

HOPEWELL TOWNSHIP & W. MIDDLETOWN BOROUGH ZONING ORDINANCE

**HOPEWELL & WEST MIDDLETOWN
ZONING ORDINANCE**

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PART 1

TITLES

§101. Title.

This Chapter shall be known and may be cited as "The Official Zoning Ordinance of the Hopewell Township and West Middletown Borough."

§102. Short Title.

This Chapter shall be known and may be cited as the "Zoning Ordinance of Hopewell Township and West Middletown Borough" and the Zoning Map shall be known and cited as the "Zoning Map of Hopewell Township and West Middletown Borough."

§103. Authority.

This Chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, the Municipalities Planning Code, 53 P.S. § 10101 et seq.

§104. Policy, Goals and Community Development Objectives.

These zoning regulations are enacted for the purpose of promoting and facilitating the public health, safety and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations; the provision of adequate light and air, access to incident solar energy; police protection; vehicle parking and loading space; reliable sewage facilities, stormwater facilities; recreational facilities and public uses; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural, industrial and fire-fighting use; the preservation of natural, scenic and historic values in the environment; the preservation of forests; wetlands; aquifers; and floodplains. Furthermore, this Chapter has been developed to prevent the overcrowding of land, blight, danger and congestion in traveling and transportation; loss of health, life or property from fire, flood, panic and other dangers. This Chapter further strives to accommodate the preservation of prime agricultural and sensitive environmental areas; to provide for the use of land for residential housing of all basic forms; to accommodate reasonable overall community growth; and to provide for opportunities for development of a variety of nonresidential uses. This Chapter has been developed in accordance with Hopewell Township and West Middletown Borough et al Multi-Municipal Comprehensive Plan as adopted by the Municipal Elected Officials.

§105. Interpretation.

In interpreting and applying this Chapter, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of the Township. This Chapter is not intended to interfere with, abrogate, annul, supersede or cancel, any easements, covenants, restrictions or reservations contained in deeds or other agreements. Any use permitted subject to the regulations prescribed by the provisions of this Chapter shall conform with all regulations for the zoning district in which it is located and with all other pertinent regulations of

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this and other related ordinances, but that if this Chapter imposes more stringent restrictions upon the use of buildings and land than are elsewhere established, the provisions of this Chapter shall prevail. In interpreting the language of this Chapter, to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language adopted by the Municipal Elected Officials, in favor of the property owner and against any implied extension of the restriction.

§106. Applicability.

- 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, altered or expanded horizontally or vertically, except in conformity with all regulations contained herein, unless relief is granted by the Municipal Zoning Hearing Board by granting a special exception or variance.
- B. This Chapter shall not apply to an existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Municipal have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

§107. Severability.

The provisions of this Chapter are severable, and if any section, sentence, clause, part, or provision hereof shall be held to be illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Chapter. It is hereby declared to be the intent of the Board of Supervisors that this Chapter would have been enacted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

PART 2

PURPOSE AND OBJECTIVES

§ 201. Purpose of Zoning.

This Ordinance is deemed necessary:

- A. To promote the public health, safety, morals and general welfare.
- B. To encourage practical and coordinated community development.

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- C. To establish proper density of population in the various zoning districts and provide adequate light, air and amenity.
- D. To facilitate the fiscally responsible provision of adequate public highways and streets, vehicle parking and loading, public transportation, water supply, sewage disposal, public and private schools, parks and open spaces and other public requirements, such as public utilities and rights-of-way.
- E. To prevent the overcrowding or improper or incompatible development or use of land and to prevent blighting conditions and congestion or hazard in travel and transportation.
- F. To secure safety of health, life and lot from fire, flood, panic, noise, noxious fumes, explosion and other dangers.
- G. To conserve and stabilize lot improvements through encouragement of the most appropriate uses of land in relation to one another.
- H. To preserve forests, floodplains, steep hillsides, recreation and agricultural lands from conflict with intense development and from erosion, and to manage the release of stormwater to minimize downstream flooding.
- I. To facilitate generally orderly and compatible growth and expansion of the public improvements.

§ 202. Community Development Objectives.

- A. As guidelines for conducting a planning program that embodies rather high ideals yet realistically approaches the problems facing the region, the municipalities propose the following list of objectives:
 - 1. Preserve and enhance a high-quality environment for all residents by guiding the location and design of future development and insuring that varying land uses will complement one another.
 - 2. Protect the natural environment from destruction by:
 - a. Protecting watercourses from pollution and impeded flow
 - b. Seeking to minimize nose and air pollution
 - c. Discouraging excessive alteration of the landscape
 - d. Encouraging the preservation of the natural beauty

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3. Provide for a variety of housing types to meet the needs of all residents of the region emphasizing newly formed households, growing families and senior citizens.
4. Encourage design innovation and provisions for common open space.
5. Accommodate development which utilizes design innovation and provisions for common open space.
6. Protect the quality and character of the rural landscape and village centers by establishing realistic densities.
7. Expand and improve community services and facilities giving special consideration to utilities, recreation, health provisions, public works, public safety, cultural needs and provisions for the elderly.
8. Conserve and support agricultural activities in those areas of the communities where soils and prevailing land use characteristics.
9. Anticipate and actively plan for growth.
10. Stimulate the local economy by encouraging and promoting controlled commercial, industrial, residential and recreational growth which will create local employment and recreational opportunities leading to a strong local tax base.
11. Coordinate policies, plans and programs both within the municipalities and on a regional level through intergovernmental cooperation among school, Municipal and County officials and special interest groups.

PART 3

DEFINITIONS

§ 301. Interpretation.

For the purpose of this Chapter, certain terms and words shall be interpreted or defined as follows:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular shall include the plural and the plural shall include the singular.

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- C. The word "person" includes a corporation as well as an individual.
- D. The word "lot" includes the word "plot" or "parcel."
- E. The term "shall" is always mandatory.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."
- G. The word "building" includes the word "structure."
- H. The word "erected" shall include the word "constructed."
- I. The word "moved" shall include the word "relocated."

§ 302. Meaning of Words.

As used in this Chapter, the following terms shall have the meanings indicated:

ACADEMIC CLINICAL RESEARCH CENTER – an accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.

ACCESS DRIVE – a driveway leading from an area designated for parking to a street.

ACCESS ROAD – ingress and egress from a Municipal or state road providing private access to an Oil and Gas Operation and Related Operations.

ACCESSORY DWELLING UNIT – a dwelling unit which has been authorized to be established by the Township Zoning Hearing Board pursuant to this Chapter, which is occupied by a person or persons related by blood or marriage to the resident/owner of the dwelling unit to which the accessory dwelling unit is subordinate, or which is occupied by a person or persons employed to provide health care, domestic housekeeping or horticultural services to the resident/owner of, and on the site of, the resident/owner's dwelling unit.

ACCESSORY FOOD OPERATIONS – supporting production and/or preparation facilities related to food produced or processed on-site.

ACCESSORY STRUCTURE – a structure clearly subordinate to and on the same lot as the principal structure and used exclusively for purposes constituting an accessory use, including, but not limited to, private garages, accessory dwellings, barns, swimming pools, gazebos, utility sheds, greenhouses and the like as well as buildings for housing household pets and excluding signs, antennae communication towers, communication facilities, telecommunications equipment buildings, collocation/shared use communication facilities and power-mounted/shared use communication facilities. Operable or inoperable vehicles or any portion thereof shall not be considered accessory.

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ACCESSORY USES – a use customarily incidental and subordinate to the principal use and located on the same lot with such principal use. An accessory use may be a use of land or a building or structure.

AGRICULTURAL SALES – an enterprise engaged in the commercial production and preparation for market of crops, poultry and poultry products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aqua cultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, poultry, poultry products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. Agriculture activities do not include community gardens and market gardens.

AGRICULTURE – any use of land or structures for farming, dairying, pasturage, horticulture, floriculture, arboriculture or animal or poultry husbandry.

AGRI-TOURISM – the use of agricultural areas as destinations for education, recreation and/or the purchase of agriculturally-derived/oriented products and/or services.

ALLEY – see STREET.

ANTENNA – any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna.

ANTENNA HEIGHT – the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE – any pole, telescoping mast, tower, tripod or any other structure that supports a device used in the transmitting or receiving of radio frequency energy.

APPLICANT – an individual, corporation, entity that fills out the application.

AUTO REPAIR – the use of land, including any structures thereon, or any building or part thereof, that is used for the mechanical and/or body repairs of motor vehicles and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

BANKS – a business establishment specializing in financial services including, but not limited to, savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents and developers of real estate.

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BASE ZONING DISTRICT – A finite area of the Township, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings and structures. The regulations of a base zoning district may be supplemented or altered by regulations imposed in an overlay zoning district.

BASEMENT – Any area of the building having its floor below ground level on all sides.

BED AND BREAKFAST – A dwelling that is the principal residence of the operator where no more than four sleeping rooms are offered to transient overnight guests for compensation and where the only meal served and included with the overnight accommodations is breakfast.

BOARD OF SUPERVISORS – The Board of Supervisors of Township of Hopewell.

BOAT/RV STORAGE – a fully enclosed structure for the use of storing motorized or non-motorized watercraft and/or recreational vehicles where such structure meets the applicable requirements of the building code and/or recommendation of the Fire Chief.

BOWLING ALLEYS – a recreation facility open to the general public that charges a fee for its use.

BUILDING – a combination of materials to form a permanent structure usually having walls and a roof. Included shall be all manufactured homes and/or mobile homes to be used for human habitation which are placed on a site for more than 180 consecutive days.

BUILDING FRONT – the length of that portion of a building parallel to and adjacent to the street right-of-way.

BUSINESS SERVICE – a business establishment which renders service primarily to other commercial or industrial enterprises as opposed to focusing on retail level activities.

BY RIGHT – a use permitted by this Chapter without any special consideration having to be given by the Township Zoning Hearing Board or the Township Board of Supervisors.

CANOPY – a roof-like structure which can be an accessory structure to the principal use on the lot or can be partially-attached to the principal structure. When over pedestrian sidewalks and walkways, canopies must maintain a minimum eight (8) foot clearance above the ground surface.

CAREGIVER – the individual designated by a patient to deliver medical marijuana.

CEMETERIES – a lot used for, or intended to be used for, the burial of human and/or domesticated animal remains, including, but not limited to columbarium, mausoleums,

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and mortuaries when operated in conjunction with the cemetery and within its boundaries.

CERTIFIED MEDICAL USE – the acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

CERTIFIED MODULAR LARGE VOLUME TANKS (MLVTs) – for the purposes of this ordinance, MLVTs include any aboveground, fully enclosed tank field assembled from multiple uniform factory prepared components which provides primary containment for 100,000 barrels or more of fluids. By this definition, MLVTs are typically field assembled on an Oil and Gas location for temporary use or are dismantled for movement to a different location following their use. This shall include Modular Large Volume Tanks (MLVTs) that meet American Water Works Association – AWWA - standards or standards deemed to be acceptable by the Township. Only for use in association with Oil and Gas Development and Related Operations.

CERTIFIED WATER STORAGE FACILITIES – an above ground assembly of fluid storage containers that are each certified by a nationally-recognized testing laboratory or organization such as the ASA, American Petroleum Institute, ASTM International, The American Society of Mechanical Engineers, or the American Water Works Association and used to hold fresh water and/or re-use water for use in Oil and Gas Development and Related Operations.

CLINICAL REGISTRANT – an entity that:

1. Holds a permit both as a grower/processor and a dispensary; and
2. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

CO-LOCATION – the mounting of one or more WCFs, including Antennas, on an existing Tower-Based WCF or utility or light pole.

COMMERCIAL RECREATION – an indoor or outdoor recreation facility which is operated as a business for profit and which is open to the general public for a fee including, but not limited to, such facilities as parks, playing fields, swimming pools, tennis centers, skating rinks, bowling alleys, pool halls, miniature golf, driving ranges, fitness centers and similar facilities.

COMMERCIAL SCHOOLS – a privately operated, for-profit establishment providing technical or skilled training, vocational or trade educational courses and programs.

COMMON DRIVEWAY – a driveway providing frontage for dwelling units in a cluster development master planned development which is part of the common open space.

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COMMON OPEN SPACE – a parcel or parcels of land or an area of water, or a combination of land and water within a development site, designed to be owned in common by all those having ownership in the development, which may include common drives, utilities, stormwater control facilities, recreation facilities.

COMMUNICATION ANCILLARY EQUIPMENT – the buildings, cabinets, vaults, enclosures, and equipment required for operation of all communications antennas, including, but not limited to, repeaters, equipment housing, ventilation, and other mechanical equipment.

COMMUNICATION ANTENNA – any antenna device, including mounting and supporting fixtures, conduits, ducts, electronics, and control boxes, used for all types of wireless communication services, such as radio, television, cellular phone, pager, mobile radio, internet, or any other wireless communication, regardless of the geographical area the transmission of signals is intended to serve. This definition shall include data collection units, distributed antenna systems, small cell communications systems, and similar systems. This definition shall not include private, residence-mounted radio, television, citizens band, or amateur radio antennas; GPS surveying equipment or their supporting structures; any antenna device that is installed to boost emergency 911 signals within a building, structure, or site; or any antenna device that is otherwise located wholly within a building and designed for the primary purpose of transmission of signals to users within such building.

COMMUNICATION ANTENNA, BUILDING-MOUNTED – a communication antenna that is attached to and supported by a building, or any portion thereof.

COMMUNICATION ANTENNA, UTILITY-MOUNTED – a communication antenna that is attached to and supported by a utility pole, traffic light pole, streetlight or similar structure, excluding a building.

COMMUNICATION ANTENNA SITE – the entire site area located outside of a public right-of-way that includes the boundaries of the leased or owned property surrounding a communications antenna and all other support structures and ground-mounted communications ancillary equipment necessary to operate the communications antenna and any access or utility easements related to the site.

COMMUNICATION TOWER – any structure that is used for the primary purpose of supporting one or more communications antennas, such as self-supporting lattice towers, guy towers, and monopoles, but excluding buildings, utility poles, traffic light poles and streetlights. This definition shall also not include any communications tower that may be required for the following events:

1. Any temporary communications tower constructed for a special event, provided that the tower will not be located on the premises for more than 30 days; that the height of the tower will not exceed 100 feet; and that the tower will be set back

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from all property lines at a distance that is equal to its height including all attached communications antennas.

2. Any temporary communications tower that may be required in response to a natural disaster or another emergency event.

COMMUNICATION TOWERS FACILITIES – the antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

COMPRESSOR – a device that raises the pressure of natural gas and/or by-products. Compressors are any devices that create a pressure differential to move or compress vapor or a gas. Any such device used alone or in series to adequately move a vapor or a gas is considered a compressor.

COMPRESSOR STATIONS – a facility designed and constructed to compress natural gas that originates from a single Well Site or a collection of Well Sites and to remove water or water vapor from the natural gas, which operates as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, processing plant or underground storage field, including one (1) or more natural gas, electric compressors, associated buildings, pipes (other than regulated or unregulated local distribution system, gathering system or transportation lines served by the compressor station), valves, tanks and other equipment.

CONDITIONAL USE – a use permitted only in a particular zoning district pursuant to the provisions set forth in the Hopewell Township Zoning Ordinance.

CONTROLLED SUBSTANCES – a drug, substance or immediate precursor as defined in Schedules 1 through 5 of the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-104, or any amendments thereto.

CONVENTIONAL WELL – a conventional gas well, also known as a traditional well, is a well that produces oil or gas from a conventional formation. Conventional formations are variable in age, occurring both above and below the Elk Sandstone. While a limited number of such gas wells are capable of producing sufficient quantities of gas without stimulation by hydraulic fracturing, most conventional wells require this stimulation technique due to the reservoir characteristics in Pennsylvania. Stimulation of conventional wells, however, generally does not require the volume of fluids typically required for unconventional wells.

DATA COLLECTION UNIT – a communication antenna that is utilized as a means to collect data regarding the usage of a specific service, which is then used to enhance operations of the service provider, such as the antenna and equipment associated with wireless smart meters utilized by a public or private utility company.

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DEEP INJECTION WELLS (CLASS II WELL) – wells used to inject fluids associated with the production of oil and natural gas or fluids and compounds used for enhanced hydrocarbon recovery. These wells normally inject below the deepest underground source of drinking water (USDW) except in cases where the USDW contains producible quantities of oil or gas and are defined as Class II Wells by the United States Environmental Protection Agency (EPA)

DEP – The Pennsylvania Department of Environmental Protection (“DEP”), the Commonwealth agency responsible for overseeing and administering environmental laws and regulations within Pennsylvania.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DISABILITY – An individual with a physical or mental impairment that substantially limits one or more of the major life activities of the individual; record of such an impairment; or being regarded as having such an impairment.

DRILLING – any digging or boring activity of a new well or re-working of an existing well to explore, develop or produce oil, gas or other hydrocarbons or to inject gas, water or any other fluids or substances into the earth.

DRIVEWAY – a private vehicular way providing access between a street and a parking area or garage located on a lot.

DWELLING UNIT – A building or part of a building including cooking, living and sanitary facilities, designed and intended for occupancy by one person or family. A travel trailer occupied less than 180 days, boarding or rooming house, convalescent home, skilled nursing home, life care facility, fraternity or sorority house, hotel, motel, inn, bed and breakfast home, lodge or other similar use shall not constitute a dwelling unit.

EASEMENT – The right to use or reserve the property of another for a specified purpose.

EAT/DRINK PLACE – retail establishments selling food and drinks for immediate on-site consumption with no waiter service (such as lunch counters, coffee bars, pizza and refreshment stands).

EMERGENCY – a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of Way to be unusable and result in loss of the services provided.

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ESSENTIAL SERVICES – The erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, including buildings, necessary for furnishing adequate services for public health, safety or general welfare. (Shall not include private, nonpublic communication and related facilities.)

EXPLORATION – temporary geologic or geophysical activities such as drilling in context with the zoning definition in this Ordinance, including seismic surveys related to the search for natural gas or other subsurface hydrocarbons.

EXTRACTION – the act or process of separating, obtaining or removing a substance, such as a mineral, including but not limited to coal, sulfur, petroleum, oil and/or gas, and including Oil and Gas Development.

FAMILY – a single individual doing his own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, legal marriage or another domestic bond. This definition shall not include a collective body of persons occupying a hotel, dormitory, lodge, boarding house, commune or institution.

FAMILY CHILD CARE HOMES – a residence in which out-of-home care is provided, as an accessory use, at any one time, for part of a twenty-four-hour day, for up to and including six children who are not related to the operator and who are 15 years of age or younger. This definition does not apply to: care provided in the home of someone who is a relative to all of the children being cared for or care provided by a relative in the home of children whom are all related to each other and to the relative.

