Township Board of Supervisors from time to time.

§ 9-2. Zoning Permits.

A zoning permit shall be required prior to the erection, extension or alteration of any structure prior to the use or change in use of a structure or land. No such zoning permit shall be required for normal maintenance activities and minor repairs which do not constitute an erection, extension or alteration as herein defined. In addition to meeting the requirements of this chapter, the applicant shall conform to all other regulations and ordinances in effect in Rush Township or as may hereafter be adopted. Nothing in this chapter shall exempt the applicant from obtaining any permits which may be required by such other regulations or ordinances.

A. Zoning Permit Application.

- (1) To apply for a zoning permit, the applicant shall submit a Rush Township zoning permit application, along with all required fees and applicable permits, road encroachment, sewer, etc., to the Zoning Officer. When required by this chapter, site plans and other information shall accompany the application. The application shall list, among other things, the name(s), address(es) and phone number(s) of the applicant, the owner, the developer of the use and the person or organization which will operate the use. When any of the above are corporate entities, the application shall list, in addition, the names, addresses and phone numbers of the chief executive officers of those corporate entities. If any corporate entity listed hereunder is owned or controlled by another corporate entity or parent company, the same information shall be supplied for the parent company. Failure to provide accurate, current or complete information with regard to any of the above shall constitute grounds for rejection of the application. Should said failure to provide accurate and complete information become apparent after the issuance of a zoning permit, said permit may, at the option of the Board of Supervisors, be revoked and the Township may proceed against the parties as if they had never obtained a permit.
- (2) All applications for zoning permits, except those for conditional use permits as described in Article V of this chapter, shall be granted or denied by the Zoning Officer within 30 days from the date of receipt of the application and payment of all required fees. The Zoning Officer shall notify the applicant in writing of all action taken on the application for a zoning permit within said thirty-day period; if the application is denied, such notification shall specify the provisions of this chapter with which the application does not comply. After the applicant has received his zoning permit, he may proceed with his proposal as approved.
- (3) A zoning permit shall be valid for a twelve-month period from the day of issuance. A time extension may be granted for up to six months if a written request is submitted by the applicant 30 days prior to the expiration of the original zoning permit. This written request shall set forth sufficient and reasonable cause for the Zoning Officer to grant such

a request. Only one time extension may be granted by the Zoning Officer without resubmission for a new zoning permit.

- (4) After the issuance of a zoning permit by the Zoning officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted to the Zoning Officer for reconsideration.
- (5) The Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the zoning permit, the date of its issuance, a description of the construction authorized and bear the signature of the Zoning Officer.
- (6) For the purposes of this chapter, construction and/or development shall be considered to have started with the preparation of land including land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footings or the installation of sewer, gas and water pipes or electrical or other service lines from the street.
- (7) During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all other applicable Township laws. He shall make inspections as necessary to determine this compliance.
- (8) In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure or premises or development in any identified floodplain area or any other area of the Township, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.

§ 9-3. Certificate of Occupancy.

A. Certificate of Occupancy.

- (1) No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Zoning Officer stating that the buildings or proposed use thereof complies with the provisions of this chapter. The certificate shall be issued within 10 days after the erection, alteration or change shall have been approved as complying with the provisions of this chapter.
- (2) If the building or proposed use, as stated in the zoning permit application, fails to comply with the regulations contained in this chapter, the Zoning Officer shall notify the applicant, in writing, of the denial of an occupancy permit and shall state the provisions of this chapter with which the action does not comply. The applicant may correct the

defects cited in the denial by the Zoning Officer for the occupancy permit. If, upon notification by the applicant and inspection of the premises by the Zoning Officer that the defects have been corrected and that no additional defects have been created, an occupancy permit shall be immediately issued.

- (3) Once granted, this certificate shall continue in effect so long as there is no change of use, regardless of change in the ownership, tenants or occupants.

B. Temporary certificates of occupancy.

- (1) Temporary certificates of occupancy may be issued by the Zoning Officer. Such certificates may be issued when most of the work on a structure or site has been completed and the structure or site is usable or habitable but some aspects of the work (i.e., grading, landscaping, planting of borders or buffers, paving or graveling or drives and walks, exterior painting or finishing and similar work) have not been completed due to weather, the season of the year or other reasonable cause. The temporary occupancy permit shall be valid only until such time as the action for which the zoning permit was issued is complete or for a period of six months after issuance, whichever is less.
- (2) In all cases, the applicant for a temporary certificate of occupancy shall provide financial security (which may be an irrevocable letter of credit with a federal- or commonwealth-chartered lending institution, a restrictive escrow account in such lending institution or a personal bond, the nature of which shall be at the discretion of the Zoning Officer) in an amount sufficient to guarantee the completions of the improvements within the prescribed time period in an amount no less than 100% of the estimated cost of finishing the work described in the zoning permit.
- (3) The temporary certificate of occupancy shall set a time, not to exceed six months, by which the work must be completed and a certificate of occupancy applied for. If the work is not completed within the required time, the Township may:
 - (a) Invade the bond or other financial security and cause the work to be performed;
 - (b) Revoke the permit; or
 - (c) Avail itself of any other remedy open to it hereunder or under state law.

§ 9-4. Violations and Penalties.

Failure to secure a zoning permit when required hereunder or failure to secure a certificate of occupancy or failure to carry out the provisions of this chapter shall be considered a violation of this chapter.