FARM CAFES – an eating establishment that prepares and serves food grown on-site and within Region 5 as defined by the Pennsylvania Department of Agriculture to the greatest extent possible. The principal objective of a farm cafe is to support local agriculture and provide alternatives to the conversion of farmland through sustainable rural economic development and empowering farmers to undertake entrepreneurial endeavors which augment, support and highlight local agriculture.

FARM CAMPS – the hosting of day and overnight events for students and or guests for farm education.

FARM MARKETS – the offering for sale of fresh and packaged agricultural products directly to the consumer at an open air market and/or combination of enclosed and open air facility.

FARM STANDS – a stand that sells fresh agricultural produce.

FCC – Federal Communications Commission

FIRE/EMERGENCY SERVICES – a facility or facilities which offers safety and

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emergency services, such as, but not limited to, fire stations, police stations, and emergency and medical ambulance services.

FLOOD – a temporary inundation of normally dry land areas.

FLOOD INSURANCE STUDY – the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODWAY – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA – the sum of the gross horizontal areas of the floors of a building measured from the interior faces of the exterior walls, excluding stairwells, elevator shafts, those portions of floor areas having a clear ceiling height of less than six feet, floor areas devoted to automobile parking (not retail sales areas) accessory to the principal use of the property, and floor areas of floors which are located at least 50% below finished grade, which are used for accessory uses.

FLOWBACK – the process of flowing a completed/fractured well for the purposes of recovering water and residual sand from the gas stream prior to sending gas down a sales line.

FORESTRY – Managing and using, for human benefit, forestlands and natural resources that occur on and in association with forestlands, including trees, other plants, animals, soil and water. This term includes, but is not limited to, the planting, cultivating, harvesting, transporting and selling of trees for commercial purposes which does not involve any land development.

FORM OF MEDICAL MARIJUANA – the characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana.

FRESHWATER – any water obtained from a Water Purveyor or portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials. Freshwater does not include exploration and production fluids such as produced water, flow back fluids, or re-use water.

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GAME LANDS – the use of land managed by the Pennsylvania Game Commission for hunting, trapping and fishing. A permit/license is required to do such recreational activities.

GLARE – The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss in visual performance and visibility.

GROUP HOMES – an establishment that provides room and board in a family environment to persons who receive supervised care limited to health, social, rehabilitative or housing services. Such facilities may include child and adult services for individuals not in need of hospitalization or incarceration, but who because of age, convalescence, infirmity, disability or related circumstances require such care. Group residential facilities shall include boarding homes for children, residential child care facilities, maternity, homes, personal care homes for adults and similar uses licensed by the Pennsylvania Department of Public Welfare, provided the scope of all such operations shall be in conformance with the regulations of this Chapter. Group residential facilities shall not include institutional facilities, child day care centers, day care/family homes and similar uses.

HEIGHT, BUILDING – The maximum height of a building and/or structure measured from the average finished grade at perimeter of the base of the building and/or structure to the highest point of such building and/or structure but excluding those structures permitted to exceed the maximum height.

HEIGHT, FRONT FAÇADE – The height of the building face fronting on a public street or adjacent to the front yard area.

HELIPORT/AIRPORT – an area of land or water or a structural surface which is designed, used or intended to be used for the landing and take-off of helicopters or airplanes, and any appurtenant areas which are designed to be used for helicopter or airplane support facilities, such as maintenance, refueling and parking.

HISTORIC STRUCTURE – For the purposes of the floodplain management regulations, and more specifically, as used in the definition of "substantial improvement," the definition of "historic structure" is any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

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- C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

HOME-BASED BUSINESS, NO IMPACT – a use as defined by the Pennsylvania Municipalities Planning Code. said use shall be an accessory use for the purposes of this zoning ordinance.

HOME OCCUPATION – an activity, intended to be financially gainful, conducted within a dwelling unit, the conduct of which is clearly incidental and secondary to the use of the dwelling unit.

HOSPITALS/CLINICS – any premises, other than a mental health establishment operated for profit, having an organized medical staff and providing equipment and services primarily for inpatient care for two or more individuals who require definitive diagnosis and/or treatment for illness, injury or other disability or during or after pregnancy, and which also regularly makes available at least clinical laboratory services, diagnostic X-ray services and definitive clinical treatment services. The term shall include such premises providing either diagnosis or treatment, or both, for specific illnesses or conditions.

HYDRAULIC FRACTURING – the process of injecting water, customized fluids, sand, steam, gas or other agents into a gas well under pressure to improve gas recovery.

IDENTIFICATION CARD – a document issued by the DOH that permits access to medical marijuana.

IMPOUNDMENTS – a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials although it may be lined with synthetic materials, and which is designed to hold an accumulation of liquid wastes or wastes containing free liquids. The term includes holding, storage, settling and aeration pits, ponds and lagoons. The term does not include injection wells.

INSTITUTIONAL RESIDENCE – a dwelling unit within a personal care boarding home, congregate care home or skilled nursing home.

LANDSCAPE BUFFER – A use of new or existing plants, earthen mounds, fences,

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and/or walls located between two uses, or between one use and a public right-of-way, that is intended to lessen negative impacts, such as undesirable views, noise or light, of the more intense use on the less intense use or on the public right-of-way.

LIGHT MANUFACTURING – the processing and fabrication of certain materials and products where no process involved will produce noise, vibrations, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed materials, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, light weight, non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods and food products, but not including animal slaughtering, curing, no rendering of fats.

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

MANUFACTURING – businesses engaged in the mechanical or chemical transformation of material or substances into new products, or engaged in assembling component parts of manufactured products if the new product is neither a structure nor other fixed improvement. A new product may be “finished” in the sense that it is ready for utilization or consumption, or it may be “semi-finished” to become a raw material for a business engaged in further manufacturing.

MEDICAL MARIJUANA – marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

MEDICAL MARIJUANA DISPENSARY – a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

MEDICAL MARIJUANA GROWER/PROCESSOR – a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

MEDICAL MARIJUANA ORGANIZATION or FACILITY – a dispensary or a grower/processor of marijuana for medical purposes.

MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE – any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

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MINERAL EXTRACTION – any extraction of any mineral for sale or other commercial purpose that involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term “mineral” includes, but is not limited to, anthracite and bituminous coal, lignite, including mining activities carried out beneath the surface of the earth by means of shafts, tunnels, other underground mine openings, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources.

MIXED USE – A tract of land, building, or structure that contains a variety of complementary and integrated uses that are permitted in the applicable base or overlay zoning district in which the building is located, and arranged in a compact urban form. Typically, mixed use includes a combination of residential and commercial/office/civic uses arranged vertically (in multiple stories of a single building) or horizontally (in adjacent buildings).

MULTIPLE FAMILY DWELLING – a dwelling unit in a building in which dwelling units share vertical and horizontal party walls with other dwelling units.

NATURAL GAS LIQUIDS (NGL) – components of natural gas that are liquid at the surface of in-field facilities or in Processing Plants. Natural gas liquids can be classified according to their vapor pressures as low (natural gasoline), intermediate (condensate), and high (liquefied petroleum gas) vapor pressure. Natural gas liquids include ethane, propane, butane, pentane, hexane and heptane. The term is commonly abbreviated as NGL.

OFFICES – a facility in which services, clerical work, professional duties and similar functions are carried out.

OIL AND GAS – crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other liquid hydrocarbons, constituents or similar substances that are produced by drilling an oil or gas well.

OIL AND GAS DEVELOPMENT – the well site preparation, well site construction, drilling, hydraulic fracturing and/or site restoration associated with an oil and/or gas well of any depth; water and other fluid storage, impoundment located on the same parcel as a well site; and the installment and use of all associated equipment, including tanks, meters and other equipment and structures, whether permanent or temporary. This also includes the site preparation, construction, installment, maintenance and repair of other equipment and activities associated with the exploration for and production of oil and gas. This does not include oil and gas pipelines, compressor stations and natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities that are only authorized consistent with the Municipal Zoning Ordinance as a conditional use.

OIL AND GAS PIPELINES – all parts of those physical facilities regulated by Federal, State or Local agencies such as PHMSA, the Pennsylvania Department of Environmental

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Protection and/or the Federal Energy Regulatory Commission through which oil and/or natural gas moves in transportation, including pipe, valves, and other appurtenances attached to pipes, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

OPERATOR – any person, partnership, company, corporation, and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, developing or transporting Oil or Gas.

PARKS – land that is designated and used by the public for active or passive recreation.

PHMSA – pipeline and Hazardous Materials Safety Administration of the U.S. Department of Transportation that regulates the design and installation of pipelines.

PIPELINE – all parts of those physical facilities through which gas, hazardous liquids, fresh water, salt water, or chemicals move in transportation, including but not limited to, pipe, valves and other appurtenance attached to pipe, whether or not laid in public or private easement or public or private right-of-way within the Township, including, but not limited to, gathering lines, production lines and/or transmission lines.

PLACES OF ASSEMBLY – a building and/or lot designed for the assembly or collection of persons for civic, political, religious, educational or social purposes and where recreation, amusement or dining may occur as accessory activities. A place of assembly does not include a private club.

PRINCIPAL BUILDING OR STRUCTURE – the building(s) on a lot in which the principal use(s) are conducted.

PRINCIPAL USE – the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

PROCESSING PLANT - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil, or naturally occurring liquids from the natural gas, including dew point control facilities. When used in this ordinance, the term shall include any similar facilities performing the equivalent or similar functions.

PROTECTED STRUCTURE – any (public/private) hospital, school, cemetery, religious institution and/or other public building located within one thousand (1,000') feet of an Oil and Gas Development site or Medical Marijuana Grower/Processor site.

PUBLIC BUILDINGS – any building owned or operated by a government agency, Federal, State, County or local, used to provide services to the public including

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administrative offices, public works buildings and storage yards, libraries, museums, senior centers, recreation buildings, government service centers and similar facilities.

PUBLIC PARKS – a lot or portion of land specifically defined or set aside for use by and for the general public in both active or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings and other structures that are consistent with the general purposes of public parkland, and whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the land.

PUBLIC UTILITY INSTALLATION/SUBSTATION(S) – any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential services, as defined herein, other than the general transmission distribution system provided by public utilities, regulated by Public Utilities Commission (PUC) that is used to power, provide transmission lines, switching facilities or similar facilities to any oil and gas drilling, development or related activities.

PUBLIC UTILITY STRUCTURES – any administrative building, maintenance building, garage or other building intended for human occupancy or storage of movable equipment owned or operated by a utility company regulated by the Public Utility Commission (PUC); or any building or structure owned or operated by a utility company regulated by the Public Utilities Commission (PUC) or any governmental agency or municipal authority that is necessary for the generation, treatment, regulation or inter-municipal distribution of essential services, as defined herein, including, but not limited to, long distance transmission facilities such as electrical power lines or high pressure natural gas or petroleum lines, switching facilities, substations, treatment plants, reservoirs, water towers, transmission towers and similar facilities.

RE-ENTRY DRILLING – the addition of wells at a Township-approved well site after the previously approved Oil and Gas Development was completed and the site was reclaimed.

RE-ENTRY RELATED OPERATIONS – the conduct of any Related Operations at a Township-approved site that were not included in a previous approval (permitted or conditional).

REGISTRY – the registry established by the DOH for all medical marijuana organizations and practitioners.

RELATED OPERATIONS – the activities and operations that are ancillary to oil and gas drilling, such as Compressor Stations, Certified Water Storage and MLVTs, Temporary Work and Bunk Trailers, Storage Depots, Traffic Control Sites and Truck Staging Areas.

RESEARCH LABORATORY – a facility devoted to research, design, laboratory work and/or experimentation and any processing and fabrication incidental thereto, provided

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no materials or finished products shall be manufactured, processed or fabricated on the premises for sale except such as are incidental to said laboratory research, design and/or experimentation conducted on said premises.

RESIDUAL WASTE – residual waste is nonhazardous industrial waste. It includes waste material (solid, liquid or gas), impaired fluids and flow back produced by industrial, mining and agricultural operations. It excludes certain coal mining wastes and wastes from normal farming activities.

RESTAURANTS – any establishment, however designated, at which a principal use is to sell prepared food/beverages to the general public for consumption on and off the premises, including, but not limited to, a public dining room, lunchroom, diner, food court, luncheonette, cafe, tea room, coffee house, coffee shop, tavern, grill, lunch counter, drive-in, snack bar, cafeteria, buffet, dining hall, and the like. This definition does not include establishments that sell only treats (such as ice cream or candy), employee and/or student lunchrooms associated with a permitted principal use, or concession stands at active public recreation sites or public sporting events.

RETAIL ESTABLISHMENTS, AGRICULTURE SUPPORTED – a commercial enterprise that provides goods and/or services whereas the majority of the customer-base is non-public agriculture business-to-farm or business-to-business relationships.

RETAIL ESTABLISHMENTS, VALUE ADDED AGRICULTURE – a commercial enterprise that provides goods and/or services whereas the majority of the customer-base is public as related to farm-to-business or farm-to-consumer relationships.

RETAIL/ WHOLESALE SALES – a business establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RE-USE/ RESIDUAL WATER (WASTE WATER) – water which has been previously used for industrial, municipal, domestic or other purposes including those associated with fracking, drilling flow back, and other drilling related activities, and cannot be returned to a surface water or groundwater source.

SCHOOLS – an educational institution, including a public school, parochial school, private school, college, university and a private nursery school or preschool, having regular sessions, with regularly employed instructors, which teach subjects that are fundamental and essential in primary, elementary, secondary or higher education under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, or a corporation or other entity meeting the requirements of the Commonwealth.

SERVICE SHOPS – an area of land, including structures, used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, sale of motor vehicle

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accessories which may include associated facilities for automobile servicing, excluding painting.

SHOPPING CENTERS – a combination of retail commercial uses on a common contiguous site, designed as a unit, with adequate off-street free parking area, and usually consisting of a series of one (1) story buildings or an arcade flanked by shops.

SIGN – Any advertisement, announcement, direction, communication, or outdoor advertising device produced in whole or in part by constructing, erecting, affixing, or placing a structure on land or on any other structure, or produced by painting, pasting, or otherwise placing any printing, lettering, picture decoration, symbol, trademark, figured object, colored material, or any other device on any building, structure, or surface, including those of vending machines and fuel dispensing devices, which is employed to announce, direct attention to, identify, or make known. Vegetation arranged or shaped in such a manner to depict a symbol or lettered communication shall not be considered a sign.

SINGLE FAMILY DWELLING – a free-standing dwelling unit which has no common or party walls with other units.

SOLAR/WIND ENERGY CONVERSION SYSTEMS – any device which converts solar/wind energy to a form of usable energy.

STEALTH TECHNOLOGY – camouflaging methods applied to telecommunication towers, antennas, and other facilities to help solve aesthetic and compatibility conflicts when located in close proximity to residential areas. Such methods include, but are not limited to, architecturally careened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STORAGE DEPOTS – a permanent off-street facility designed as a point for collection and/or storage of materials, supplies, equipment, and/or other solid by-products from Oil and Gas Development.

STREET – an improved or unimproved cartway used or intended to be used by vehicular traffic not otherwise defined herein as driving lanes or access lanes. In addition to those terms defined within the Township Subdivision and Land Development Ordinance, the following shall apply.

- A. Local Roads. A public street designed to provide access to abutting lots and to discourage through traffic.
- B. Alley. A public thoroughfare, with a right-of-way of less than 30', which does not provide the primary frontage.

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C. Lane. A public thoroughfare, located internal to a lot, which serves as a means of circulation between structures, parking areas and/or access to garages/service aisles.

D. Cul-de-sac. A dead-end street with a vehicular turnaround at the dead end.

SUPPLY YARDS – a commercial establishment storing or offering for sale building supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards shall not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

TEMPORARY MOBILE HOMES – dwelling units intended for a brief period of time, not to exceed six months in a calendar year to a variety of field-related workers, mainly oil field. Such units are not intended to accommodate families with children.

TEMPORARY WATER PIPELINES – a temporary pipeline in place for a period not to exceed twelve (12) months, typically located above ground and used to transport water to and from various Oil and Gas development, drilling and related operations.

THEATERS – a business establishment, other than an adult movie theater or adult movie house, inside a completely enclosed building devoted to showing pictures and/or live dramatic or musical performances. A theater usually contains an auditorium in addition to other performance-related facilities.

TOWER – a guyed monopole, or self-supporting tower taller than ten (10) feet constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

TRACTOR SALES AND SERVICES – a facility for the display, service and retail sale of new or used tractors.

TRAFFIC CONTROL SITES – an area used as a stopping place or assembly point designed to accommodate trucks during their course of travel to an Oil and Gas Development and intended to be used for four (4) months or fewer during a twelve (12) month period. This definition does not include the transfer of loads to, from or between trucks.

TRUCK STAGING AREA – an off-street facility used for the transfer of loads to, from or between trucks for Oil and Gas Development or a Traffic Control Site intended to be used for more than four (4) months out of a twelve (12) month period pursuant to stand-alone agreement with the property owner.

TRUCK TERMINALS – a facility designed to accommodate the service and storage of trucks and which may also provide warehousing activities.

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TWO FAMILY DWELLING – a free-standing dwelling unit in a building containing two dwelling units with one dwelling unit arranged over the other dwelling unit.

UNCONVENTIONAL WELL – an unconventional gas well is a well that is drilled into an unconventional formation, which is defined as a geologic shale formation below the base of the Elk Sandstone or its geologic equivalent where natural gas generally cannot be produced except by horizontal or vertical well bores stimulated by hydraulic fracturing. (Ex: Marcellus, Utica, Mandata, Huron, Rhinestreet, and Upper Devonian).

USE – The specific purpose for which land or a building or structure is designed, arranged, intended or for which it is or will be occupied or maintained.

VIOLATION – The act of not meeting specific conditions or requirements of this Chapter (i.e., noncompliance).

WAREHOUSING – a building used primarily for the storage of goods and materials excluding truck terminals and truck maintenance facilities.

WASTE – A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source separated recyclable material or materials approved by Pa DEP for beneficial use.

WATER PURVEYOR – the owner or operator of a public water system as defined in section 3 of the act of May 1, 1984 (P.L. 206, No. 43), known as the Pennsylvania Safe Drinking Water Act, or any person subject to the act of June 24, 1939 (P.L. 842, No. 365),² referred to as the Water Rights Law.

WELL SITE – the area of surface operations surrounding the surface location of a well or wells. The site can include facilities, structures, materials, water containment devices and equipment whether permanent or temporary, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. Such area shall not include an access road to the Well Site.

WIRELESS – transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS TELECOMMUNICATIONS TOWER – any structure that is used for the purpose of supporting one or more Antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles, DAS hub facilities are considered to be tower-based WCFs.

YARD AREA – An open space area located on the same lot with a building or structure, unoccupied and unobstructed from the ground up, except for such intrusions as are expressly permitted by this Chapter.