- A. Enforcement notice.
 - (1) Whenever the Zoning Officer determines or feels that there has been a violation of any provision of this chapter, the officer shall initiate enforcement proceedings by sending an enforcement notice as provided for by § 616.1 of the Pennsylvania Municipalities Planning Code, as amended. *Editor's Note: See 53 P.S. § 10616.1 et seq.*
 - (2) When such notice has been served by the Zoning Officer, the violation shall be discontinued immediately.
- B. Revocation of permits. The Zoning Officer may revoke any permit hereunder at any time if it appears that application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the person holding the permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Township Supervisors for whatever action they may deem necessary.
- C. Penalties. Penalties and remedies for violations of this chapter are stipulated in §§ 617 and 617.2 of the Pennsylvania Municipalities Planning Code, as amended.

§ 9-5. Fees.

Fees for the issuance of permits, certificates for ordinance amendments, conditional uses, variances and other zoning action shall be paid to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established by resolution of the Township Supervisors and as amended by them by resolution from time to time.

§ 9-6. Appeals.

Any appeal from a decision or action of the Board of Supervisors or any officer or agency of the Township in matters pertaining to this chapter shall be made in accordance with Article X-A of the Pennsylvania Municipalities Planning Code, as amended. *Editor's Note: See 53 P.S. § 11001-A et seq.*

§ 9-7. Amendments to Zoning Ordinance.

The regulations, restrictions and district boundaries set forth in this chapter may, from time to time, be amended through action of the Board of Supervisors in the manner provided by Article VI, §§ 609 through 610, of the Pennsylvania Municipalities Planning Code. *Editor's Note: See 53 P.S. §§ 10609 through 10610.*

Article X. Terminology.

§ 10-1. Interpretations.

Unless the content otherwise requires, the following definitions shall be used in the interpretation and construction of this chapter. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word “structure” shall include the word “building”; the word “used” shall include “arranged,” “designed,” “constructed,” “altered,” “converted,” “rented,” “leased,” or “intended to be used”; and the word “shall” is mandatory and not optional.

§ 10-2. Definitions.

As used in this chapter, the all terms shall have the meanings indicated in Appendix A.

Article XI. Enactment

§ 11-1. Warning and Disclaimer of Liability.

This chapter shall not create liability on the part of Rush Township, or any officer or employee thereof, for any damage of any sort that may result from reliance on this chapter or any provisions thereof or any administrative decision lawfully made thereunder.

APPENDIX A—DEFINED TERMS

ABANDONED

The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises or the removal of the characteristic equipment or furnishing used in the performance of a nonconforming use without its replacement by similar equipment or furnishings or the replacement of the nonconforming use or structure.

ACCESS DRIVE

An improved cartway designed and constructed to provide for vehicular movement between a street and any use other than one single-family dwelling unit or farm. A durable, all-weather surface, other than street, which provides vehicular access from a street or public road to a lot, e.g., a driveway.

ACCESSORY USE OR STRUCTURE

A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

ADULT ENTERTAINMENT FACILITY

A store or other commercial use which offers for retail sale, rent or payment of admission shows, movies, tapes, books, magazines, literature and objects of any explicitly sexual nature, the purchase and possession of which is generally restricted to those over 18 as its main, or predominant, stock-in-trade. This provision shall not be construed to apply to an establishment when the explicit material offered for sale constitutes only a small fraction of the inventory of the establishment.

AGRICULTURE

The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the accessory uses for parking, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture activities.

AGRICULTURAL-RELATED USES

Includes soil preparation services; crop services; large animal veterinary services; animal services; farm labor management services; farm product warehousing and storage; refrigerated warehousing and storage; interior storage of boats, automobiles, motor homes, airplanes or heavy equipment within barns or accessory farm buildings which were in existence as of the effective date of this chapter; seed and related agricultural supply stores; lawn and garden supply stores and tack shops.

AIRPORTS AND LANDING STRIPS

All facilities for the storage, maintenance, takeoff and landing of the aircraft.

AISLE, PARKING

A private drive intended principally to provide vehicular access within a vehicular parking compound. Although an aisle provides interior vehicular circulation, its principal function is to provide entrance and exit for individual parking spaces. An aisle may not be used to intersect streets.

ALLEY

A strip of land over which there is a right-of-way intended to provide vehicular access to the side and/or rear of properties that front on a street. An alley is not intended for general traffic circulation.

AMENDMENT

Any change or revision of the text of this ordinance or the Official Zoning Map or Zoning Overlay District Map.

ANIMAL HOSPITAL

A building used by a veterinarian for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, birds and fowl.

APARTMENT COMPLEX

A group of two or more buildings occupying a lot in single ownership with each building used by three or more families.

APPLICANT

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

APPLICATION OF DEVELOPMENT

Defined in § 107 of the Pennsylvania Municipalities Planning Code.

APPOINTING AUTHORITY

Defined in § 107 of the Pennsylvania Municipalities Planning Code.

AUTO WRECKING, JUNK AND SCRAP ESTABLISHMENTS

The use of land and structures for the storage, bailing, sorting, handling, disassembling, purchase or sale of any material which has been used, salvaged, scrapped or reclaimed but is capable of being reused in some form, including metals, fiber, paper, cloth and rags, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe and pipe fittings, tires, motor vehicles which do not have a current and valid inspection sticker as required by the Commonwealth of Pennsylvania, and motor vehicle parts, but not including garbage or other organic wastes.

AUTOMOBILE SALES AREA

An open space area, other than a street, used for the display, sale or rental of new or used motor vehicles which are in operable condition and where no major repair work is done.

AUTOMOTIVE AND/OR MOTORIZED VEHICLE SERVICE STATION

A building or place of business where gasoline, and possibly oil and greases, batteries, tires and automobile accessories are supplied and dispersed directly to the motor vehicle trade, at retail, and where repair service may be rendered. (See also “garage repair.”)

BASE FLOOD ELEVATION

The water surface elevation of the flood level that has a one-percent or greater chance of occurrence in any given year.

BASEMENT

That portion of a building partly underground but having less than 1/2 of its clear height below the average lot grade. A basement shall be counted as a story for the purpose of height measurement if they vertical distance between the ceiling and the average level of the adjoining ground is more than five feet in height or if it is used for business or dwelling purposes.

BED-AND-BREAKFAST INN

A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

BOARD

The Zoning Hearing Board of Rush Township

BOARD OF SUPERVISORS

The Board of Supervisors of the Township of Rush, Centre County, Pennsylvania.

BOUNDARY

A line marking the limit, or border, of a lot or district.

BUFFER STRIP

A buffer strip is an open space of ground containing no man-made structures (except signs as permitted by the sign regulations and fences) which acts as a barrier to noise and visibility. Buffer strips shall be assigned to meet specific dimensions provided under the provisions of this chapter and the Rush Township Subdivision and Land Development Ordinance.

BUILDABLE AREA

That portion of a lot bounded by the required front, side and rear yards and/or setbacks.

BUILDING

Any structure or edifice designed or intended for use as an enclosure, a shelter, or for protection of persons, animals or property.

BUILDING, ACCESSORY

A detached, subordinate building, not used for habitation, the construction and use of which is customarily incidental and subordinate to that of the principal building, and located on the same lot as that occupied by the principal building. Farm buildings not intended for habitation are considered to be accessory buildings.

BUILDING AREA

The total area taken on a horizontal plane at the main grade level of the principal building and of all accessory buildings, exclusive of uncovered patios, decks, awnings, terraces, and steps.

BUILDING COVERAGE

That percentage of the plot of land area covered by the principal and accessory buildings (including covered porches, carports and breezeways but excluding open patios).

BUILDING HEIGHT

The vertical distance measured from the average level of the ground surrounding the building to a point midway between the highest and lowest point of the roof but not including chimneys, spires, towers, tanks and similar projections.

BUILDING LINE

A line parallel to the street line located at a distance which is equal to the front yard setback requirement for the district in which the lot is located.

BUILDING, PRINCIPAL

A building which is enclosed within exterior walls or fire walls, which is built, erected, and framed of component structural parts, which is designed for housing, shelter, enclosure, and support of individuals, or property of any kind, and which is a main structure on a given lot. In the residential district, a dwelling shall be deemed to be a principal building.

BUILDING SETBACK LINE

The actual line of the building nearest an adjacent right-of-way or street line. This face includes any structure above grade, except steps.

CAMPS AND CAMPING GROUNDS

The use of land and structures by campers for seasonal, recreational and temporary living purposes in cabins, tents or outdoor recreational vehicles.

CAMPGROUND

A tract or tracts of land, or any portion thereof, used for the purpose of providing a space or spaces for trailers or tents or camping purposes, with or without a fee charged for renting or occupancy of such space.

CARTWAY

The surface of a street, access drive, driveway, or alley available for vehicular traffic, including travel lanes and parking lanes.

CELLAR

A story partly underground and having more than ½ of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or in measuring building height.

CENER LINE

A line running parallel to and equidistant from both sides of a street.

CENTRE COUNTY CONSERVATION DISTRICT

The County Conservation District, created under authority of state law to administer soil and other conservation work within Centre County, with the technical assistance of state and federal agencies.

CHILD DAY-CARE CENTER

The use of land and structures for supervised day care of six or more children.

CHURCHES AND OTHE PLACES OF WORSHIP

The use of land and structures for religious worship, education and related activities; includes chapels, cathedrals, temples, synagogues and the like.

CLUBS, LODGES AND FRATERNAL ORGANIZATIONS

The use of land and structures by a nonprofit group which is not operated for the purpose of trade or business, no part of the earnings of which benefit any individual but which is operated for social and community service activities among group members and their guests.

CLUSTER

A grouping together of lots with a minimum perimeter.

COMMERCIAL DAIRY

The use of land and structures for the manufacture and processing of dairy products.

COMMON OPEN SPACE

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor’s Note: See 53 P.S. § 10107.*

COMMUNITY CENTER

The use of land or structures for social and community service activities which are charitable, educational or religious in nature and are for public rather than for private gain including recreational programs, counseling services and human service agencies and programs.

CONDITIONAL USE

A use permitted in certain districts, as provided in, Article **III** which may only be authorized by the Rush Township Board of Supervisors as set forth in this chapter.

CONSTRUCTION

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

CONVENIENCE FOOD STORE

Small stores permitted in selected rural and residential districts which retail food and beverages primarily to the immediately surrounding population.

CONVERSION APARTMENT

A one-family detached dwelling unit which is converted into a two-family dwelling; provided, however, single-family mobile homes shall not be included in this definition and may not be converted.

COUNTY

Centre County, Pennsylvania

CURB RETURN

A curved curb connecting the tangents of two intersecting curbs of streets or driveways.