DEPTH, FRONT – An open space area extending along the full width of a lot

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parallel to the front property line or adjacent street right-of-way line, whichever is the closer to the property, which area is unoccupied and obstructed from the ground up, except for such intrusions as are expressly permitted by this Chapter.

DEPTH, REAR – An open space area extending across the full width of a lot parallel to the rear property line or adjacent street right-of-way line, whichever is closer to the property, which area is unoccupied and unobstructed from the ground up, except for such intrusions as are expressly permitted by this Chapter.

DEPTH, SIDE – An open space area extending along the side of a lot parallel to the side lot line, which area shall extend from the front yard area to the rear yard area, except that in the absence of a rear or front yard area the side yard area shall extend the full length of the lot.

ZONING DISTRICT – See BASE ZONING DISTRICT and ZONING OVERLAY.

ZONING HEARING BOARD – The Zoning Hearing Board of the Township of Hopewell & West Middletown Borough.

ZONING MAP – The map(s) collectively delineating the zoning districts and zoning overlays of the Township, together with all amendments subsequently adopted. The zoning maps shall be considered an integral part of this Chapter.

ZONING OVERLAY – An area designated as such on the Township Zoning Map or otherwise noted where provisions that may be more and/or less restrictive than the base zoning district requirements for the applicable lot or portion thereof.

PART 4

ESTABLISHMENT OF DISTRICTS

§ 401. Types of Zoning Districts and Overlay.

The Municipality is divided into a series of base zoning districts and overlays as illustrated on the Official Zoning Map of Hopewell Township and West Middletown Borough and Official Zoning Overlay Maps of Hopewell Township and West Middletown Borough.

For the purpose of applying the provisions of this Chapter, Hopewell Township and West Middletown Borough is hereby classified and divided into the following Zoning Districts:

A. RO/R: Residential Overlay and Residential District.

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This district is intended for residential development on primary Municipal or state roads. It shall preserve existing housing developments in such areas.

B. V: Village District.

This district is intended for the preservation and enhancement of existing higher density housing and mixed use opportunities. This shall support locally-oriented commercial development.

C. BO: Business District Overlay.

This overlay is intended for providing a range of services to the general public through orderly development of those uses necessary to meet the community and regional needs for general goods and services. This overlay will serve personal needs and daily convenience with direct access to streets.

D. Ind-1: Limited Industrial District.

This district is intended for light industrial uses which shall not disturb surrounding residential areas with noise or other undesirable aspects of industrial uses. This district shall accommodate uses for warehousing, manufacturing, agriculture, and uses including those which require substantial amounts of open air storage or generally considered incompatible with other land uses. This shall also provide for anticipated future needs for limited industrial activity compatible with surrounding residential and/or natural resources areas.

E. A: Agricultural District.

This district is intended for the preservation and conservation of agricultural related practices and production. This shall also provide preservation and conservation of the natural resources associated with agriculture by providing reasonable requirements for the development and use of land. By permitting oil and gas operations in the District, the Township intends to enhance its ability to maintain its rural character by providing sufficient buffers and set backs from the oil and gas operations.

F. HDO: Heritage District Overlay.

This overlay, as permissible through the provisions of the Pennsylvania Municipalities Planning Code, Section 603, is intended for the preservation of the long established physical character within West Middletown Borough. Containing a mix of compatible uses, this Overlay anticipates residential and non-residential land uses generally compatible with one another. Supporting some pedestrian mobility network, the overlay encourages walkability that animates the area while front yard setbacks accentuate the traditional design patterns characteristics of the corridor.

§ 402. Zoning Map and Overlay Zoning Map.

The Official Zoning Map and Official Overlay Map of the Hopewell Township and West Middletown Borough are incorporated as part of this Chapter and shall define the Zoning

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districts and overlays described in this Chapter.

§ 403. Zoning Map Amendments.

Whenever there has been an amendment to the boundary of a zoning district or a reclassification of a zoning district, the Zoning Map or Overlay Zoning Map of Hopewell Township and West Middletown shall be accordingly revised and shall be duly certified by the Township Secretary.

§ 404. Boundaries of Zoning Districts and Overlay; Interpretation

- A. The boundaries of the districts shall be as shown on the Official Zoning Map and Official Overlay Map of the Hopewell Township and West Middletown Borough which are on file in the Municipal Office, except for the Floodplain Overlay, which is delineated in the most current Flood Insurance Study and Flood Boundary and Floodway Map of the Hopewell Township and West Middletown Borough, as prepared by the Federal Insurance Administration or other acceptable sources. Generally, the boundary lines follow lot lines or centerlines of streets. Boundaries that approximately follow the centerline of streams, rivers or other bodies of water, shall be construed as following such centerlines. Where boundaries do not follow a previously established line, they shall be determined by use of the scale or dimensions indicated on the Official Zoning Map or Official Overlay Map or by description in the Official Zoning Ordinance. Interpretation concerning the exact location of district boundary lines shall be determined by the Zoning Officer.
- B. All territory which may hereinafter be annexed to the Municipality shall be considered to be in the Agricultural Zoning District unless it is reclassified.

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PART 5

GENERAL PROVISIONS

§ 501. Intro

A. Principal Uses.

1. Principal uses and/or associated buildings/structures are permitted on a lot as designated in Table 1 as follows:
 - a. (P) a permitted use by right on a lot anywhere within the specified base zoning district
 - b. (C) a use permitted as a conditional use

B. Accessory Uses.

Accessory uses and/or associated accessory buildings/structures are permitted only in conjunction with an established principal use and must be located on the same lot as the principal use.

§ 502. Table 1A: Principal Land Use

Table 1A identifies which land uses are permissible in each of Hopewell Township and West Middletown Borough Zoning Districts. After locating the Zoning District in which the lot is located, use the listing of uses described in the table below to determine what uses are permissible by right, by conditional use and as a use by special exception. If no letter denotation exists, the use is not permissible in that Zoning District. In accordance with Article VIII-A of the Pennsylvania Municipalities Planning Code (MPC), Hopewell Township and West Middletown Borough share some land uses with Canton Township and North Franklin Township. See the Zoning Ordinances of Canton Township and North Franklin Township for any land use and corresponding definition that is not noted as permissible in any Zoning Districts of Hopewell Township and West Middletown Borough.

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Table 1A: Principal Land Use

Key: P- Permitted by Right, C- Conditional Use

	PRINCIPAL LAND USE	ZONING DISTRICT					
		R/RO	V	BO	I - 1	A	HDO
1	Agricultural Sales	C				P	
2	Agriculture	P	C	C		P	
3	Agri-tourism	C	C	C		C	C
4	Academic Clinical Research Center			C		C	
5	Auto Repair			C			
6	Banks			P			P
7	Bed and Breakfast	P	P	P		P	P
8	Bowling Alleys			P			
9	Cemeteries		P			P	
10	Certified Water Storage Facilities					C	
11	Commercial Recreation			P			
12	Commercial Schools			P			
13	Communication Tower	C	C			C	
14	Compressor Stations					C	
15	Deep Injection Well Site				C		
16	Forestry	P	P	P		P	P
17	Game Lands	P				P	
18	Gas Stations			P			
19	Group Homes	C	C			C	
20	Heliport/Airport			C			
21	Home Occupation	C	C			C	
22	Hospitals/Clinics	C		P		C	
23	Impoundments					C	
24	Institutional Residence	C	C			C	
25	Light Manufacturing			C	P		
26	Manufacturing				C		
27	Medical Marijuana Dispensary			C			
28	Medical Marijuana Grower/Processor			C		C	
29	Medical Marijuana Transport Vehicle Service			C		C	
30	Mineral Extraction	C		C		C	
31	MLVT					C	
32	Multiple Family Dwelling	C		C			C
33	Offices	C		P	P		C
34	Oil and Gas Development				C	C	

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Table 1A: Principal Land Use Continued

	PRINCIPAL LAND USE	ZONING DISTRICT					
		R/RO	V	BO	I - 1	A	HDO
35	Oil and Gas Pipelines	P	P	P	P	P	
36	Parks	P	P			P	
37	Places of Assembly	C	P	P		C	
38	Processing Plants				C		
39	Public Buildings		P	P	P	C	P
40	Public Parks	C	P	P	P	C	P
41	Public Utility Installation/Substation				C	C	
42	Public Utility Structures		P		P	C	
43	Re-Entry Drilling				P	P	
44	Re-Entry Related Operations				C	C	
45	Research Laboratory			C			
46	Restaurants		P	P			P
47	Retail/Wholesale Sales		C	P			C
48	Schools	C	C			C	C
49	Service Shops			P			
50	Shopping Centers			C			
51	Single Family Dwelling	P	P			P	P
52	Storage Depots				C	C	
53	Supply Yards			C	P		
54	Temporary Mobile Homes			P	P	P	
55	Temporary Water Pipelines			P	P	P	
56	Theaters			P			P
57	Traffic Control Sites		P	P	P	P	P
58	Truck Staging Area				C	C	
59	Truck Terminals			C	P		
60	Two-Family Dwelling	P	P				
61	Warehousing			C	P		

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Key: P- Permitted by Right, C- Conditional Use

Table 1B: Accessory Land Use

	ACCESSORY LAND USE	ZONING DISTRICT					
		R/RO	V	BO	I-L	A	HDO
1	Accessory Food Operations			P	P	C	
2	Bed and Breakfasts	C	C	C		C	C
3	Boat/RV Storage			P	P		
4	Communications Antennae	P	P	P	P	P	P
5	Dwelling Units	P	P				P
6	Essential Services						
7	Family Child-Care Homes	C	C			C	C
8	Farm Cafés					C	C
9	Farm Camps					C	
10	Farm Markets						P
11	Farm Stands by road <2,000 SF	P	P	P		P	P
12	Farm Stands by road >2,000 SF	C	C	C		C	P
13	Farm Structures, Traditional-scale	P					
14	Home Occupations	C	C				
15	No Impact Home-Based Businesses	P	P			P	P
16	Retail Establishments, Agriculture Supported			C		P	
17	Retail Establishments, Value Added Agriculture			C		P	
18	Solar/Wind Energy Conversion Systems	C	C	C	C	C	C
19	Tractor Sales and Services			C		C	

Key: P- Permitted by Right

Table 2: Dimensional Standards

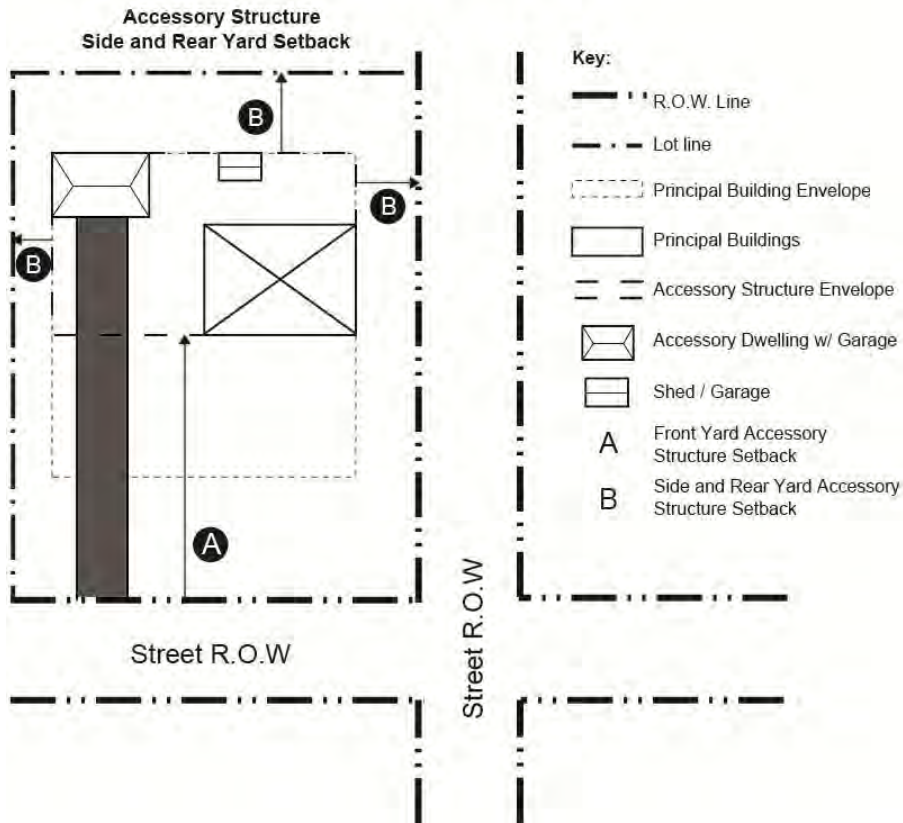
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		A- Agricultural District	R/RO- Residential /Residential Overlay District	HDO - Historic District Overlay	V- Village District	B- Business Overlay	I-L- Limited Industrial District
Height Regulations	Maximum height	35'	35'	35'	60'	40'	35'
	Exemptions	Buildings devoted to agricultural use	Buildings devoted to agricultural use				
Area and Width	Minimum lot area per dwelling unit	40,000 SF	40,000 SF				15,000 SF
	Minimum lot width	150'	150'		40'	80'	125'
	Principal & accessory minimum front yard (A)	65'	65'	4'		25'	50'
	Principal maximum front yard (A)			20'			
	Principal & accessory minimum side yard (B)	20'	20'	5'	5'	15'	30'
	Principal & accessory minimum rear yard (C)	15'	15'	10'	5'	35'	50'
	Buildings housing livestock, poultry or mushroom culture minimum setback	100' from ROW and 200' from ROW if existing residential dwelling on adjoining lot	100' from ROW and 200' from ROW if existing residential dwelling on adjoining lot				
Impervious coverage	Maximum impervious coverage	20%	20%	50%	85%	60%	
	Exemptions	Buildings devoted to farm use	Buildings devoted to farm use	0.00%			

Key: aaa – Not Applicable

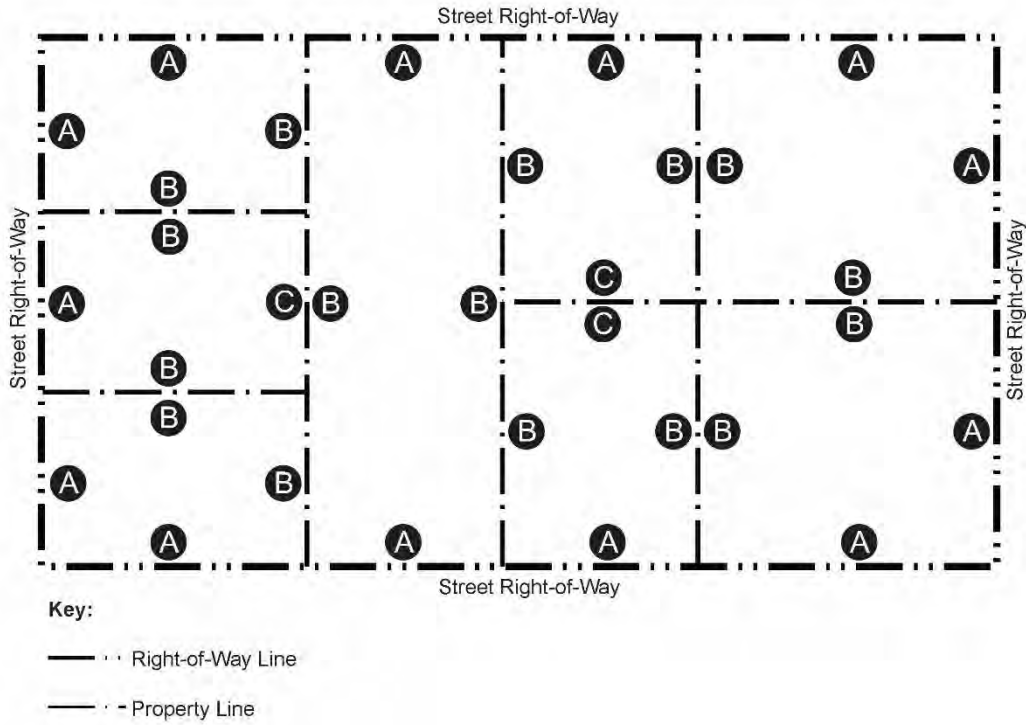
Table 3: Accessory Structures

ACCESSORY STRUCTURE SETBACK DIAGRAM



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Table 4: Additional Lot Requirements



Yard Location by Type	
Front	(A)
Side	(B)
Rear	(C)
See Dimensional Requirements Table for yard depth regulations	

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§ 503. Yard Encroachments

The following structures may encroach into required yards, as provided (subject to any specific regulations set forth herein or throughout the Township Zoning Ordinance):

- A. Awnings, canopies, eaves, wing walls, chimneys and steps as follows:
 - a) Roof overhangs and projections of any principal structure may encroach up to two and one half (2 ½) feet into any required yard; and
 - b) Canopies, open balconies, pivoted or casement sash, cornices, eaves and similar architectural features may encroach:
 - (i) Not more than four (4) feet into the required front yard if eight (8) feet or more of clear headroom is provided under such projection; and
 - (ii) Not more than three (3) feet into any side or rear yard if seven (7) feet or more of clear headroom is provided under such projection;
 - c) Chimneys may encroach no more than two (2) feet into any side or rear yard if the portion of chimney structure that is encroaching into said yard is not more than six (6) feet wide.
 - d) Steps, including associated platforms, stoops, and porches that do not exceed the finished floor elevation in height, may encroach into any yard not more than four (4) feet. Such structures may be provided with railings not to exceed three (3) feet in height above the surface of the steps or associated structure
- B. Driveways - In addition to a driveway, a lot may also have a governor's driveway, either connected to or independent from any permitted driveway. However, in no event shall more than two curb cuts per lot on any one street be authorized. A governor's driveway shall consist of a driveway no more than 12 feet in width with no turnaround areas, with both ends connecting to the street at the front property line, and with the central portion of the governor's driveway passing within 12 feet of an entrance to the principal building. The distance between the center lines of the governor's driveway along the front property line shall be spaced at least 70 feet apart. (Example - If the driveway is 12 feet wide, and must be at least four feet from side lot lines, then the lot width is a minimum of 90 feet.)
- C. Fences, walls and hedges subject to district regulations;
- D. Irrigation water pumps, wells, water meters, electrical meters and similar above ground telephone and cable utility company equipment typically found on single-family residential lots;
- E. Landscaping;

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- F. Sanitary Sewer or water lift stations;
- G. Underground utilities, including stormwater pipes, culverts, septic tanks, and drainfields; and
- H. Utility poles and transmission lines;
- I. Private off-street parking areas in other than residential zoning districts that are located no more than 200 feet from the northerly right of way line.

§ 504. Heritage District Overlay.

A. Applicability of Regulations

1. These regulations shall apply to the Heritage District Overlay (Overlay) area.
2. These regulations shall be administered by the Borough, with consultation of the Heritage District Committee.
3. Boundaries. The Heritage District Overlay shall conform to the boundaries shown on the Zoning Map. The Overlay includes each parcel containing one or more resources. An inventory of resources is available at the Borough Municipal Building.
 - a) All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this Section. In the event of a conflict between the provisions of this Overlay and the underlying zoning district, the provisions of this Overlay shall apply.
 - b) Should the boundaries of the Overlay be revised as a result of legislative or administrative actions or judicial decision, the underlying zoning requirements shall continue to be applicable.
4. Covenants and Easements. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

B. Purpose

The Heritage District Overlay follows the boundaries of the Borough's parcels along Main Street (PA Rte. 844) and is intended to promote the general welfare of west Middletown Borough through the following goals:

1. To promote the retention of historic resources through preservation of local heritage by recognition and protection of resources.
2. To establish a clear process through which proposed changes affecting resources are reviewed by the Heritage District Committee and the Borough, overall.

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3. To mitigate the negative effects of proposed changes affecting historic resources.
4. To encourage the continued use of historic resources and facilitate their appropriate reuse and/or adaptive reuse.
5. To discourage the demolition of historic resources and established heritage.
6. To implement the following sections of the Pennsylvania Municipalities Planning Code (MPC):
 - a) Section 603(b)(5) which states that zoning ordinances may permit, prohibit, regulate, restrict and determine protection and preservation of natural and historic resources;
 - b) Section 603(g)(2) which states that “zoning ordinances shall provide for protection of natural and historic features and resources”;
 - c) Section 604(1) which states that “the provisions of zoning ordinances shall be designed to promote, protect and facilitate any or all of the following: ...preservation of the natural, scenic and historic values...”; and
 - d) Section 605(2)(vi) whereby uses and structures at or near places having unique historical, architectural or patriotic interest or value may be regulated.

C. General Provisions

1. Identification. The Inventory of Heritage Resources, as amended from time to time, shall be available on file at the Borough Municipal Building.
2. Criteria for Determination. A building, structure, object, site, or district is depicted as a heritage resource, due to the fact that it:
 - a) a. Is associated with events that have made a significant contribution to the broad patterns of our local, state, or national history; or
 - b) Is associated with the lives of people, local, state, or national, who were significant in our past;
 - c) It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (a neighborhood or village for example); or
 - d) It has yielded or may be likely to yield, information important in history or prehistory (archaeology).

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e) Classifications

i. Buildings, objects, sites, or districts that are:

- 1) Listed on or have received a Determination of Eligibility (DOE) to be listed on the National Register of Historic Places;
or
- 2) Resources within a district that contribute to a National Register listed or eligible district.

ii. Buildings, objects, sites, or districts that are resources that are deemed by the Borough to substantially meet one or more of the heritage criteria at the local level.

D. Demolition Process, Removal or Relocation of Resources

1. General Requirements: Demolition in whole or part, removal or relocation of resources identified as contributing to community heritage shall be regulated in accordance with the provisions of the Borough Subdivision and Land Development Ordinance.

E. Application Procedures/Review

1. Application Procedures: When the Zoning Officer receives a complete application, that application shall be forwarded to the Heritage District Committee.
2. Criteria for Review shall be in accordance with information to the extent which it fulfills requirements outlined on the West Middletown Borough Overlay application form.
3. Review Procedure.
 - a) The Applicant shall be provided an opportunity to present their proposal to the Heritage District Committee at its scheduled meeting. The Zoning Officer shall attend this meeting to listen to the Applicant's presentation.
 - b) The written recommendations of the Heritage District Committee shall be forwarded to the Borough Planning Commission. The Borough Planning Commission shall review said information and forward their recommendation to Borough Council. Permitting associated with any approvals shall be issued by the Borough. Recommendations shall consider the goals and objectives set forth in the Comprehensive Plan.
4. Associated Land Development Plan. If the application is being requested to facilitate future development of the land, then said permit shall not be issued until the following additional requirements have been satisfied.

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- a) Approval of the land development plan by the Borough Council;
 - b) Issuance of any necessary zoning approvals; and
 - c) The recording of the approved subdivision or land development plan for the parcel where the Demolition, Removal or Relocation is proposed.
5. Denial.

If an application is denied, the applicant may appeal the Borough's decision to the Zoning Hearing Board.

PART 6

CONDITIONAL USES

§ 601. General standards and criteria for evaluating conditional uses.

- A. Where allowances in this Chapter have been made for conditional uses, the Municipal Elected Officials shall have final jurisdiction for the approval or denial of the conditional use.
- B. An application form prescribed by the Municipality shall be submitted by the applicant along with a fee in an amount as established from time to time by resolution of the Municipal Elected Officials
- C. The applicant shall submit four (4) paper copies and shall also provide a magnetic or optical storage device copy in the form of Tagged Image File format (TIF) or Portable Document Format (PDF) files of necessary documentation of the proposed use to enable the review of such proposal by the Township. The burden of submitting adequate data to allow full evaluation of the proposal shall rest with the applicant.
- D. Conditional uses shall only be granted when the minimum conditions set forth for the granting of a conditional use have been met.
- E. The Municipal Elected Officials cannot grant variances of any of the requirements of the Zoning Ordinance when granting a conditional use.
- F. The Municipal Elected Officials may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Chapter and Hopewell Township and West Middletown Borough Comprehensive Plan, except that any such conditions shall not be related to off-site transportation and road improvements.
- G. Prior to granting approval or denying a conditional use application, the proposal shall first be reviewed by the respective Hopewell Township and/or West Middletown Borough Planning Commission and may be reviewed by the Washington County Planning Commission. Furthermore, a minimum of one public hearing shall be held by

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the Municipal Elected Officials pursuant to public notice, as required by the Pennsylvania Municipalities Planning Code. In addition, notice of said public hearing shall be conspicuously posted, by the Municipality, at least one week prior to the date of hearing at points deemed sufficient by the Municipality along the perimeter of the lot which is the subject of the conditional use request. Written notice of a hearing shall also be sent by regular mail to the owners of land which abuts the lot which is the subject of the conditional use request at least one week prior to the date of hearing.

- H. The Municipal Elected Officials shall render a written decision or, when no decision is called for, make written findings on the conditional use request within 45 days after the last hearing before the Municipal Elected Officials is concluded.
- I. The grant of approval of a conditional use shall not relieve the applicant from filing and having the Municipality approve any permit, land development, subdivision or site plan which may be required by other Municipal regulations or from otherwise complying with all applicable Municipal regulations.
- J. Unless specifically authorized by the Municipal Elected Officials, the grant of a conditional use shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within twelve (12) months from the date of the grant of the conditional use. If the conditional use requires the processing of a subdivision or land development plan, then the grant of a conditional use shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within twenty-four (24) months from the date of the grant of the conditional use. However, the Municipal Elected Officials, in its decision, may grant a greater period-of-time.
- K. In addition to the minimum conditions contained in the performance standards of each conditional use, the applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:
 - 1. That the use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located.
 - 2. That the use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements.
 - 3. That the use will not be detrimental to the use or development of, or change the essential character of, the neighborhood or district in which the use is proposed. The Municipal Elected Officials shall consider, at a minimum, the impact of noise, dust, light, odor and adequacy of parking.
 - 4. The use shall meet all other requirements of this Chapter that may apply.
- L. The Municipality believes it to be necessary to enact a provision that requires any medical marijuana and related activities that are not specifically provided for or defined in this Ordinance or in the Municipal Code to apply for Conditional Use approval subject to the procedures for approval contained in the Municipal Zoning Ordinance as well as any additional conditions set by the Municipal Elected Officials.

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- M. Any Operator/Owner shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600.00, plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further the appropriate officers or agents of the Township are hereby authorized to issue a cease-and-desist notice and/or to seek equitable relief, including injunction to enforce compliance herewith. No bond will be required if injunctive relief is sought by the Municipality. A person who violates this ordinance shall also be responsible for the Municipality's attorney fees, engineering fees, expert fees and court costs associated with enforcement.
- N. Any and all uses categorized as conditional uses shall, in addition to the specific conditions set forth herein and the general standards contained in the applicable zoning district(s) may be further subject to additional applicable conditions and safeguards as deemed necessary and appropriate by the Township.

§602. Oil and Gas Development Application.

To begin the permitting process for Oil and Gas Development, a Conditional Use Application must be filed with the Township. No hearing will be scheduled until all of the information set forth hereinafter has been received by the Township. In addition to the applicable standards for the Zoning District of the proposed use, the express standards and criteria for granting conditional uses contained in the Township Code, the application must contain the following information:

1. Information:
 - a. The name and address of the Applicant, including the name and telephone number of a local representative;
 - b. The mineral and/or oil and gas/ lease royalty and surface owner(s),
 - c. A copy of the oil and gas or mineral lease (Recorded Memorandum) and any drilling permits issued by the Commonwealth of Pennsylvania, or if a state permit has not yet been issued, the application, if submitted, shall be attached;
 - d. The exact description of the location of the proposed facility/operation;
 - e. Setbacks. Certification that the applicable setbacks will be met.
 - f. The name and address of all property owners within 300 feet of the proposed site.

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2. Work Hours. Provide the proposed timeline and hours of development/site work and the use of trucking and heavy equipment during each phase of the process, from initial site preparation to drilling operations and post drilling operations.
3. Road Bonding and Maintenance. The Applicant will review and execute a Joint Road Maintenance Agreement with the Township and provide the appropriate bonding and list of subcontracts.
4. Blast Study. Operator's application shall contain a blast study or the equivalent (as determined by the Township) showing compliance with the standards contained in the American Petroleum Institute's (API) Recommended Practice 752 and 753.
5. PPC Plan. The Operator shall provide to the Township's first responders, including Fire Department, Police Department, ambulance service(s), and to the Zoning Officer/Code Enforcement Officer a copy of its preparedness, prevention and contingency ("PPC") plan. Before drilling, the Applicant shall confirm in writing that the Township's first responders have secured adequate training to deal with any potential dangerous conditions that may result due to construction activities on each site. First responders shall have a minimum of five hours of training per year to meet this standard. Upon request from the Township, the Operator will, prior to drilling of its first oil and gas well in Township, make available, with at least 30 days notice, at its sole cost and expense, one appropriate group training program of up to five hours for first responders. Such training shall be made available at least annually during the period when the Operator anticipates oil and gas related activities in the Township.
6. The Applicant shall provide a schedule indicating the following dates, which the Township acknowledges is subject to change:
 - a. Anticipated site preparation beginnings and endings.
 - b. Anticipated drilling or mining activity beginnings and endings.
 - c. Anticipated completion (perforating) work to begin and end.
 - d. Anticipated simulation (fracturing) work to begin and end.
 - e. Anticipated production work to begin and end.
 - f. Anticipated plugging date.
 - g. Anticipated site restoration.
7. Permits. All applicable, state, local and federal permits must be attached to the application or provided upon issue.
8. Insurance. Operator / Applicant and/or its contractors shall as part of the Conditional Use furnish to the Township a Certificate of Liability Insurance naming the Township as an additional insured. With respect to operations conducted within the Township and showing liability insurance covering commercial, personal injury, and general liability in the amounts not less than twenty-five million dollars (\$25,000,000) per person, twenty-five million dollars (\$25,000,000) per occurrence, and twenty-five million dollars (\$25,000,000) property damage. The Operator / Applicant shall fully

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defend, protect, indemnify, and hold harmless the Township, its departments, agents, officers, employees, or volunteers from and against such and every claim, except for those claims relating to any negligent, willful or intentional acts of the Township, its department, agents, officers, employees, or volunteers. The insurance coverage may consist of a combination of self-insurance, excess coverage and umbrella coverage. The Township reserves the right to approve said coverage.

9. On-Site Trailers. Information on the number of trailers anticipated to be located at the site, including essential work trailers and workers' bunk trailers.
10. Review Hearings. The Operator of an Oil and Gas Development shall meet with the Township annually to discuss new technology, operation procedures, and any community concerns. If the Township deems necessary, after working with the Operator, a public meeting may be scheduled to respond to questions from Township residents.

§ 603. Specific criteria for conditional uses.

A. Academic Clinical Research Centers.

1. Written Summary. Applicant must include a written summary of how the facility will operate and provide a site plan which includes:
 - a. Overall site development time frame and calendar
 - b. Access roads to site
 - c. Proposed vehicle traffic and other related traffic to and from site
2. An academic clinical research center may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicles.
3. All external lighting serving an academic clinical research center must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
4. A buffer planting is required where an academic clinical research center adjoins a Residential Overlay or Village district.

B. Agriculture

Agriculture shall be subject to the following:

1. A plan to illustrate the locations of the ingress and egress points shall be prepared and presented to ensure that the conflicts are minimized along Route 844.

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C. Agri-Tourism

Agri-Tourism shall be subject to the following:

1. The applicant shall submit a circulation/parking plan to illustrate the safety and patterns of vehicular and pedestrian traffic.
2. In the event that retail sales occur on site, parking shall be located within 300 feet of the retail use.
3. At least 1/2 of the various types of products must be grown or raised on the same property on which they are sold or on other farm property in the Township owned or leased by the person selling the products. It is the intention of this provision to comply with the requirements of the Pennsylvania Right to Farm Act, as amended.
4. Any structure which is used for the sale or display of farm products shall contain no more than 300 square feet of floor area and shall be at least 50 feet from any property line and the legal right-of-way line of any street.

D. Certified Water Storage Facilities and MLVTs.

Certified Water Storage Facilities or MLVTs shall be subject to the following:

1. Provide documentation and/or proof of compliance with the applicable provisions of Section 603(M) Oil and Gas Development.
2. Minimum Lot Area. The minimum lot size shall be:
 - a. Two (2) acres to be designated on the site plan for said use.
3. Operations Outside of Township.
 - a. Any Certified Water Storage Facility servicing Oil and Gas Development and/or Related Operations shall require Notice to the Township at least 7 days prior to the site when the site being used to support completion fracking operations at other drill locations that is likely to result in traffic to the site exceeding a rate of 5 trucks per hour.
 - b. Approval shall automatically expire twelve (12) months from the date said water facility is installed unless extension is given by the Board.
 - c. Use of Certified Water Storage Facilities servicing Oil and Gas Development and/or Related Operations outside of the Township may only be installed on property that borders a state roadway within the Township.
4. Design Criteria.
 - a. The Applicant for a Certified Water Storage Facility or MLVT shall provide:
 1. Proof of certification by the relevant nationally-recognized laboratory or organization; and

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2. A copy of any required Re-use Tank Permit, WMGR 123-Solid Waste, from the DEP prior to the operation of the Certified Water Storage Facility.
- b. The Applicant for a Certified MLVT shall provide:
 1. Certification that the proposed tanks comply with the design standards set forth in the American Water Works Association (AWWA) B-1039 design manual.
 2. All MLVTs must meet the containment requirements (110%) of Act 13 and a geo-technical report must be obtained certifying that:
 - i. The site can withstand 3000 sq ft of pressure
 - ii. Core Test results
 - iii. Tanks to be placed on cut or engineered fill certified by a registered professional geotechnical engineer per the recommendations of the geotechnical report for the site.
 3. A copy of any required Re-use Tank Permit, WMGR 123-Solid Waste, from the DEP prior to the operation of the Certified MLVT.
- c. Residual Waste Use and Storage:
 1. Any Certified Water Storage Facility and/or MLVT used to hold Residual Waste/Waste Water can only be permitted in the Non-Residential Zoning Districts.
 2. Any Certified Water Storage Facility or MLVT that shall be used to hold Residual Waste must meet AWWA D103-9 tank standards.
 3. Any Impoundment used to hold Residual Waste/Waste Water must meet all DEP requirements and be tested on quarterly basis with results sent to the Township.
5. Site Plan. A survey/site plan sealed by a licensed Professional Engineer or Surveyor must be provided indicating water storage location, other buildings, access roads, setbacks from adjoining property lines and structures.
6. Liners. All liners must be welded and tested in accordance with the applicable ASTM international Standards. Any repairs to liners must be made using acceptable practices and applicable standards.
7. Filling. The Operator or its contractor must supervise initial filling of all water storage operations and inspect for leaks during filling. If leaks are observed, filling must cease, the leaks must be repaired, and the integrity of the tank must be evaluated prior to continuing to fill. Contractors can observe initial and future fillings, provided they are granted the authority to stop work if unsafe or upset conditions are observed.
8. Setbacks. Certified Water Storage Facilities and MLVTs shall be twenty (20') feet from a wellhead, fired vessel, heater, compressor with a rating of 200 horsepower or greater; a separator, well test unit or other non-fired equipment.

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9. Time frame. The time period in which the Certified Water Storage Facility or MLVT will be constructed and destructed along with use in between the start/finish dates.
10. Notice. At least seven (7) days prior to a new oil and gas well site being serviced by a Certified Water Storage Facility or MLVT, Operator must provide notice to the Township with updated information, including truck traffic information, truck routes, etc.
11. Surface. The surface of the Certified Water Storage Facility or MLVT shall be constructed and designed in a manner that would reasonably minimize water runoff in the event of a major leak.
12. Signage, Tank Identification. Signs must be posted at the site of any Certified Water Storage Facility or MLVT to indicate the contents of the water storage facilities.
13. Spill Containment.
 - a. A spill containment plan shall be provided.
 - b. Containment shall be provided for indoor facilities.
 - c. If a spill, fire, or other violation of any Federal, State or Local Law occurs at the drill site or in the Township by Operator or its Subcontractors, Operator shall notify the Township immediately, in all circumstances, no later than 24 hours after the incident occurred or, if the incident is ongoing, no later than 24 hours after it began.
14. Reclamation procedure. To the best of the Operator/Applicants knowledge, the Operator or Applicant shall provide the time frame for site restoration.

E. Compressor Stations and/or Processing Plants.

Compressor Stations and Processing Plants shall be subject to the following:

1. Provide documentation and/or proof of compliance with the applicable provisions of Section 603(M) Oil and Gas Development.
2. Written Summary. Applicant must include a written summary of how the compressor station or processing plant will operate.
 - a. Information on the method of transportation for the processed gas/liquids to market (pipelines, township roads, etc.)
 - b. Overall site development time frame and calendar.
3. Lot Size Regulations.
 - a. Processing Plants. The minimum lot size for a processing plant shall be 100 acres. Not less than 75% of the overall surface area of the building (based upon square footage) shall be located in an Ind-1 Zoning District; however contiguous properties located in (either Agricultural and I-I) can be combined to meet the minimum acreage requirements.

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- b. Compressor Stations.
 - i) Compressor Station shall not be placed on a lot less than five (5) acres.
 - ii) Compressor Station shall not disturb a surface area greater than 700,000 sq. ft.
 - iii) Compressor Station shall not disturb more than 90% of the total surface area of a lot.