DAY NURSERY

A facility regularly used for the care of five or more young children, whether or not a fee is charged for such care.

DEPARTMENT OF ENVIORNMENTAL PROTECTION

The Pennsylvania Department of Environmental Protection.

DESIGNATED WELL SITE

Any existing or potential well site where such well is to be used for the provision of potable water supply and which has been identified by the official water survey, official map or other study deemed acceptable by the Township Engineer.

DEVELOPER

Any landowner, agent of such landowner, equitable owner, or tenant with the permission of the landowner, for whom subdivision or land development plans are being or have been made.

DEVELOPMENT

Any man-made change to improve or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations.

DEVELOPMENT PLAN

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor's Note: See 53 P.S. § 10107.*

DISTRICT

All land and watercourses located within designated boundaries on the Official Zoning Map or Zoning Overlay District Map; a zoning district.

DOCKS

A temporary structure extending into a stream or other body of water for the purpose of securing a boat or boats.

DRIVE-IN COMMERCIAL USE

The use of land and structures in which goods and services are dispensed directly to the patron while in a motor vehicle by any means which eliminates the necessity for the patron to exit the motor vehicle.

DRIVEWAY

An improved cartway designed and constructed to provide vehicular movement between a public street and a tract of land serving one (1) single-family dwelling unit or a farm.

DWELLING

Any building or portion thereof designed and used exclusively for residential occupancy, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourist courts, and the like, offering overnight accommodations for guests or patients. In addition, all dwellings shall be properly connected to approved and permanently-designed public or on-lot sewer, public or on-lot water, electrical and other utility systems.

- A. **DWELLING, ONE-FAMILY DETACHED** – A detached building designed for or occupied exclusively by one family and shall include a mobile home.
- B. **DWELLING, TWO-FAMILY ATTACHED** – An attached or semidetached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
- C. **DWELLING, MOBILE HOME** – A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and is constructed so that it may be used without a permanent foundation.
- D. **DWELLING, MULTIFAMILY** – A building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units. A multifamily housing development shall consist of more than one multifamily dwelling or structure.
- E. **DWELLING TOWNHOUSE** – A single-family dwelling designed for or occupied but not more than one family and which as a portion of one or both of its side walls in common with adjoining dwellings (single-family attached structures). Townhouse buildings or dwellings shall be designed to appear in groups containing no less than three dwelling units. For purposes of this chapter, the provisions in Section 611 of the Rush Township Subdivision and Land Development Ordinance (Chapter 290), Multifamily dwellings, shall apply where more than one townhouse dwelling is proposed.

ESSENTIAL SERVICES

Facilities for the distribution of utility services including gas, electric, steam, water, sewage, telephone and similar services. Local distribution lines that provide retail essential to individual retail customers that do not require any additional rights-of-way or property of their own are exempted.

EXTENSION

- A. An addition to the floor area of an existing structure.
- B. An increase in the size of a structure.
- C. An increase in that portion of a lot occupied by an existing use.
- D. An enlargement of a use or structure.

FACING WALLS

- A. Walls of a structure opposite to and parallel with one another.

- B. Wall lines or wall lines extended of opposite walls intersecting at angles of less than 65°.

FAMILY

One or more persons, related by blood, adoption, adoption or marriage, living and cooking together as a single housekeeping unit, or a number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage.

FAMILY CARE

The provision of care in accord with regulations of the appropriate State agency(ies) for up to three mentally ill, retarded or disabled children or adults or elderly persons in a dwelling unit by a provider who resides in that unit.

FARM HOUSING

A temporary dwelling placed on a property for one (1) farm laborer on which the farm housing is placed (see Section 305.1).

FARM USE

The use of land and structures for one or more of the following: the tilling of land, the raising of crops, fruits and vegetables and the raising and keeping of animals and plants; horticultural uses related to the raising, propagating and selling of trees, shrubs, flowers and other plant materials; forestry uses related to the harvesting of lumber products.

FAST-FOOD RESTAURANT

Any establishment whose principal business is the sale of food or beverages with rapid turnover to customers in a ready-to-consume state for consumption either within the building or for carry-out off the premises and whose design or principal method of operation includes the following: foods and beverages are usually served in disposable or edible containers; it is self-service, with customers expected to clean up after themselves; and menus are posted.

FLOODPLAIN

A. A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation. Such flooding has a one-percent chance of occurring each year (i.e., is likely to occur once every 100 years).

B. An area subject to the unusual and rapid accumulation or runoff of surface waters from any source. (See also the Rush Township Flood Damage Prevention Ordinance (Chapter 183).

FLOODWAY

The designated area of a floodplain as shown on the community's flood boundary and floodway map required to carry and discharge flood waters of a one-hundred-year flood without cumulatively raising the flood elevation more than one foot at any point. (See also the Rush Township Flood Damage Prevention Ordinance (Chapter 183).

FLOOD AREA

The sum of the gross usable area of all floors of a building measured from the face of the exterior walls. Retail and service floor area is that portion of the total floor area relegated to use by the customer and employees to consummate retail sales and services including display areas for good but not including office space or storage areas.

FRONTAGE

The continuous horizontal distance shared between a street and an adjoining lot.

GARAGE, PRIVATE

An accessory building designed or used for the storage of not more than four vehicles owned and used by the occupants of the building to which it is necessary.

GARAGE, REPAIR

A building used primarily for making major repairs to motor vehicles including overhauling, body work, refinishing and upholstering as well as incidental servicing.