- 4. Setbacks.
 - a. The edge of the main operation facility that houses the compressor engines must be at least 500 feet from an occupied structure.
 - b. Protected Structures. 1,000 feet from the edge of the facility's developed area (this shall be the main fence line of the site and shall not include the green space used for stormwater management or the toe of the slope for any grading) to the nearest existing protected structure.
 - c. Additional Setbacks. All aboveground equipment including compressor engines and any structure in which the compressors are enclosed must be set back a minimum of 200 feet from any adjacent property lines.
 - d. Owner Waiver: Applicant must meet the setbacks listed herein unless the owner of a property, occupied and/or protected structure located within the setback limits provides written consent to the proposed use.

- 5. Screening.
 - a. Compressor station sites shall have a landscaped buffer of fifty (50') foot trees placed strategically around the perimeter of the site to screen the location from other properties.
 - b. Operations will be subject to the applicable standards of the Zoning District the proposed use is located in.

- 6. Design Standards.
 - a. Compressors and other power-driven equipment shall utilize electric motors designed and installed in accordance with the requirements of NFPA 70. In the event there is insufficient voltage available so as to power said equipment, or there exists reasonable economic and/or commercial reasons, internal-combustion engines may be used, subject to the same being located in a semi enclosed structure that otherwise comports with zoning regulation.
 - b. The location and design of structures and site improvements shall be integrated with the natural color, form, and texture of the surrounding area to the extent possible.
 - c. No equipment or surplus materials, including the placement of permanent or moveable storage containers or other portable equipment, shall be stored on the facility. This includes the removal of idle equipment unnecessary for the operation of such facility. These restrictions shall not apply during construction phase of the site.
 - d. Applicable equipment must have remote/local shutdowns.

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7. Building Approval. Building plans must be approved by the designated Code Inspection Department of the Township and must meet the minimum safety standards as set forth in the International Building Code (“IBC”), Pennsylvania Uniform Construction Code (“UCC”) or applicable Code adopted by the Township. The Code Enforcement Officer and/or Township Board of Supervisors shall have the authority to grant waivers to the requirements if Applicant is able to demonstrate the design and safety measures meet or exceed those of the IBC, UCC, etc.
 8. Environmental Study. Operator/Applicant shall provide Township with a copy of the DEP application and permit (upon approval) including all studies related to air and noise quality and emissions.
 9. Spill Containment.
 - a. A spill containment plan shall be provided and designed by a Registered Design Professional of the Commonwealth of Pennsylvania and approved by the DEP.
 10. State and federal compliance. The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
 11. Expansion.

In the event the facility or project is expanded in size, scope, use, etc. beyond what was included in the initial approval, the Applicant must submit a written request to the Township. The decision to require a subsequent Conditional Use Hearing will be in the sole discretion of the Board of Supervisors and will be announced at a public meeting. Although the Township may not require hearings on the subsequent Conditional Use application, and the appropriate information concerning the expansion operations must be submitted. This shall include, but not be limited to additional identification of disturbed areas beyond the scope initially presented, additional facilities being used on the site that were not included in the initial application and/or material changes such as different truck routes, access roads, sound impacts, additional water containment devices, tanks, etc.
 12. Supplemental regulations. The facility must meet all of the supplemental regulations of the Township Zoning Ordinance.
- F. Deep Injection Wells (Class II Wells).

Deep Injection Wells (Class II Wells) shall be further subject to the following:

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1. Provide documentation and/or proof of compliance with the applicable provisions of Section 603(M) Oil and Gas Development.
2. Minimum Lot Acreage: The minimum lot size for a Deep Injection Well shall be twenty (20) acres. Contiguous properties in other zoning districts can be combined to meet the minimum acreage requirements if the properties being combined are adjoining each other and the injection well site is physically located in the Ind-I or Ind-II district. Any property line setbacks shall be measured from the exterior boundary lines of the combined parcel area.

G. Impoundments.

1. Provide documentation and/or proof of compliance with the applicable provisions of Section 603(M) Oil and Gas Development.
2. Minimum Lot Size.
 - a. The minimum lot size for a standalone Impoundment operation shall be five (5) acres.
 - b. Two (2) acres for an impoundment used as an accessory use to an Oil and Gas Development.
3. Certification and Permits.
 - a. The Applicant for an Impoundment shall provide:
 1. Proof of certification by the relevant nationally-recognized laboratory or organization; and
 2. Water impoundments shall be constructed in compliance with all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP)
 3. A copy of any required Permits from the DEP prior to the impoundment operations occurring.
4. Site Plan. A survey/site plan sealed by a licensed Professional Engineer or Surveyor must be provided indicating water storage location, other buildings, access roads, setbacks from adjoining property lines and structures.
5. Security. Chain-link fencing must be installed around any impoundment and shall be at least eight (8') feet in height.
6. Setbacks. In addition to the DEP's setbacks regulations:
 - a. Impoundment must be 500 feet measured horizontally from an occupied dwelling to the edge of the Impoundment structure, unless the owner thereof has provided a written waiver consenting to the impoundment being closer than five hundred (500') feet.
 - b. One thousand (1,000') feet from a Protected Structure for fresh water impoundments

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- c. One thousand and five hundred (1,500') feet from a Protected Structure for waste water/re use fluid impoundments
 - d. Owner Waiver: Applicant must meet the setbacks listed herein unless the owner of a property, occupied and/or protected structure located within the setback limits provides written consent to the proposed use.
7. Access Road. In addition to the provisions contained in the Oil and Gas Development section, all access roads to an impoundment site must:
 - a. Access road must be designed to accommodate all vehicle truck traffic servicing the site without using any public roadways for idling vehicles waiting to access the impoundment site.
 - b. Appropriate signage and idling restriction measures must be in place to comply with Pennsylvania's Diesel-Powered Motor Vehicle Idling Act (Act 124 of 2008)
8. Buffers and Noise. The Impoundment must be constructed in a manner to reduce truck traffic noise. The appropriate sound barriers shall be installed at the discretion of the Township.
9. Notice. At least seven (7) days prior to a new oil and gas well site being serviced by a standalone Impoundment, Operator must provide notice to the Township with updated information, including truck traffic information, truck routes, etc.
10. Surface. The surface area immediately surrounding the Impoundment shall be constructed and designed in a manner that would reasonably minimize water/liquid runoff in the event of a major leak.
11. Signage, Identification. Signs must be posted at the site of any Impoundment to indicate the contents of the water/liquid being stored on site.
12. Testing and Spill Containment.
 - a. A spill containment plan shall be provided.
 - b. Testing of the Impoundment must occur every four (4) months with results provided to the Township
13. Reclamation procedure. To the best of the Operator/Applicants knowledge, the Operator or Applicant shall provide the time frame for site restoration.

H. Medical Marijuana Dispensary.

1. Written Summary. Applicant must include a written summary of how the facility will operate and provide a site plan which includes:
 - a. Overall site development time frame and calendar.

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- b. Access roads (that are not public roads) to site must be paved with
 - c. Proposed vehicle traffic and other related traffic to and from site
 - d. Permits. All applicable, state, local and federal permits must be attached to the application or provided upon issue. Including proof of a current valid medical marijuana permit from the DOH.
2. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicles.
3. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
4. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
5. Permitted hours of operation of a dispensary shall be 8:00am to 8:00pm, Monday through Friday and 9:00am to 9:00pm on Saturday, unless otherwise set by the supplemental regulations of the zoning district in which use is located.
6. A medical marijuana dispensary shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25%) percent of the gross floor area.
7. A medical marijuana dispensary shall:
 - a. Not have a drive-through service;
 - b. Not have outdoor seating areas;
 - c. Not have outdoor vending machines;
 - d. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - e. Not offer direct or home delivery service unless provided for by law.
8. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
9. A medical marijuana dispensary may not be located within 1,000 feet of a protected structure or the property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.

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10. A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor or academic clinical research centers and the specific dispensary they serve, or with which they partner.
11. Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.
12. All external lighting serving a medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
13. A buffer planting is required where a medical marijuana dispensary adjoins a residential use or district.
14. Entrances and driveways to a medical marijuana dispensary must be designed to accommodate the anticipated vehicles used to service the facility.
 - a. All accesses must secure the appropriate highway occupancy permits and execute any necessary road bonding agreements.
15. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

I. Medical Marijuana Grower/Processor.

1. Written Summary. Applicant must include a written summary of how the facility will operate and provide a site plan which includes:
 - a. Overall site development time frame and calendar.
 - b. Access roads to site
 - c. Proposed vehicle traffic and other related traffic to and from site
 - d. Permits. All applicable, state, local and federal permits must be attached to the application or provided upon issue.
2. A medical marijuana grower/processor may only grow medical marijuana in a facility/manner required by and permitted by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle unless temporarily provided for as part of the conditional use approval
3. The maximum floor area of a medical marijuana grower/processor shall be limited to

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30,000 square feet, per two (2) acres of land the facility is located on (with a total floor area not to exceed 120,000) of which sufficient space (a minimum of 300 sq. ft. unless otherwise set by the State) must be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing.

4. A medical marijuana grower/processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same district, including but not limited to setbacks.
 5. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
 6. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
 7. Grower/processors may not locate within 1,000 feet of a protected structure or 1,000 feet from the property line of a public, private, or parochial school or day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
 8. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
 9. Parking requirements of the applicable zoning district.
 10. A buffer planting is required where a medical marijuana grower/processor adjoins a Residential Overlay or Village district.
 11. Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.
 - a. All accesses must secure the appropriate highway occupancy permit and execute any necessary road bonding agreements.
 12. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.
- J. Medical Marijuana Transport Vehicle Service.

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1. Written Summary. Applicant must include a written summary of how the facility will operate and provide a site plan which includes:
 - a. Overall site development time frame and calendar.
 - b. Access roads (that are not public roads) to site must be paved with
 - c. Proposed vehicle traffic and other related traffic to and from site
 - d. Permits. All applicable, state, local and federal permits must be attached to the application or provided upon issue.
2. A traffic impact study is required where the office is operated.
3. All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
4. A buffer planting is required where a medical marijuana transport vehicle service adjoins a Residential Overlay or Village district.
5. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
 - a. All accesses must secure the appropriate highway occupancy permit and execute any necessary road bonding agreements.
6. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.
7. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

K. Non-Residential Uses Type I (Home Occupation, Agricultural Sales, Offices, Public Buildings, Places of Assembly, Public Parks, Restaurants, Retail/Wholesale Sales, Schools, Shopping Centers).

Non-Residential Uses Type I shall be further subject to the following:

1. Parking and outdoor storage shall be screened from neighboring lots.

L. Non-Residential Uses Type II (Light Manufacturing, Gas Stations, Auto Repair, Heliport/Airport, Manufacturing, Mineral Extraction, Research Laboratory, Supply Yards, Truck Staging Areas, Warehousing).

Non-Residential Uses Type II shall be further subject to the following:

1. Supplies of hazardous materials stored and utilized on site shall be listed.

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2. The site shall be screened from neighboring lots.
3. Health, safety, and welfare shall be considered for on-site and neighboring lots.

M. Oil and Gas Development.

An Applicant and/or Operator desiring to engage in any Oil and Gas Development shall be subject to the following:

1. Minimum Lot Size.

The minimum lot size for an Oil and Gas Development shall be 20 acres. Contiguous properties can be combined to meet the minimum acreage requirements if the properties being combined are adjoining each other. All setbacks shall be measured from the exterior boundary lines of the combined parcel area.

2. Setbacks. The following setbacks shall apply for Oil and Gas Development unless specifically stated otherwise:

a. Unconventional Well:

1. 500 feet from the well bore/well head to an existing building, unless the owner of the building provides written consent.
2. 200 feet from the well bore/well head to any solid blue lined stream, spring or body of water as identified on the most current 7 ½ minute topographic quadrangle map of the United States Geological Survey.
3. 300 feet from an unconventional well bore/well head to any solid blue lined stream, spring or body of water as identified on the most current 7 ½ minute topographic quadrangle map of the United States Geological Survey.
4. 300 feet from unconventional well bore/well head to wetlands greater than one acre in area.
5. 200 feet from the well bore/well head to wetlands greater than one acre in area.
6. 1000 feet from the well bore/well head to any protected structure, unless owner of the protected structure provides written consent.
7. 500 feet from the edge of any County parks, including but not limited to Cross Creek County Park.

b. Conventional Wellhead:

1. 300 feet from the well bore/well head to an existing building
2. 200 feet from the well bore/well head to any solid blue-line stream, spring or body of water as identified on the most current 7 ½ minute topographic quadrangle map of the United States Geological Survey.

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- c. Owner Waiver: Applicant must meet the setbacks listed herein unless the owner of a property, occupied and/or protected structure located within the setback limits provides written consent to the proposed use.
3. Sound. A sound study may be conducted by the Operator prior to any activity beginning on the site to demonstrate that sound will not exceed the permitted decibel levels for the applicable Zoning District as set by Township Ordinance or the applicable standard imposed by State or Federal law, whichever is less.
4. In the event of multiple zoning districts within the Township, the more-restrictive sound level standards shall govern. In the event that contiguous properties are combined for the Oil and Gas Development, the permitted decibel levels shall apply at the exterior boundary line of the combined parcel area. In the event Operator is unable to comply with the stated standards, it must put in place measures that may include, but shall not be limited to:
 - a. Sound Walls/ Noise Barriers. The erection of sound walls/noise barriers to bring the dBa within acceptable levels.
 - b. Enclosure. Enclosure of sound-generating equipment in a sound-reduction structure that conforms to the character of the zone in which it exists. All applicable development plans, permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress.
 - c. Mufflers. Equipment of internal combustion engine or compressor with an exhaust muffler or an exhaust box. Said muffler/box shall be constructed of noncombustible material designed and installed to suppress sound and disruptive vibrations.
 - d. Obtain a release waiver of the applicable noise requirements from the owners of the impacted property.
5. Lighting. Operator shall place lights, to the extent practicable taking into account safety considerations, at locations so as to avoid shine directed at public roads, protected structures and adjacent dwellings and buildings.
6. Security Measures. Adequate security measures shall be in place at all times to protect Well Sites and may be subject to amendment based upon Township's review and feedback during the course of operations.
7. Access roads. Access to any Oil and Gas Development shall be designed to ensure safety and reduce inconvenience to adjacent properties. The following shall also apply:
 - a. (1) The access road to the Well Site, beginning with its intersection with a paved Township road, shall be paved for the first one hundred (100') feet and the remainder constructed with materials that reasonably minimize water, sediment or debris carried onto any public road.
 - b. (2) All access roads shall be constructed and maintained to prevent dust and mud to the surrounding area. Operator, at its discretion, is to implement

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reasonable dust abatement measures, during dry weather conditions and under no circumstances shall brine water, sulfur water or water in mixture with any type of hydrocarbon be used for dust abatement.

8. Truck routes.
 - a. The Applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the Well Site on a daily basis. In conjunction with the Township, the Applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.
 - b. The Operator shall also coordinate its truck route with the local school bus schedules, which shall be provided to the Township by the Operator.
9. Signage, site identification. The Well Site signage shall comply with act of February 2, 2012 (P. L. 67, No. 9) (Act 9), codified at 35 Pa.C.S. §7321 (relating to unconventional well 911 emergency response information), as amended.
10. Operating times. All site preparation and preproduction activities on the Well Site, as well as access road maintenance, site reclamation activity and other ongoing ancillary activities shall be permissible Mondays through Saturdays (with the exception of federal and/or state holidays) between the applicable hours of operation as set forth in the Township Code or as otherwise authorized by the Board of Supervisors. The active drilling phase and completions (hydraulic fracturing) are exempt from this subsection.
11. Impoundments. The Operator will provide the following information to the Township where an Operator constructs an impoundment within the Township:
 - a. A copy of the DEP impoundment permit, if applicable, must be provided at the time of application or when available;
 - b. Chain-link fencing must be installed around any impoundment and shall be at least eight feet in height;
 - c. Thirty-day advance written notice must be provided when transitioning from freshwater to re-use water storage and the Applicant must provide a copy of the revised DEP permit when available;
 - d. The Applicant shall provide a copy of the Notice of Termination to the Township upon reclamation of the impoundment;
 - e. Any storage of hazardous waste at the impoundment will require signage in accordance with Federal law; and
 - f. Any DEP-reportable spills must be reported to the Township within 24 hours of the incident.
12. Water Storage. In the event a Certified Water Storage Facility and MLVT shall be placed on the site, it shall be subject to the provisions contained in §603.D. Separate

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conditional use approval shall not be required for a Certified Water Storage Facility located on site and used as an accessory to an Oil and Gas Development.

13. Engine and motor enclosures. All engines and motors not involved in the active drilling/fracturing phase but used to facilitate the movement of gas or regulate the pressure of gas must be enclosed. Must also have remote/local shutdowns.
14. On site Trailers. Operator must identify the number of temporary trailers at the Well Site that accommodate rest and meals for essential personnel during the drilling phase of operations and such temporary trailers are subject to applicable permit fees. Temporary trailers used to store equipment and used as office space at the Well Site are not subject to fees.
15. Pipeline Information. Any oil or gas pipelines and/or temporary water pipelines running from the well site shall be subject to the provisions contained in Section 601 and/or 602 herein.
16. State and federal compliance. The Operator shall comply with all applicable state and federal regulations. The Operator shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits associated with the Well Site.
17. Supplemental regulations. The facility must meet all of the supplemental regulations of the Township Code of Ordinances. Any and all uses categorized as conditional uses, in addition to the specific conditions set forth herein and shall be subject to the general and supplemental standards contained in the applicable zoning district(s); and may be further subject to additional conditions and safeguards as deemed necessary and appropriate by the Township to protect the health, safety and welfare of the Township and its residents.

N. Public Utility Installation/Substations.

Public Utility Installation/Substation shall be further subject to the following:

1. The minimum lot area required for a standalone Public Utility Installation/Substation shall be 20,000 square feet.
2. Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum six (6') feet high fence with locking gate. If the outdoor storage area is located within fifty (50) feet of a property line adjoining property in the Residential or Village Districts, the storage area shall be screened by 100% opaque screening material placed in the fencing or by a six (6') feet high dense, compact evergreen hedge.
3. Any area of the building that is used for business offices shall comply with the applicable parking requirements (of the Township Code). Any area of the building

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that is used for storage of material, vehicles or other equipment shall provide one parking space for each 1,500 square feet of gross floor area devoted that use.

4. The facility must be buffered according to the applicable provisions of the Township zoning code in which the facility is located.