GOVERNING BODY

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor's Note: See 53 P.S. § 10107.*

GRADING

The act of excavating and/or filling land for the purpose of changing natural slope.

GREENHOUSE

A partially or fully enclosed structure, permanent or temporary, which is used for the growth of plants.

GROUP HOME

A dwelling unit in which care and residence are provided in accord with regulations of the appropriate state agency(ies) for more than three and not more than eight nonadjudicated clients who are dependent children or elderly, mentally ill, retarded or disabled adults.

HABITABLE FLOOR AREA/LIVING SPACE

Any floor area within a dwelling unit that is usable for living purposes including area for working, sleeping, eating, cooking and recreation or a combination thereof. Living space shall not include floor area used for storage such as closet, attic or unimproved basement space.

HALFWAY HOUSE/REHABILITATION CENTER

A residence or community center in which social and community service activities in accord with regulations of the appropriate state agency(ies) are provided for resident or nonresident alcoholics, drug addicts, emotionally disturbed adults, former convicts or other adjudicated individuals.

HEIGHT

The vertical distance of a structure measured from the mean level of the ground surrounding the structure to its highest point, regardless of roof design.

HOME OCCUPATION

An accessory use of a dwelling which is customarily conducted in a dwelling and is incidental to and subordinate to the use of the premise as a dwelling. A home occupation may be the practice of a profession, a craft or an activity conducted by a resident or residents of the dwelling which,

while it may be for gainful employment, does not change the character of the residence as a dwelling nor the character of the residential district in which is located.

HOSPITAL

A business or nonprofit establishment for the diagnosis, treatment and other care of the general public through an organized medical staff which is primarily engaged in providing in-patient care. The establishment shall be licensed by the Pennsylvania Department of Health and have as its mission the provision of acute care medical and nursing services to injured, disabled, pregnant, diseased, sick or mentally ill persons and/or the provision of rehabilitation services for such persons and to provide further services which promote good health and well-being of people.

HUNTING AND FISHING CABIN

A building used for seasonal and temporary living purposes by persons engaged in hunting, fishing and similar recreational purposes. Also called a “seasonal cottage” or “seasonal dwelling” or “summer cottage.”

INDUSTRIAL PARK

An area planned for the integrated design of two or more primary industrial uses and structures on a lot held in single ownership.

INTERSTATE HIGHWAY SYSTEM

That portion of the national system of interstate highways located with the commonwealth as officially designated or as may be hereafter by the State and/or Federal Departments of Transportation.

JUNK

Any used or discarded material including, but not limited to, wastepaper, rags, metal, glass, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvaging, sale or other use or disposition of the same.

JUNKYARD

An area of land, with or without buildings, utilized for the collection, storage, warehousing and/or sale of used and discarded materials which shall include, but not limited to, wastepaper, rags, scrap metal, glass, building materials, house furnishings or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and/or for the sale of parts thereof. A junkyard may exist with or without the actual dismantling, processing salvage, sale or other use or disposition of the above-mentioned items. A junkyard, as defined herein, may also include an automotive dismantling and recycling facility.

LAND DEVELOPMENT

Any of the following activities:

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

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

A subdivision of land.

For the purpose of this Ordinance, the following are excluded from the definition of Land Development:

1. The conversion of an existing single-family, detached dwelling, or single-family, semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium,
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building,
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purpose of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park, until plans for the expanded area have been approved by the proper authorities.

LANDOWNER

The legal, beneficial, equitable owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee (if he is authorized under the lease to exercise the rights of the landowner), or another person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

LIGHT MANUFACTURING

A manufacturing or industrial operation that produces a negligible amount of noise, smoke, odor, dust vibration or glare as a result of operation of the activity.

LIVING SPACE

The portion of the floor area of a dwelling relegated to use for residential purposes but excluding crawl spaces, garages, carports, breezeways, attics or portions thereof with clear ceiling heights of less than five feet, open porches, balconies, terraces and accessory structures.

LOT

A tract or parcel of land, established by a plat or otherwise permitted by law, intended for transfer of ownership, use development or improvement; land which is shown as a separate parcel on records of Centre County.

- A. **LOT AREA** – The area contained within the property lines of individual parcels of land, excluding any area within the street right-of-way, utility right-of-way, drainage easements, watercourses, and ponds.

- B. **LOT CORNER** – A lot which has an interior angle of less than one hundred thirty- five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot, of the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at the interior angle of less than one hundred thirty-five degrees (135°).
- C. **LOT, DEPTH** – The mean horizontal distance between the front and rear lot lines.
- D. **LOT LINES** – The property lines bounding the lot.
 - (1) **LOT LINE, FRONT** – The line separating the lot from a street.
 - (2) **LOT LINE, REAR** – The lot line opposite and most distant from the front line.
 - (3) **LOT LINE, SIDE** – Any lot line other than a front or rear lot line, a side lot line separating a lot from a street is called a side street lot line.
 - (4) **LOT LINE, STREET** – A lot line separating the lot line from street.
- E. **LOT WIDTH** – The distance between the two side lot lines measured at the required setback line.

LOT OF RECORD

Any lot which individually or as part of a subdivision has been recorded in the office of the Centre County recorder of Deeds.

MACHINE SHOP

A workshop, manufacturing plant or industrial facility where work is machined, repaired or rebuilt. For the purposes of this chapter, machine shops shall include, but not limited to the following types of operations: automotive engine rebuilding, tool and die making and similar activities.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles placed on a site for more than 180 consecutive days.

MANUFACTURING

The act of producing or preparing finished products or goods from raw materials through the repetitious use of an established or set process.

MARKET VALUE

The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

MEDIATION

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor’s Note: See 53 P.S. § 10107.*

MINERALS

Includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock stone, earth, slag, ore, vermiculite, clay and other mineral resources.

MINERAL EXTRACTION OR SURFACE MINING OPERATION

The extraction of mineral from the earth or waste or stockpiles of from pits or banks including, but not limited to, strip, drift, auger and open pit mining, dredging, quarrying, leaching, mountaintop removal, box cutting and activities related thereto.

MINING AND QUARRYING

The use of land for the purpose of extracting rocks and minerals for sale, exclusive of grading a lot preparatory to the construction of a structure for which a zoning permit has been issued.

MOBILE HOME

A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit or in two unit 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 is constructed so that it may be used without a permanent foundation.

MOBILE HOME PARK

A parcel or contiguous parcels of land which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

MOTEL

A series of attached or semiattached dwelling structures which are designed to provide sleeping accommodations for automobile transients or overnight guests.

MUNICIPAL AUTHORITY

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor's Note: See 53 P.S. § 10107.*

MUNICIPALITY

Rush Township, Centre County, Pennsylvania

NEW CONSTRUCTION

The construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile homes), structure and/or improvements (such as street utilities, etc.).

NO-IMPACT HOME-BASED BUSINESS

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odor or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

NONCONFORMING LOT

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor's Note: See 53 P.S. § 10107.*

NONCONFORMING STRUCTURE

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor's Note: See 53 P.S. § 10107.*

NONCONFORMING USE

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor's Note: See 53 P.S. § 10107.*

NURSING HOME AND OTHER CONVALESCENT HOMES

Any premises with sleeping rooms where elderly or otherwise infirm persons are lodged and furnished with meals and/or nursing care.

OBSTRUCTION

Any dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge, conduit, culvert, building, wire fence, rock gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, floodplain or regulatory flood hazard area which may impeded, retard or change in the direction of the flow of water or that is placed where the flow of water might carry the same downstream to the damage of life or property.

OFFICIAL MAP

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor's Note: See 53 P.S. § 10107.*

OFFICIAL ZONING MAP

The map setting forth the boundaries of the zoning districts of this chapter and adopted by the Board of Supervisors of the Township.

OFF-SITE SEWER SERVICE

A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

OFF-STREET LOADING SPACE

A space not located within any street right-of-way used by motor vehicles for a temporary storage of trucks and other commercial vehicles while loading and unloading merchandise or materials.

ON-SITE SEWER SERVICE

The disposal of sewage by use of septic tanks, or other safe and healthful means within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection.

ONE-HUNDRED-YEAR FLOOD

A flood that, on the average, is likely to occur every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

OPEN SPACE

A space not occupied by a structure, open to the sky and on the same lot with the building or structure.

PARKING BAY

A row of parking spaces abutting one another along the length of each space.

PARKING LOT

A facility providing off-street parking for five or more motor vehicles.

PARKING SPACE

An off-street space available for the parking of a vehicle. The parking space shall meet the minimum requirements of this Ordinance.

PENNSYLVANIA MUNICIPALITIES CODE

Act of 1968, July 31, P.L. 805, as amended and reenacted, Act of 1988, December 21, P.L. 1329 (53 P.S. § 10101 et seq.)

PERSONAL CARE BOARDING HOME

Any premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 consecutive hours for four to eight adults 55 years of age or older who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate care facility. Such personal care boarding home shall be licensed by the Department of Public Welfare of the Commonwealth of Pennsylvania.

PLANNED COMMERCIAL/RETAIL DEVELOPMENT

An area of land, controlled by a landowner(s), to be developed as a single entity for a number of retail businesses, the development plan for which does not necessarily correspond in lot size, bulk or type of commercial establishment, density, lot coverage and required open space to the regulations established in the general commercial district.

PLANNED INDUSTRIAL DEVELOPMENT

A group of industries planned and developed specifically for the site upon which they are to be built and owned as a suit. The development plan for this type of activity will not necessarily correspond to the lot, yard or open space requirements established for their uses in the industrial district.

PLANNED RESIDENTIAL DEVELOPMENT

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor's Note: See 53 P.S. § 10107.*

PLANNING AGENCY

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor's Note: See 53 P.S. § 10107.*

PLANNING COMMISSION

The Planning Commission of Rush Township, Centre County, Pennsylvania.

POND

For purposes of this chapter, a pond shall be defined as a water embankment made by construction of a dam or embankment or by excavating a pit or dugout. This definition does not include retention and detention basins/ponds which are governed by soil conservation and for the purpose of stormwater management.

PREMISES

Any lot and any structure constructed thereon.

PRIMARY HIGHWAY SYSTEM

That portion of connected main highways located within the commonwealth as officially designated or may be thereafter so designated by the state and/or Federal Department of Transportation.

PRINCIPALLY ABOVE GROUND

At least 51% of the actual cash value of the structure is above ground.

PRIVATE

Not publicly owned, operated or controlled.

PRIVATE PARK

A park which provides outdoor recreational enjoyment and activity for members of the organization which owns the facility or to the general public or a fee basis. A private park may also include buildings and accessory structures.