O. Re-Entry Related Operations.

Re-Entry Related Operations, shall be subject to the following:

1. Application In addition to the conditional use application material required in Sections 601 and 602, the Operator shall provide the following:
 - a. Written certification that the Operator is in compliance with the conditions contained in the initial conditional use approval;
 - b. Updated truck routing schedule over Township roads;
 - c. Updated compliance with the Township's Road Maintenance and Bond Agreement for the roads to be utilized;
 - d. Updated drilling and related operations schedule/timeline; and
 - e. Copies of any new or revised permits and approvals required for the Re-Entry Related Operation.
2. Scope. The conditional use hearing will be limited to testimony and exhibits explaining the specific related operations not covered by the initial conditional or permitted use approval.
3. Standards and Criteria.
 - a. Operator may rely on the conditions set forth in the original conditional use approval. The Township may not change or amend the original conditions or ordinance terms concerning setbacks, well site and/or access road location so long as they do not adversely affect the health, welfare and safety of the residents.
 - b. The Applicant shall demonstrate compliance with the criteria applicable to the specific proposed Re-Entry Related Operation (e.g. Truck Staging Area or Certified Water Storage Facility).

P. Residential Uses (Group Homes, Temporary Mobile Homes, Institutional Residence, Hospitals/Clinics, Multiple Family Dwelling).

Residential Uses shall be further subject to the following:

1. Development shall not exceed growth density of four units per acre.
2. Parking and outdoor storage shall be screened from neighboring lots.

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3. Ingress and egress access to the lot shall be limited to one for health, safety, and welfare unless otherwise stated.
4. Mobile Home Park – see § 1006.

Q. Storage Depots and Truck Staging Areas.

Storage Depots and Truck Staging Areas shall be subject to the following:

1. Provide documentation and/or proof of compliance with the applicable provisions of Section 603(M) Oil and Gas Development.
2. Minimum Lot Area. The minimum lot area required for a site shall be two (2) acres. A certified survey of the site area must be provided prior to operations commencing.
3. Setbacks. The following minimum setbacks must be met from the edge of any truck staging area (measured from the edge of the parking pad) unless waived by the owner of the property adjacent to the delineated setback:
 - a. No part of the parking pad may be located within fifty (50') feet of a public road or public right of way;
 - b. At least two hundred (200') feet from an existing building;
 - c. At least one thousand (1,000') feet from a protected structure
4. Surface. The surface of the staging area/storage depot shall be designed in a manner that would reasonably minimize water, sediment or debris carried onto any public road.
5. Application Information. The Applicant shall provide:
 - a. A location map showing the location of the site in the Township and the proposed ingress to and egress from the site.
 - b. The anticipated types of vehicles to be accommodated.
 - c. Applicant/Operator must provide a list of materials to be stored on site to the best of its ability. This list must be provided to the Township's Emergency Responders in the event of an incident on site.
 - d. Copies of any permits or approvals required for the construction or operation of the Storage Depot or Truck Staging Area
6. Site Circulation.
 - a. Ingress, egress and internal traffic circulation shall be designed to ensure safe access by all vehicles.
 - b. Signs must be posted to direct traffic within the Truck Staging Area.
7. Operator must reclaim the site in accordance with State and Federal law.
8. No garbage, hazardous materials or hazardous waste, as defined by Federal statute, or other organic waste shall be stored on the premises.

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9. A Truck Staging Area may be located on a parcel with other uses as long as the parcel provides parking for the other uses in accordance with the Township's Zoning Ordinance, Off-Street Parking and Loading provisions.

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PART 7

SPECIAL EXCEPTIONS

§ 701. Application and approval procedures.

A. Considerations and Safeguards.

1. In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Ordinance. A violation of such conditions and safeguards, when made part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance.
2. Expiration of Approval of Use by Special Exception.
 - a. Approval of a use by special exception shall expire automatically without written notice to the Applicant if an application for a building permit or zoning certificate to undertake the construction for the authorized occupancy described in the application for approval of the use by special exception is not submitted within twelve (12) months of said approval.
 - b. The Zoning Hearing Board, in their sole discretion, may grant an extension of the special exception upon receipt of a written request by the Applicant prior to the expiration date of approval. Only a one (1) time twelve (12) month extension may be granted.
 - c. Expiration of Approval of Use by Special Exception Granted Prior to Effective date of this Ordinance. Approval of a use by special exception granted prior to the effective date of this Ordinance shall expire automatically without written notice to the Applicant if an application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is not received submitted within twelve (12) months of the effective date of this Ordinance or as specified in the approval

§ 702. Specific criteria for special exceptions.

- A. It is the intent of this article to set forth the specific conditions that apply to the grant of a special exception by the Municipal Zoning Hearing Board.
- B. In addition to the minimum conditions contained in the performance standards of each special exception use, the applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:

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1. The Municipal Zoning Hearing Board shall find that the use will not adversely affect the health or safety of residents in the neighborhood or district in which the use is located.
 2. The Municipal Zoning Hearing Board shall find that the use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage or other public improvements.
 3. The Municipal Zoning Hearing Board shall find that the use will not be detrimental to the use or development of, or change the essential character of, the neighborhood or district in which the use is proposed. The Municipal Elected Officials shall consider, at a minimum, the impact of noise, dust, light, odor and adequacy of parking.
 4. The use shall meet all other requirements of this Chapter that may apply.
 5. The minimum lot area shall be one acre when the use relies on an on-lot septic system.
- C. The Municipal Zoning Hearing Board may attach such reasonable conditions to the grant of a special exception to implement the policy, goals and community development objectives.

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PART 8

SIGN REQUIREMENTS

§ 801. Purpose.

The sign regulations, controls and provisions set forth in this Article are made in accordance with an overall plan and program related to residential and non-residential uses. The regulations, controls and provisions are intended to protect public safety, safeguard economic development potential, safeguard development compatibility and the insure the general welfare of Hopewell Township and West Middletown Borough. The regulations, controls and provisions are also intended to: aid in traffic control and traffic safety; establish reasonable standards for non-residential and other advertising through the use of signs in order to maintain and encourage business activity and economic development; avoid uncontrolled proliferation of signs; respect public safety needs and concerns; recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways; preserve the wholesome, attractive character of the Municipality and its generally established rural nature; and to recognize that the general welfare include a community plan that shall be attractive as well as healthy, spacious, clean and well balanced in its growth and development.

§ 802. Sign Application and Sign Permit.

A. Sign Application.

1. All proposed development shall be required to submit a sign application to the Municipality for its approval prior to issuance of any Municipal sign permit. A sign application shall mean a detailed description, including but not limited to type, size, and location of all signs for each lot. The Municipality shall review all sign applications for completeness. Any application determined to be incomplete shall be returned to the applicant with a description of missing and/or incomplete items. This provision shall apply to:
 - a. New construction after the effective date of this Ordinance.
 - b. A change of tenant,
 - c. The proposal of new, or changes to, the material(s), structure, lighting mechanisms of signs of an existing use.

B. Sign Permit.

1. A sign permit shall be required in order to erect, install, relocate, modify or change any sign within the Municipality unless otherwise indicated in this section.

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"Modify," as it is used herein shall mean a cabinet or face replacement because of a change in the nature of the business or a change in the name and ownership of a business; or replacement of supporting structures.

2. No permit shall be required for the following types of signs as described above: Construction Signs erected by a governmental agency, Notification, and Real Estate.
 3. The Zoning Officer shall issue the required permits upon submission of a complete application that complies with all applicable provisions of this Ordinance and payment of the required fee as established from time to time by resolution of the Municipal Elected Officials.
- C. The provisions of this Article shall not apply to:
1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants of premises not having commercial connotations.
 2. A single flag of the United States or Pennsylvania except when displayed in connection with commercial promotion.
 3. Legal notices or identification, information or directional signs erected or required by governmental bodies.
 4. Integral, decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
 5. Signs directing and guiding traffic parking on private property but bearing no advertising matter.

§ 803. General Regulations.

- A. The construction of each sign shall comply with applicable provisions of the Universal Construction Code.
- B. General placement and display of signage.
 1. No sign shall be placed, erected or located so that it:
 - a. Is pasted, stapled or otherwise attached to public utility poles, trees, official traffic control devices or traffic signs within the street right-of-way line.
 - b. Is painted directly upon the wall or any other part of the building except for windows. Letters or other devices prepared elsewhere may be applied directly to a wall or to a display window.
 - c. Is painted on, attached to, or supported by a tree, stone, cliff or other natural objects.

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- d. Is on a public lot or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body.
 - e. Is displayed on a vehicle parked and visible from a public right-of-way unless the vehicle is used for the normal day-to-day operation of a business on the premises or temporarily for overnight storage on the sight of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby lot. The intent of this provision is to prohibit the use of a sign on a vehicle to circumvent sign limits on a lot.
 - f. Obscures the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads by reason of size, location, content, coloring or manner of illumination.
 - g. Obstructs free ingress to or egress from a fire escape, door, window or other required exit way.
 - h. Makes use of words as “Stop,” “Look,” “One Way,” “Danger,” “Yield,” or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic.
 - i. Blocks doors, fire escapes, operable windows or access to them; nor shall a sign be attached to a fire escape.
 - j. Sign font and logos shall only be legible from the front and/or side of any sign.
 - k. No sign shall be permitted to hang from or be placed over a second sign except that signs may be placed on, but not extended beyond, any vertical face of a marquee or canopy. This does not exclude separate placards from being independently attached to the same supporting structure as long as the total area of all combined does not exceed the area limitation.
- C. Signage on a lot within a non-residential zoning district where said lot is immediately adjacent to a residential zoning district shall be no closer than forty feet to a lot line. Any non-residential sign within sixty (60') feet of a residential lot line shall be seventy percent (70%) in scale of the permissible maximum signage sizes outlined in Section 803.H.
- D. Written proof of an agreement between both the lot owner upon which an off-premise sign is to be erected and the business owner of the subject business shall be provided to

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the Municipality upon Municipality request. At a minimum, the agreement shall identify the length of time the sign is permissible to exist on the subject lot and responsibilities for maintenance.

E. Illumination.

1. Illumination shall be directed upon the sign face and not towards adjoining lots or streets so that the source of illumination is not visible. Internal illumination of signs shall be permitted only with accordance of the lighting performance standards established with this ordinance. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding lots. Electronic variable message signs, meaning an electrically or electronically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming shall not be permitted within twenty (20') feet of a road right-of-way.
2. Illuminated Window Signs shall include lit signs placed inside a window facing the exterior of the building.
 - a. Illuminated window signs shall not be placed above the ground floor of the building and/or more than ten (10') feet above grade level of the building.
 - b. Illuminated window signs shall not exceed a size of sixteen (16) square feet. Anything exceeding this size shall be deemed the building sign to which the business is entitled. Any combination of illuminated window signs grouped in an area not to exceed sixteen (16) square feet will be permitted.
3. Signs may be illuminated by direct lighting and shall have such lighting shielded (cutoff) so no direct light shines on an adjacent lot or in the normal line of vision of the public using the streets or sidewalks. Gooseneck fixtures and uplighting shall be permitted methods of direct lighting.
4. Internally illuminated signs shall only occur within non-residential districts of the Township.
5. No animated sign (except time and temperature indicators), no signs illuminated by a flashing, pulsating or intermittent source, no strung pennants or bare bulbs, or no signs lighted in such a manner as to create glare conditions on adjacent properties or any adjacent street shall be permitted.
6. Signs containing an integral lighting source, as well as their structural supports, shall be made of non-combustible materials, meaning those materials which will not ignite or deform at temperatures below one thousand and two hundred (1,200) degrees Fahrenheit.
7. The maximum lumens measured at any one lot line of the lot on which the lumens are generated shall be zero (0).

F. Maintenance and Inspection.

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1. Every permitted sign must be constructed of durable material, kept in good condition and repair and otherwise comply with the Municipal Code. If the durability and/or condition of said sign is not improved within the time period defined by the Zoning Officer, the sign shall be removed by the Municipality at the expense of the owner or person in possession of the lot on which the sign is located. The Zoning Officer will notify the responsible party with a certified letter prior to any removal action being taken by the Township.
2. Any damaged sign shall be repaired within sixty (60) days.
3. Any sign which has been damaged to such extent that it may pose an imminent hazard to passersby, as determined by the Zoning Officer, shall be repaired or removed immediately.
4. Any internally illuminated sign cabinets or sign panels which have been damaged shall remain non-illuminated until repaired.
5. Failure to comply with these sign maintenance requirements shall constitute a violation of the Municipal Zoning Ordinance.

G. Removal of Signs.

1. On-premise signs advertising a use no longer in existence or a product no longer available shall be removed or changed to advertise the new use or product immediately after cessation of the original use. Signs once removed shall be replaced only by signs in conformance with this chapter.
2. Whenever any business, activity or product on a lot is discontinued, vacated or no longer sold, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business or activity.
3. If the landowner and/or developer fails to remove the sign by the end of the thirty-sixth (36th) day from which the permit had been issued, the Municipality shall be permitted to remove the sign at the landowner and/or developer's expense.

H. Sign Size

1. The square footage of the sign shall refer to the graphics area of the sign facing.
2. Size of individually mounted letters or logos shall be measured as the area enclosed by the smallest single rectangle or square which will enclose all sign copy and logos.

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3. Ground signs mounted as individual letters and/or graphics against a wall or fence incorporated in the landscaping of a building shall be measured from the outermost length and height dimensions of the sign.
4. Ground signs installed perpendicular to a street may be double faced with the allowable square footage on each face.
5. Double-faced signs that are erected at an angle to each other will be subject to the following as to whether they are intended as two signs or for all intents and purposes only constitute one sign:
 6. For north/south, east/west orientation on the serving street. If the interior angle formed by the two faces of the double-faced sign is greater than 45° , then both sides of such sign shall be considered in calculating the sign area.
7. Wall signs shall not exceed the width of the front of the building on which it is located and shall not protrude more than 18 inches from the facade on which the sign is mounted.
8. Gasoline service stations shall be allotted 10 additional square feet to display price-per-gallon figures, divided as they select between logo and prices on the one ground sign permitted on the lot.
9. Automobile dealers are permitted one "used car" ground sign not to exceed 12 feet in height and 10 square feet in area; or the 10 additional square feet can be incorporated into the existing sign to advertise used cars, divided as the sign owner selects.
10. Sign copy mounted or painted on an illuminated surface (including awnings) or illuminated architectural element of a building shall be measured as the entire illuminated surface or architectural element which contains sign copy. A nonilluminated sign placed on an awning shall be measured as if it is placed on any other architectural element.

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§ 804. Permissible Sign Types.

		RESIDENTIAL DISTRICT	NON-RESIDENTIAL DISTRICT	
			BO/HDO	ALL OTHERS
1	GROUND	●		●
2	WALL		●	●
3	PROJECTING		●	●
4	AWNING		●	●
5	WINDOW		●	●
6	DOOR		●	●
7	HISTORIC TABLET	●	●	●
8	PLAQUE/CORNERSTONE/NAMEPLATE	●	●	●

● = Permitted sign type by district

Sign Sizing

	SQUARE FOOTAGE	MAXIMUM HEIGHT	CLEARANCE	MAXIMUM QUANTITY STREET LEVEL	MAXIMUM QUANTITY UPPER LEVEL
1	GROUND	1 SF PER 3 LF OF FRONTAGE OR A MAX OF 12 SF, WHICHEVER IS SMALLER	12' MAX; NOT TO EXCEED THE HEIGHT OF THE LOWEST ROOF LINE	ONLY ONE SUCH SIGN SHALL BE PERMITTED ON EACH PROPERTY, WITH THE EXCEPTION OF THOSE ESTABLISHMENTS HAVING WALLS FRONTING ON TWO OR MORE STREETS IN WHICH CASE THE SIGN AREA FOR EACH STREET MAY BE COMPUTED SEPARATELY	NOT APPLICABLE
2	WALL SIGN	2 SF FOR EACH 1 LF OF FRONT BUILDING WALL 1 SF MAX PER LINEAR FOOT OF FRONT BUILDING WALL LENGTH OF THE FRONT BUILDING WALL OR LENGTH OF THAT PORTION OF SUCH WALL DEVOTED TO SUCH ESTABLISHMENT IN NO CASE, HOWEVER, MAY THE TOTAL AREA OF WALL EXCEED 15% OF THE AREA OF THE WALL (INCLUDING WINDOWS AND DOOR AREA) TO WHICH THEY ARE ATTACHED.		1 WALL AND 1 PROJECTING OR 1 WALL AND 1 AWNING PER BUILDING WALL ADJACENT TO A RIGHT-OF-WAY	NOT APPLICABLE
3	PROJECTING	SHALL NOT EXCEED 8 SF PER SIDE	THE SIGN MAY NOT BE LESS THAN 10' ABOVE THE SIDEWALK OR FINISHED GRADE THE SIGN MAY NOT PROJECT FROM THE BUILDING MORE THAN 5' 10' CLEARANCE 4' OR 2/3 WALK/ WIDTH PROJECTION		1 PROJECTING OR 1 AWNING
4	AWNING	18 SF			1 GROUND AND 1 AWNING OR 1 WALL AND 1 AWNING
5	WINDOW	SHALL BE INCLUDED IN THE WALL SIGN COMPUTATION, IF THEIR COMBINED AREA EXCEEDS 50% OF THE AREA OF THE WINDOW WHICH THEY OCCUPY.			2
6	DOOR	6 SF			1
7	HISTORIC TABLET	1.5 SF		1 PER STREET FAÇADE BUILDING DIRECTORY NOT PERMITTED	
8	PLAQUE/ CORNERSTONE/ NAMEPLATE	4 SF		1 PER BUILDING	NOT APPLICABLE
9	ROOF				

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PART 9

PARKING AND LOADING REQUIREMENTS

§ 901. Minimum Parking and Loading Requirements.

A. General Requirements for Parking.

1. Minimum Dimensions.

- a. Each parking space in a parking lot shall be at least nine (9') feet wide and eighteen (18') feet long. Each handicapped parking space shall be thirteen (13') feet wide by eighteen (18') feet long. The dimensions of van accessible spaces shall be provided in accordance with the Americans with Disabilities Act or equivalent provisions.
- b. The minimum dimension, including access lane, across a double loaded parking bay with parking spaces at right angles to the access lane shall be sixty-two (62') feet and for a single loaded bay forty-four (44') feet. Where parking spaces form a forty-five (45) degree angle with the access lane, the dimension across a double loaded bay shall be at least fifty (50) feet and across a single loaded bay thirty-one (31') feet. Where parking spaces form a sixty (60) degree angle with the access lane, the dimension across a double loaded bay shall be at least fifty-six (56') feet and across a single loaded bay thirty-six (36') feet.
- c. A parking bay, for purposes of this Ordinance, shall include the area within a parking lot containing an access lane and the parking spaces to which the lane provides access. A double loaded parking bay denotes parking spaces on both sides of an access lane.

2. Maximum Distances of Parking from Use.

- a. Parking to serve any multiple-family residential building shall be located so that no required space is more than two hundred (200') feet from the building such space is designed to serve.
- b. Parking to serve any non-residential use shall be located so that no required space is more than four hundred (400') feet from the building or use such space is designed to serve.

3. Enlargement or Change of Structure or Use.

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- a. Whenever a structure or use is enlarged or changed, whereby twenty-five percent (25%) or more additional parking area is required to serve such enlargement or change, all parking areas shall be in accordance with this Article.
 - b. Any change from a residential to commercial or industrial use shall comply in full with the requirements of this Article.
4. Where a structure or lot is of mixed uses, the total parking requirements for the various uses shall be added together to determine the total parking required on the lot.
5. On a single-family lot or townhouse lot a garage and the access drive to it may count as required parking areas. Where dwelling units and/or commercial uses share parking and/or garage space, parking designated for one dwelling or commercial use shall not block that designated for other dwellings or commercial uses. No required parking space shall occur wholly or partly in a public right-of-way or be utilized for other than vehicle parking. Driveway entrances shall be located to create maximum sight distances in both directions at the street, and embankments, vegetation or other physical obstructions shall be cut back or removed to enhance the driver's view of the street.
6. Design of Parking Lots.
 - a. All parking areas serving any commercial, industrial, public or semi-public use or any residential development where more than two (2) dwelling units share the same parking area shall be surfaced.
 - b. Parking lot surfaces shall be constructed in accordance with applicable Municipal construction, Subdivision/Land Development and stormwater management standards and approved by the Municipal Engineer.
 - c. Where interconnections between parking lots of two (2) independent developments are provided, a landowner and/or developer may be entitled to one of the following incentives upon Municipal Elected Officials approval:
 1. A ten percent (10%) reduction in required parking lot landscaping.
 2. A five (5') foot decreased side or front yard setback requirement
7. The number of handicap-accessible parking spaces shall be in accordance with the following table unless otherwise defined by the Americans with Disabilities Act or equivalent provisions. The percentage of van accessible spaces shall also be provided in accordance with the Americans with Disabilities Act or equivalent provisions.

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8. Parking in Residential Districts.

- a. Private off-street parking area shall be used exclusively for the parking of non-commercial vehicles and motorcycles owned and used by the occupants of the premises, including residents, tenants, employees and employers.
- b. No more than five (5) unenclosed private off-street parking spaces for boats, vehicles operated for any commercial purpose or any use otherwise not typically associated with a private residence, construction implements, recreational vehicles and/or trailers owned and used by the occupants of the premises, including residents, tenants, employees and employers shall not be permitted on a lot.
- c. No such items as identified above shall be stored outside on a residential lot unless it is in condition for safe and working performance of its intended function. Items shall not be parked in such a manner as to create a dangerous or unsafe condition on the lot where stored or parked, and must be supported to retard tipping or rolling.

B. General Requirements for Off-Street Loading.

1. For retail and service commercial uses and apartment buildings that do not accommodate large trucks (registered maximum gross vehicle weight of 40,000 pounds or more) each loading space shall be at least twelve (12') feet by thirty-five (35') feet in dimension with a clear height of fourteen (14') feet six (6") inches. For all industrial uses, large product commercial uses (car sales, major appliance and furniture, etc.) planned non-residential development, and office buildings that accommodate trucks with a registered maximum gross vehicle weight of 40,000 pounds or more, each loading space shall be at least fourteen (14') feet by sixty (60') feet in dimension with a clear height of fifteen (15') feet. All other uses with loading should provide a ten (10') foot by twenty-five (25') foot loading space with a clear height of eight (8') feet.
2. Maneuvering space shall be provided adjacent to the loading area, if necessary, so that vehicles may change direction and leave as well as enter the loading area moving in a forward direction. Public roads adjacent to a loading area shall not be used for maneuvering. Areas established for off-street parking shall not be utilized for off-street loading or vehicle repair work.
3. Where there are multiple uses within a development, shared loading areas shall be used among as many uses as practical. Loading areas shall be adjacent to the use or building served except that in a group of buildings in the same use on the same lot, one building may be designated to receive and dispatch goods, provided the total applicable floor area in all buildings on the lot is aggregated in determining the total required loading spaces.

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4. Whenever a use is enlarged or changed, the additional loading required to serve such enlargement or change shall be in accordance with the requirements of this Ordinance.
 5. Loading areas and adjacent maneuvering space shall be surfaced with a permanent all-weather material placed over at least 6 (six) inches of well compacted base course, capable of bearing the weight of vehicles ordinarily traveling over or parking upon the surface, and shall be sloped to assure positive drainage to an approved stormwater management facility.
 6. Loading areas may be lighted but such lighting shall not create glare conditions on adjacent residential properties or streets.
 - a. Access to the loading area on any lot shall be via a road or lane at least twelve (12') feet in width for one-way traffic or twenty-two (22') feet wide for two-way use, with a clearance of at least fourteen (14') feet six (6") inches its entire length.
 - b. When a loading area is to occur on a lot that abuts a residential zoning district, the edges of such loading area between the residential zone and the loading area uninterrupted by buildings or screening topography shall be planted in accordance with the Buffer yards defined by this Ordinance. A solid fence or wall at least six and one-half (6 ½') feet in height may be constructed in lieu of hedging as required by the Buffer yard requirements provided such fence or wall is maintained in good condition.
 7. Nothing in this Section shall compel uses existing prior to passage of this Ordinance to comply with these loading requirements except that any additions or intensifications of use upon the same lot shall be provided with loading areas in accordance with these requirements.
- C. Review and Approval of Parking and/or Loading Applications.
1. Any proposal for constructing or expanding a building or changing its use shall be accompanied by a plan to provide off-street parking and/or loading in accordance with this Ordinance, as a condition of receiving approval for a building or occupancy permit.
 2. The Zoning Officer, in addition to satisfying himself that the requirements of this Ordinance are met, shall also determine that safe access to parking and/or loading areas is provided and that advantage is given the pedestrian in the parking area.

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3. The submission shall show on a scaled drawing the layout of the parking and/or loading areas, including each parking and/or loading space, access lanes, stop bars and/or curbs, circulation in truck maneuvering area, lighting, sidewalks, proposed grading at two (2') foot contour intervals, storm inlets, stormwater management facility to existing drainageway or storm sewer, location of buildings on the lot, access from the public highway and section through the pavement and base showing construction and materials.

§ 902. Minimum Parking Requirements.

- A. Minimum off-street parking and other such provisions shall be provided as follows. If the minimums cannot be met, the Applicant may apply for a Conditional Use related to development subject to Township review and determination:
 1. For one- and two-family dwellings, one off-street parking space for each family dwelling unit. As single and two-family dwellings, no vehicle parking shall be allowed in front yard areas or side yard areas except in an improved driveway on the interior side of the front lot line.
 2. For any other type of land use that is residential, one parking space for each family dwelling unit, plus one additional parking space for every two dwelling units.
 3. For non-residential uses in all other districts but the I-1 district, parking shall not exceed 1 parking space per 300 square feet of development or 1 space for each 4 seats within an establishment serving food and/or beverages or 1 seat for each 4 seats within the main congregational space of a place of worship as applicable.
 4. For non-residential uses in the I-1 district, parking shall not exceed 1 parking space per 500 square feet or 1 space per peak hour employee, whichever is greater.

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PART 10

SUPPLEMENTARY REGULATIONS

§ 1001. Context Sensitive Development.

- A. All preexisting and future structures shall follow a reasonable set of principles to maintain historic and architectural values within the Hopewell Township and West Middletown Borough. These principles shall be decided upon by the Township. The purpose of these principles shall be the promotion, preservation, and conservation of such structures. The principles shall entail the following:
 - 1. Parking regulations, facilities, and signage
 - 2. Transparency
 - 3. Appropriate land usage
 - 4. Lot dimensional regulations
 - 5. Minimum structural standards
 - 6. Historic preservation strategies
 - 7. Historic building repairs, etc.
 - 8. Public interest through educational and public relations programs
- B. Effective upon this ordinance: All preexisting and future structures shall adhere to these principles.

§ 1002. Essential Services.

- A. The landowner and/or developer shall demonstrate that co-location/sharing of essential services with existing development/structures is physically infeasible prior to the erection of new essential services.
- B. All essential services shall follow the requirements of the Public Utility Commission and any applicable authority.

§ 1003. Height Regulations.

- A. Where a lot has frontage on two or more streets or other public rights-of-way, the height limitation shall apply only as measured from the curb level along the street or way with the higher elevation above sea level.
 - 1. Chimneys, flues, towers, spires, cupola domes, pole masts, antennas, barns, and silos shall be exempt from height limitations of this Ordinance provided their location is not in the required yard. The exemption provided in this paragraph shall not be applicable to personal wireless or cellular telecommunication facilities as regulated in this Ordinance.

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§ 1004. Performance Standards.

A. Site Considerations.

1. Drainage.
 - a. No stormwater or natural drainage which originates on the property or water generated by the activity, (e.g. air conditioners, swimming pools) shall be diverted across property lines unless transported in an approved or existing drainage system.
2. Electricity.
 - a. Electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line or beyond as the result of the operation of such equipment.
3. Glare.
 - a. No use shall produce a strong dazzling light or a reflection of a strong dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare will not become a nuisance to adjoining properties, adjoining districts, or streets.
4. Radioactivity.
 - a. Any proposed activity in this District shall not emit any dangerous radioactivity at any point of the site.
5. Vibration.
 - a. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
6. Fire and Explosion Hazard.
 - a. All activities shall be carried out in buildings, structures, outdoor storage areas, and improvements which conform to the standards of the National Board of Fire Underwriters.
 - b. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above the ground except in structures according to Commonwealth and Federal specifications.

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- c. All materials or wastes which might cause fumes, constitute a fire hazard, or attract rodents or insects may only be stored if enclosed in buildings or containers which are adequate to eliminate such hazards in accordance with all Commonwealth of Pennsylvania and Federal requirements.
 - d. No materials, fuels, wastes, or flammable substances may be deposited or stored on a lot in such a manner as to allow them to be transferred off the lot by natural causes or forces. No substances, including but not limited to gasoline, oil, waste oil, and chemicals which can contaminate a stream or water source or render such stream or water source unusable or undesirable as a source of water supply or recreation or which will destroy or damage aquatic life shall be stored in such a location so that it could be introduced into the said stream or water source by natural causes or forces, or by rupture or storage containers or accidental discharge.
7. Traffic Control.
- a. All design traffic volumes shall be determined by accepted procedures of the Pennsylvania Department of Transportation. The design hourly volume shall be used as a basis of computation. Geometric design features shall be consistent with the design speeds and capacities of streets serving the site. Minimum stopping, turning, and passing sight distances shall be determined. Grades, alignments, lanes, slopes, clearances, and other street standards shall be consistent with the Municipal Subdivision and Land Development Ordinance. Traffic control devices (signs, signals, pavement markings, etc.) shall be consistent with the Manual on Uniform Traffic Control Devices, American Association of State Highway Officials, in cooperation with the Pennsylvania Department of Transportation. Anticipated traffic generation shall not exceed the design volume of the street or streets serving the site and surrounding area, unless appropriate provisions to upgrade and to construct necessary street provisions consistent with Municipality and the Pennsylvania Department of Transportation Road Specifications.
8. Noise Control.
- a. The sound level of any use within this District shall not exceed, at any point along the boundary of the lot on which the use is to be undertaken, Federal standards or recommended decibel levels in the designated octave bands, except for emergency alarm systems. Sound levels shall be projected in accordance with similar or identical operations or uses and shall be measured with a sound level meter and associated octave band analyzer manufactured according to standards

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prescribed by the American Standards Association. Measurements shall be made using the same measuring system which may now or hereafter be utilized by the United States Government for this purpose.

- b. The following uses or activities shall be exempted from the noise regulations:
 - (i) Noise emanating from construction or maintenance activities between 7:00 a.m. and 7:00 p.m. Monday through Friday
 - (ii) Noise emanating from construction or maintenance activities between 9:00am and 7:00pm on Saturdays with no exemption on Sundays.
 - (iii) Noises caused by safety signals, warning devices and other emergency-related activities or uses.
 - (iv) Noises emanating from public or private recreational uses between 7:00 a.m. and 9:00 p.m. Sunday through Thursday and between 8:00am and 10:00pm Friday and Saturdays
9. Dust, Fumes, Vapor, and Gas Control.
- a. The emission of dust, dirt, flash, fumes, vapors, or gases which cause any damage to human health, animals, vegetation, or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited. No emission of liquid or solid particulate from any chimney or stack or otherwise shall exceed .03 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. Identical processes or facilities may be compared to determine compliance with this subsection. For measurement for the amount of particles discharged as set forth above, measurement procedures shall follow those then employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.
10. Liquid and Solid Wastes.
- a. No operation shall discharge wastes of any kind into a surface water or a groundwater source. All methods of waste disposal shall be approved by the Pennsylvania Department of Environmental Protection. Such evidence of approval shall be provided.

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§ 1005. Storage and Screening.

- A. If topographical or other barriers are not sufficient to assure the privacy of the PRD and abutting lots, the following requirement shall be imposed at all places where there are buildings, structures or parking areas within one hundred (100') feet of the PRD's perimeter lot line.
1. Structures on the perimeter must be set back at least thirty (30') feet from the rear lot line and neighboring to protect their privacy and amenity.
 2. The perimeter of the PRD shall be screened at a minimum by Bufferyards in accordance with §404 of this Ordinance so as to protect the Development. No fences or walls inconsistent with the Municipal Ordinances in effect with regard to such structures shall be permitted.
 3. Bufferyards between different types of dwelling units within the site of the PRD shall be provided at a depth in accordance with those setbacks defined in §604.7 of this Ordinance.

§ 1006. Mobile Home Park.

- A. General site standards. The conditions of the soil, ground, water level, drainage and topography shall not create hazards to the health, safety or property of park occupants or visitors, nor shall the site be exposed to objectionable smoke, noise, odors or other adverse influences.
1. No park or any site which is subject to flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
 2. The ground surface in all parts of every site shall be graded and equipped to drain all surface water in a safe, efficient manner.
 3. Exposed ground surfaces in all parts of every site shall be paved or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- B. General park standards.
1. Minimum site area shall be ten (10) acres.
 2. No part of any mobile home park shall be used for any purpose other than for the location of mobile home park lots, park recreation facilities, open space, service and utility facilities, access drives and parking facilities.
 3. A landscaped buffer of twenty-five (25') feet in width shall be provided along the perimeter of a mobile home park which meets the following specifications:

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- a. Natural woodlands shall be preserved and shall be supplemented with at least 15 evergreen trees or shrubs of at least three (3') feet in height per one hundred (100') feet of perimeter, if they do not naturally exist.
 - b. If not wooded, grass mounds at least 3 feet, but not higher than seven (7') feet, shall be created and planted with shade trees, evergreen trees and shrubs and deciduous shrubs. There shall be at least two (2) shade trees per seventy-five (75') feet of buffer perimeter, five (5) evergreen trees per one hundred (100') feet of buffer perimeter, and at least twenty-five (25) shrubs per one hundred (100') feet of buffer perimeter, fifty percent (50%) of which shall be evergreen. Shade trees shall have a minimum trunk diameter of two and a half (2 ½") inches at breast height, evergreen trees shall be at least 8 feet tall and shrubs shall be at least three (3') feet in height.
4. Park design standards, including public or private street construction, shall be in accordance with Chapter 185, Subdivision and Land Development, except as noted in the following sections.
- C. Park street standards. Park streets may be privately owned in parks where lots are rented or leased, but shall have at least two safe, convenient vehicular access points to a public street. Such entrance way shall be designed to minimize congestion and hazards for park traffic and through traffic on the public street.
- D. Park walkway and sidewalk standards; individual walks. All mobile home stands shall be connected to the sidewalks. Such individual walks shall have a minimum width of four feet and be constructed of concrete.
- E. General parking standards.
1. Off-street parking facilities shall be provided to lessen congestion in the streets.
 2. Each mobile home park lot shall contain off-street parking spaces at the rate of two spaces per mobile home.
 3. Parking spaces shall be laid out and constructed in accordance with the provisions of §225-402 as it pertains to single-family detached dwellings.
- F. Mobile home park lots. Every mobile home park lot shall have access from a street.
1. On land laid out as a mobile home park, the lots shall be not less than sixty (60') feet wide nor less than six thousand (6,000 sq²) square feet in area per mobile home unit, exclusive of streets and other public or common areas.
 2. Each mobile home park shall have a mobile home stand, which provides an adequate foundation for the placement of a mobile home, and for securing the structure from uplift, sliding, rotation, settling or vibration.

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3. Mobile home lots which are to be sold by fee-simple title, as opposed to those rented or leased, shall each have a minimum frontage of sixty (60') feet on a public street.
- G. Mobile home park yard area requirements. The minimum yard area from the lot lines shall be as follows:
1. Principal structure:
 - a. Front: 25 feet.
 - b. Side: 12 feet.
 - c. Rear: 25 feet.
 2. Accessory structure:
 - a. Front: 50 feet.
 - b. Side: 5 feet.
 - c. Rear: 10 feet.
- H. Open space and recreation facilities standards.
1. Not less than twenty percent (20%) of the land area of every mobile home park shall be used to provide common open space and recreation facilities for the residents and guests of the park.
 2. A portion of such open space shall be prepared or improved, and maintained, to provide one or more outdoor play lot and playground facilities or indoor recreation facilities.
 3. Recreation facilities shall be located so as to be accessible to all park residents.
- I. Water supply standards. Mobile home parks shall be served by a public water supply system in accordance with the prevailing standards of Chapter 185, Subdivision and Land Development.
- J. Fire hydrants.
1. Fire hydrants shall be installed in accordance with the prevailing design and construction standards of Chapter 185, Subdivision and Land Development.
 2. All mobile homes, service buildings or other structures in the park shall be located within four hundred (400') feet of a fire hydrant measured along a street.
- K. Sanitary sewage facilities standards.

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1. Mobile home parks shall be served by a public sanitary sewage collection system.
 2. Sewer collection system. Plans and specifications for the system shall be acceptable to the Pennsylvania Department of Environmental Protection, and shall be in accordance with the prevailing design and construction specifications of the applicable Municipal Authority.
- L. Electric power distribution standards.
1. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances, which shall be installed and maintained in accordance with local electric power company specifications regulating such systems.
 2. Individual electrical connections. Each mobile home park lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
- M. Liquefied petroleum gas system standards.
1. Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures when installed shall be maintained in conformity with accepted engineering practices, standards of the supplying or installing company.
 2. System shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 3. Systems shall have at least one accessible means for shutting off gas for each mobile home. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
 4. All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
 5. Containment vessels of no more than sixty (60) gallons gross capacity may be installed on a mobile home stand and shall be securely, but not permanently, fastened to prevent accidental overturning.
 6. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.
- N. Fuel oil supply system standards. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the Municipal Building Code.
- O. Standards for individual mobile homes.