PUBLIC

Owned, operated or controlled by a governmental unit or a governmental agency.

PUBLIC HEARING

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor’s Note: See 53 P.S. § 10107.*

PUBLIC NOTICE

Notice published once each week for two consecutive weeks in a newspaper of general circulation in the Township. Such notice shall state the date, time and place of the hearing and the particular nature of the matter to be considered. The first publication shall be not more than 30 days nor less than 14 days from the date of the hearing and the second publication shall be not less than seven days prior to the hearing date.

PUBLIC SEWAGE SYSTEM

A system designed to treat the sewage wastes of more than on structure and which discharges the resultant outflow into a stream or other body of water. Such a system must be designed in accordance with DEP standards and permitted by the Bureau of Water Quality of the Department of Environmental Protection. These systems shall include Township treatment facilities as well as package treatment plans installed by private developer.

PUBLIC UTILITY FACILITY

For the purpose of this chapter, electric substations, automatic telephone exchanges, micro-relay stations and the like (but excluding public sewer and water facilities and radio and television transmitters and towers) and any other public utility corporation when exempted from the provisions of this chapter by state law.

RACETRACK

A commercial establishment for the racing of animals or motor vehicles.

RECREATIONAL FACILITY AND/OR SERVICE (OUTDOOR), PUBLIC OR SEMIPUBLIC

These facilities shall include outdoor activities such as golf courses and country clubs, riding academies and commercial stables, parks, tennis courts, skiing facilities, primitive tent camp sites and other similar uses.

RECREATIONAL VEHICLE

A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreation, camping, travel or seasonal use.

RENEWABLE ENERGY SOURCE

Defined in § 107 of the Pennsylvania Municipalities Planning Code. *Editor’s Note: See 53 P.S. § 10107.*

RIDING STABLE AND ACADEMY

An establishment where horses are kept for riding or driving or are stabled for compensation as part of a club, association, ranch or similar establishment.

RIGHT-OF-WAY

Land reserved for use as a street, alley, crosswalk, utilities, or other public or private use.

ROOMING HOUSE or BOARDINGHOUSE

See “bed-and-breakfast.”

RUNOFF

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

RUSH TOWNSHIP COMPREHENSIVE PLAN

A comprehensive inventory of existing facilities, services, land uses, etc., for Rush Township, Centre County and a detailed analysis of the community’s future needs and its projected goals and objectives.

SCHOOL

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

SCREENING

The provision of a barrier to visibility, glare and noise between adjacent properties composed of plant materials such as trees or shrubs which shall be of such species as will produce within three years a visual screen of least six feet in height. However, such plantings shall adhere to Section 619 of the Rush Township Subdivision and Land Development Ordinance (Chapter 290) and shall be broken at points of vehicular or pedestrian access or utility easements.

SEASONAL COTTAGE; SEASONAL DWELLING

A single-family detached dwelling used for seasonal and temporary living purposes during any season by persons engaged in recreational pursuits. Also called a summer cottage or hunting and fishing cabin. Permanent structures or mobile homes intended to be utilized only periodically during the year. Such use may include occupancy during hunting and fishing seasons, vacation uses, weekend uses and other similar periodic visits. Such use may not include occupancy for more than 90 consecutive days or a total of more than 180 days in each year.

SELF-SERVICE STORAGE FACILITY

Any structure designed and used for the purpose of renting or leasing storage space to occupants who are to have access to such for the purpose of storing and removing said property.

SHOPPING CENTER

A group of two or more primary uses or structures used for retail sales and service occupying a lot in single ownership.

SIGN

Any surface, fabric, device or structure bearing lettering or pictorial or sculpture matter designed for visual communication or information and used for the purpose of bringing the subject thereof to the attention of the public, not including any flag, badge or insignia of a government.

SMALL ANIMAL VETERINARY HOSPITAL

A facility for the care and treatment of household pets and other small animals and which is climate controlled, served by public sewer and water and which has no exterior or outside kennels or runs.

STEEP SLOPE

Land whose slope (surfaces at an angle to the plane of the horizon) is 25% or more (a vertical difference of 25 feet or more per 100 feet or horizontal difference).

STORMWATER MANAGEMENT FACILITIES

Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, swales, watercourses, and floodplains) used to effect a storm water management system.

STREET

A strip of land over which there is a public or private right-of-way intended to serve principally as a means of vehicular access to, and frontage for, abutting properties, as well as general traffic circulation. Streets are further classified as follows:

- A. **LOCAL STREET** – A street that provides access solely to abutting properties and is designed to discourage through traffic. Local street directs local traffic to the collector and arterial street network. These include streets within residential development.
- B. **CUL-DE-SAC STREET** – A street that intersects another street at one end and terminates at the other end by a vehicular turnaround.
- C. **PRIVATE STREET** – A street that is not dedicated or was not accepted for public use and maintenance, primarily serving a limited number of lots which do not have direct access to a public road.
- D. **COLLECTOR STREET** – A street that is an inter-neighborhood and intra-Township roadway. A collector street serves feeder routes to an arterial system for the local street system. A collector street forms the backbone for the neighborhood street system.
- E. **MINOR ARTERIAL STREET** – A street that augments the expressway and major arterial street system in the region. A minor arterial street provides access to major shopping and employment centers in the region, with access points less controlled than found on a major arterial street.

- F. **MAJOR ARTERIAL STREET** – A street that transports high volumes of traffic at relatively high rates of speed. A major arterial street facilitates traffic over long distances within the region. Access points are controlled, but not restricted.

STREET LINE (RIGHT-OF-WAY LINE)

A line defining the edge of a street right-of-way and separating the street from abutting properties or lots. The street line shall be the same as the legal right-of-way line.

STRUCTURE

Any man-made object having an ascertainable stationary location or in land or water which may or may not be affixed to the land.

SUBDIVISION

The division or redivision of a lot, tract, or parcel of land by any means into one, two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, or lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building, or lot development; provided, however, that the subdivision by lease of land or agricultural purposes into parcels of more than ten (10) acres, not involving any new streets or easements of access or residential dwelling shall be exempted.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either: before the improvement or repair is started; or if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either: any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

SUBSTANTIALLY COMPLETED

Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURFACE MINING OPERATION

See “mineral extraction operation.”

SUMMER COTTAGE

A single-family detached dwelling used for seasonal and temporary living purposes during any season by persons engaged in recreational pursuits. Also known as “seasonal cottage,” “seasonal dwelling” or “hunting and fishing cabin.”

TELECOMMUNICATION FACILITY

A telecommunication facility consists of equipment, buildings and structures involved in transmitting and receiving electromagnetic waves.

TELECOMMUNICATIONS FACILITY BUILDING

The building in which electronic receiving and relay equipment for a telecommunication tower is housed.

TOWER

Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers or monopole towers; and includes radio and television transmission towers, microwave towers, common-carrier towers, and cellular telephone towers. The term includes the structure and any support thereto. Not included are towers and supportive structures on residential dwellings for private noncommercial, amateur purposes including but not limited to ham radios and citizen band radios that are regulated by the regulations in each respective residential district.

TEMPORARY USE OR STRUCTURE

A use or structure permitted for a fixed period of time with the obligation and intent to discontinue the use, or dismantle the structure, at the end of such time. Such uses do not involve the construction or alteration of any permanent structure.

THEATER FOR THE PERFORMING ARTS

The use of land and structures which may contain an assembly hall and studios with or without stage, which may be equipped with curtains and permanent stage scenery or with mechanical equipment adaptable, but not limited to, the showing of plays, operas, performances, spectacles and similar forms of live or audio visual entertainment and for instruction in the performing arts.

TOURIST HOME

A single-family dwelling in which overnight accommodations are provided as offered for transient guests for compensation and where the provider of accommodations resides in the dwelling.

TRAVEL TRAILER

See "recreational vehicle."

TRUCK TERMINAL or FREIGHT STATION

A structure or group of structures owned and/or operated by trucking firm(s) intended to be used for loading, unloading, storage and/or transfer of truck-transported goods including truck maintenance and fueling facilities.

TOWNSHIP SUPERVISORS

The Board of Supervisors of Rush Township.

USE

The specific purpose of which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term “permitted use” shall not be deemed to include any nonconforming use. The term “primary use” is the principal use of a lot or structure. The term “accessory use” is the use of land which is: customarily incidental; and inferior, secondary and subordinate to the primary use and located on the same lot with such unless specifically permitted elsewhere herein.

VARIANCE

A modification of the literal provisions of this chapter which the Zoning Hearing Board is permitted, but is not obligated to grant the strict enforcement would cause undue hardship to an individual property owner. (See 53 P.S. § 10910.2 for additional details and criteria to be utilized when a variance is requested.)

VISITORS' CENTER

The use of the land and structure or part thereof which is open to the general public and designed for the dissemination of information. Such information may include, but shall not be limited to, exhibits, maps, brochures, pamphlets and similar items.

WETLANDS

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

WINTER SPORTS AREA

An establishment or facility providing outdoor recreation during the winter such as skiing, sledding and skating.

YARD

An open space which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted. (Reasonable plantings shall not be considered an obstruction hereunder.)

- A. **YARD, FRONT** – An open space which lies between the principal building or group of buildings and the front lot lines, unoccupied and unobstructed from the ground upward.
- B. **YARD, REAR** – An open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.
- C. **YARD, SIDE**- An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

ZONING HEARING BOARD

The Zoning Hearing Board of Rush Township.

ZONING MAP

The Official Zoning Map of Rush Township, together with all references, notations and amendments which may subsequently be adopted. Said map is made a part of this chapter in § 2-3.

ZONING OFFICER

The administrative officer charged with the duty of enforcing the provisions of this chapter.

ZONING PERMIT

A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this chapter for the district in which it is to be located.

FLICKER

A repeating cycle of changing light intensity.

OCCUPIED BUILDING

A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when a permit application is submitted.

SHADOW FLICKER

The on-and-off flickering effect of a shadow caused when the sun passes behind the rotor of a wind turbine.

SMALL WIND ENERGY SYSTEM

A wind energy conversion system which has a rated capacity of up to 100 kilowatts which is incidental and subordinate to a permitted use on the same parcel. A system is considered a smallwind energy system only if it supplies electrical power solely for on-site use, except that when a parcel upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

TOWER

A monopole, freestanding, or guyed structure that supports a wind generator.

TOWER HEIGHT

The height above grade of a fixed portion of the tower, excluding the wind turbine and blades.

WIND ENERGY SYSTEM

A wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries and/or other component necessary to fully utilize the wind generator.

WIND GENERATOR

Equipment that converts energy from the wind into electricity. Includes the rotor, blades, and associated mechanical and electrical conversion components necessary to generate, store, and/or transfer energy.