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1. All mobile homes must meet the minimum standards for room sizes in a dwelling unit as cited in the Municipal Code or applicable equivalent standard as adopted.
2. An enclosure of compatible design and material commonly called skirting shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the mobile home.
3. All mobile homes must be provided with a patio of a minimum size of ten (10') feet by ten (10') feet.
4. All mobile homes shall be anchored in the manner prescribed by the manufacturer.
5. Minimum gradient of the mobile home pad shall be one foot above mean grade.

§ 1007. Swimming Pools.

A. Private Outdoor Swimming Pools.

1. A building permit shall be required for the installation or construction of a private outdoor swimming pool on the same lot as the principal residence subject to the following conditions:
 - a. Such pool may be erected in the required rear yard, but not in the required side yard or front yard.
 - b. The water edge of such pool shall not be located nearer than twenty (20') feet to any lot line for an in-ground pool or nearer than fifteen (15') feet for an above-ground pool.
 - c. Any such pool with a depth in excess of two feet shall be completely surrounded by a fence or wall that is not less than four feet in height. All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-locking gate to prevent accidents. However, if said pool is located more than four (4') feet above the ground level, then a fence is not required, provided that all points of access to said pool are adequately protected. The Municipality shall be notified within thirty (30) days of completion of construction so a final inspection can be made.
 - d. Conventional wading pools less than the area and depth requirements of Item 3 above shall be exempt.

§ 1008. Roadside Stands.

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- A. There shall be no sales of fuel and related products, tobacco products, alcoholic beverages except those listed under permitted uses, lottery tickets, vehicles or related products.
- B. Food franchises are prohibited in any roadside stand or farm market operation.
- C. To ensure public safety, roadside stands will be required to have off-street parking with an all weather surface and adequate ingress and egress with an area for turn-around. There shall be one 10 x 20 parking area per 200 sq. ft. of selling and display area, with a minimum of two (2) spaces. Parking spaces are exclusive of driveways and turnarounds.
- D. For the purpose of calculating the required number of parking spaces, production facilities, garden plots, planting beds and outdoor storage area opened to the public are excluded. Pick-your-own operations will require a greater number of off road parking spaces based on expected number of cars per day.

§ 1009. Home-Based Business, No Impact.

- 1. All active and operational *home-based businesses* shall file an application annually with the *Zoning Officer*.
- 2. See §303 Definitions *Home-Based Business, No Impact*.

§ 1010. Cellular Communications Antenna.

- A. Purpose. The purpose of this section is to:
 - 1. Accommodate the need for communications antennas, communications ancillary equipment, and communications towers while regulating their location and use in the Township.
 - 2. Establish procedures for design, siting, construction, installation, maintenance, and removal of communications antennas, communications ancillary equipment, and communications towers in the Township, including facilities located both inside and outside of the public rights-of-way.
 - 3. Minimize adverse visual effects of communications antennas, communications ancillary equipment, and communications towers on the surrounding landscape by methods including, but not limited to, the use of stealth technology, proper placement, and co-location.
 - 4. Avoid potential damage to adjacent properties from structural failure of buildings or towers due to the placement of communications antennas, and provide for any other measures deemed necessary to promote the health, safety, and welfare of the Municipal residents, property owners, visitors, and businesses.
 - 5. Accommodate new wireless technologies, including, but not limited to, distributed antenna systems, data collection units, and similar small cell communications systems that may arise with further technological advances in the communications industry.

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6. Encourage the co-location of communications antennas on existing towers, buildings, and other structures that are structurally capable of supporting the antennas, rather than constructing new communications towers.
 7. Comply with all provisions and requirements of the Pennsylvania Wireless Broadband Collocation Act, as may be amended, and any other applicable State and/or Federal regulations governing communications antennas and supporting structures.
- B. General design requirements for all communications antennas, communications ancillary equipment, and supporting structures, including building-mounted communications antennas, utility-mounted communications antennas, and communications towers.
1. Permit and administrative review requirements.
 - a. The applicant must provide a submittal package to the Municipality including a cover letter, permit application, site plan, and supporting documents indicating the intent to construct a communications antenna, communications ancillary equipment and/or a communications tower, in order to initiate the administrative review process under this section. Within thirty (30) days of receiving the submittal package, the Municipality shall notify the applicant in writing of any additional information required to complete the administrative review.
 - b. A submittal package shall include an application for a zoning permit, and a building permit if applicable, for all newly-constructed or structurally modified communications antennas, communications ancillary equipment, and communications towers. Communications antennas that are to be co-located and/or replaced on an existing structure shall not require additional permit approvals, provided the applicant submits all required information in order for the Municipality to determine compliance during the administrative review.
 - c. All construction documents included in a submittal package shall be signed and sealed by a Pennsylvania-registered Professional Engineer, Architect, and/or Land Surveyor, as appropriate.
 - d. The applicant shall be required to obtain all necessary approvals from PennDOT and public utility companies for installation of a communications antenna on their utility or service structures. Evidence of said approvals shall be submitted to the Municipality prior to the conclusion of the administrative review and/or issuance of a zoning permit for the use.
 - e. Prior to the commencement of the administrative review and/or issuance of building and zoning permits for the construction of a freestanding communications tower, the applicant shall file a Stormwater Management Plan under the requirements of the Municipal Ordinances. In the event the

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construction of the Tower will result in a subdivision or land development beyond any lease or easement agreement, a Subdivision and Land Development Plan meeting the requirements of the Municipal Subdivision and Land Development, shall also be submitted.

- f. Within sixty (60) days of the date of the Municipality's receipt of a submittal package for the co-location of a communications antenna, or for a distributed antenna system, data collection unit, or similar small-cell technology device; or one hundred and fifty (150) days for all other communications antennas, the Municipality shall make a final decision on the administrative review and advise the applicant of the decision in writing. If the administrative review is approved, required permits will be issued as the final determination of the review process. This review period may be extended, if both parties agree to the time extension in writing.
2. All communications antennas and supporting structures shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current and applicable technical, safety, and safety-related codes in effect at the time of such action, including, but not limited to, the Township's Code of Ordinances, the American National Standards Institute (ANSI) Code, the National Electrical Safety Code, and the National Electrical Code, as well as the accepted industry practices of the National Association of Tower Erectors. The applicant shall submit detailed construction and elevation drawings indicating how the communications antenna will be mounted on the tower, as well as documents certifying that the communications antenna and supporting structure are designed to withstand the effects of wind according to the standard designated by ANSI, prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI/EIA-222-G, as amended). Where conflict may occur between the codes, the most stringent requirement shall apply.
 3. All communications antennas, communications ancillary equipment, and supporting structures shall be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel so that the same shall not endanger the life of any person or any property in the Township. The owner of the communications antenna and communications ancillary equipment shall perform a structural analysis of the antenna supporting structure in accordance with ANSI/EIA/TIA-222, as amended, whenever new antennas or equipment are proposed to be added to the supporting structure, and provide a written report of the analysis to the Municipality with the building permit application, or at the time of administrative review if a building permit is not required.
 4. Communications antennas, communications ancillary equipment, and supporting structures shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Evidence of compliance with these standards shall be submitted by the applicant to the Municipality with the permit submittal package.

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5. The owner or operator of a communications antenna shall be licensed by the Federal Communications Commission to operate such an antenna, when such licensure is required in accordance with Federal law.
6. No communications antennas shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services used by persons within the Township.
7. No signs or lights shall be mounted on or be directed at a communications antenna except as may be required by the National Electrical Code; or the Federal Communications Commission, the Federal Aviation Administration, or any other governmental agency which has jurisdiction.
8. Communications antennas shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable Airport Safety Zone Overlay District regulations.
9. Any applicant proposing a communications antenna shall submit any applicable access agreements and/or easement descriptions that are necessary to provide entrance to the supporting structure on which the communications antenna is to be attached to confirm that installation and maintenance of the communications antenna can be accomplished.
10. Any communications antenna or communications ancillary equipment, or portion thereof, that is no longer in use for its approved purpose shall be removed at the facility owner's expense. The owner shall provide the Municipality with a copy of any notice to the Federal Communications Commission of intent to cease operations. If the facility remains unused for a period of six (6) consecutive months, the owner or operator of the antenna and communications ancillary equipment shall, within a maximum of 90 days after the end of the six (6) month period, remove the communications antenna, its support structure, and all accessory uses and equipment. In the case of multiple operations sharing the use of a single communications tower, this provision shall not become effective until all users cease operations.
11. All communications antennas and supporting structures that are located within a Municipal public right-of-way are subject to the Municipality's right to annually fix a fair and reasonable compensation to be paid for use and occupancy of the public right-of-way for the deployment of equipment within the public right-of-way. The owner of each communications tower, and when co-located and/or replaced, each communications antenna, shall pay an annual fee to compensate the Municipality for the costs incurred in connection with the administration of activities described above. The annual street right-of-way management fee for communications towers shall be determined by the Municipality and authorized by resolution of the Municipal Elected Officials, or by other legally binding contract prepared by the owner of the communications antenna where such terms are acceptable to the Municipality.

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12. All new supporting structures for communications antennas shall be designed in all respects to accommodate both the applicant's communications antenna and future co-location of additional comparable antennas, so that the co-location of a future communications antenna will not create a violation of any applicable requirement of this Chapter. This requirement shall not apply if the applicant is proposing to replace an existing structure, such as a utility or light pole, with a new structure that will continue to serve the same purpose.
 13. Stealth design methods may be required for all communications antennas, communications ancillary equipment, and supporting structures, where determined appropriate by the Zoning Officer. Acceptable methods shall include, but not be limited to, visual screening; concealment in existing, proposed, or mock buildings, structures, or facades; or blending the design of the facilities through use of materials and colors of the existing supporting structure or to the visual character of structures or landscape located in close proximity to the proposed facilities. Where it can be demonstrated to the satisfaction of the Zoning Officer that stealth design is technologically or commercially impracticable or infeasible, a communications antenna supporting structure shall be a low gloss light blue, light green, or light gray color unless other colors will blend better with the building's walls and are approved by the Township, or are otherwise required by Federal Communications Commission or Federal Aviation Administration regulations.
 14. Each person that owns or operates a communications antenna, communications tower, communications ancillary equipment, or portion thereof, shall, at their sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by, or connected with any act or omission of the person, their officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the communications antenna, communications tower, or communications ancillary equipment, or portion thereof. Each person that owns or operates a communications antenna, communications tower, communications ancillary equipment, or portion thereof, shall defend any actions or proceedings against the Municipality in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a communications antenna, communications tower, communications ancillary equipment, or portion thereof. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.
- C. Building-mounted communications antennas. Building-mounted communications antennas shall be a permitted use in all zoning districts in accordance with the following:

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1. Building-mounted communications antenna shall not be permitted on single-family detached dwellings.
2. Building-mounted communications antennas and all related components shall be completely concealed or shall provide for stealth design methods that are compatible with the building that the antennas are to be mounted on.
3. Height requirements. Building-mounted communications antennas shall be kept to the minimum height needed to fill the gap in coverage or provide the necessary capacity, as the case may be; however, in no case shall the communications antenna exceed the existing building height by more than fifty (50%) percent. Under no circumstances shall the communications antenna and supporting structure exceed the height of a building that is nonconforming, with respect to the permitted building height of the underlying zoning district, by more than twenty (20') feet.
4. The applicant shall submit evidence from a Pennsylvania-registered professional engineer certifying that the proposed installation of a building-mounted communications antenna, its communications ancillary equipment and supporting structures or other devices, will not exceed the structural capacity of the building when considering ice and snow loads as referenced in the prevailing Municipal Building Code.
5. Communications ancillary equipment.
 - a. Communications ancillary equipment may be building-mounted, provided the equipment is not located on a street-facing wall and will be located at least eight (8') feet off of the ground.
 - b. Ground-mounted communications ancillary equipment may be established as part of the building-mounted communications antenna, provided the following criteria is met:
 - c. The equipment and structures shall comply with the yard area requirements of the underlying zoning district in which the equipment is to be located. Where yard areas have been established for a detached accessory use, the equipment structures shall comply with these requirements so long as the equipment is to be freestanding or attached to another accessory use structure. Where no yard areas have been established for a detached accessory use, or if the equipment structures are attached to a principal use structure, the yard areas shall comply with the underlying zoning district for a principal use.
 - d. A fence shall be required around all components of the communications ancillary equipment and shall be a minimum height of eight (8') feet. The fence shall be consistent with the provisions of this Chapter. Gates shall be locked, except during such times as the communications equipment is manned by operations or maintenance personnel.

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- e. An evergreen screen shall be required to surround the communications ancillary equipment and fence location. The screen shall consist of a row of evergreen trees which shall be planted at a maximum spacing of eight (8') feet, center to center. The evergreen screen shall be a minimum height of four (4') feet at planting and shall be a species that is expected to grow to a minimum height of fifteen (15') feet at maturity. In addition, existing vegetation which would aid in screening at and around the site shall be preserved to the greatest extent possible.
6. Building-mounted communications antenna shall not be located on a building (or structure) that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on an official registry of historic structures maintained by the Municipality, if such list is maintained, or has been otherwise designated by the Municipality to be of historical significance.
- D. Communications towers that are fifty (50') feet or less in height and utility-mounted communications antenna. Communications towers that are less than fifty (50') feet in height and utility-mounted communications antenna shall be permitted in all zoning districts, in accordance with the following regulations:
1. The applicant shall demonstrate compliance with the general design requirements of this Ordinance in addition to the requirements of this section.
 2. Location and setback requirements.
 - a. Communications antenna shall be co-located or mounted on existing utility structures to the greatest extent possible. If co-location or placement on existing structures prevents adequate coverage, new towers shall be permitted in all zoning districts provided they are kept within the public right-of-way and are coordinated to match the materials of existing utility structures adjacent to the tower location. Towers outside of the right-of-way shall comply with subsection d below.
 - b. Utility-mounted communications antennas shall not be permitted on any acorn-style streetlight or streetlights having shades.
 - c. Utility-mounted communications antennas shall be kept to the minimum height needed to function in accordance with industry standards; however, in no case shall any utility-mounted communications antenna exceed a height of 50 feet, as measured from the base of the pole structure to the top of all attached antenna, unless specifically authorized in this section. If the pole structure already exceeds 50 feet in height, the replacement pole shall not increase the height of the existing or former pole structure by more than ten (10') feet.

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- d. Communications towers constructed outside of the street right-of-way shall be located a minimum of one hundred (100') feet from an existing dwelling on an adjacent lot.
3. Communications ancillary equipment shall comply with the following:
 - a. Communications towers and utility-mounted communications antennas shall contain communications ancillary equipment installed in a manner that will not inhibit pedestrian or vehicular movement, or otherwise create safety hazards to, or inconvenience the use of a street right-of-way, or other vehicular or pedestrian access way. All ancillary equipment shall be mounted on the tower or utility pole structure unless the applicant can demonstrate that this is not structurally feasible; in which case, the ancillary equipment may be ground-mounted, but shall not exceed four (4) square feet in area and eighty-four (84") inches in height.
 - b. Ground-mounted communications ancillary equipment that will exceed four (4) square feet in area or eighty-four (84") inches in height shall comply with the following:
 1. Ancillary equipment meeting the requirements of this Section shall only be permitted for communications antennas and towers that are located outside of a street right-of-way.
 2. The equipment and structures shall comply with the yard area requirements of the underlying zoning district in which the equipment is to be located. Where yard areas have been established for a detached accessory use, the equipment structures shall comply with these requirements so long as the equipment is to be freestanding or attached to another accessory use structure. Where no yard areas have been established for a detached accessory use, or if the equipment structures are attached to a principal use structure, the yard areas shall comply with the underlying zoning district for a principal use. A communications tower is to be considered a principal use structure.
 3. A fence shall be required around all components of the communications ancillary equipment and shall be a minimum height of eight (8') feet. The fence shall be consistent with the provisions of this Chapter. Gates shall be locked, except during such times as the communications equipment is manned by operations or maintenance personnel.
 4. An evergreen screen shall be required to surround the communications ancillary equipment and fence location. The screen shall consist of a row of evergreen trees which shall be planted at a

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maximum spacing of eight (8') feet, center to center. The evergreen screen shall be a minimum height of four (4') feet at planting and shall be a species that is expected to grow to a minimum height of fifteen (15') feet at maturity. In addition, existing vegetation which would aid in screening at and around the site shall be preserved to the greatest extent possible.

4. Additional design requirements.
 - a. New communications towers constructed within the street right-of-way shall comply with the requirements of this Ordinance.
 - b. If the communications antenna and ancillary equipment are placed on an existing streetlight, traffic light, or utility pole, the communications antenna and communications ancillary equipment shall be painted, coated, or otherwise treated to match the existing supporting structure.
 - c. All materials of communications towers and utility-mounted communications antennas in the street right-of-way shall be subject to approval by the Township, including review and approval by the Design Advisory Board if the tower or communications antenna is to be located within the boundaries of the Downtown Commercial overlay district. —
- E. Communications towers greater than fifty (50') feet in height. Communications towers greater than 50 feet in height shall be permitted by special exception in all zoning districts.
- F. Co-location and Replacement of existing communications antennas. Communications antennas that are to be located on a tower, building, utility pole or other suitable structure that already contains an existing communications antenna, or the replacement of existing antenna shall be permitted in all zoning districts. All applications for such a facility shall include the following information:
 1. Elevation details shall be submitted to demonstrate the co-located or replacement communications antenna will comply with requirements of this Section.
 2. For communications antenna that are located in the street right-of-way, the co-located and replacement of existing antenna shall not increase the height of the approved supporting structure by more than ten (10%) percent, or by ten (10') feet, whichever is greater. For communications antenna located outside of the street right-of-way, the co-located and replacement of existing antenna shall not increase the height of the approved supporting structure by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20') feet, whichever is greater.

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3. For communications towers, other than towers in the street right-of-way, no co-located or replacement antenna shall protrude from the face of the tower by more than twenty (20') feet, or more than the width of the tower structure at the level of the proposed co-located or replacement antenna, whichever is greater. Co-located and replacement antennas installed on all other approved supporting structures shall not protrude from the face of the structure by more than six (6') feet.
4. Any further increase in the height of an approved support structure which has already been extended by more than ten (10%) percent of its originally approved height or by the height of one additional antenna array in accordance with the provisions of this Section, shall not occur unless approved by grant of a special exception from the Municipal Zoning Hearing Board. The applicant shall demonstrate the height increase will not negatively impact public safety with regard to the structural capacity of the supporting structure, that the additional antenna is necessary in order to fill a gap in coverage or provide the necessary capacity, as the case may be, and/or the increased height is necessary in order to prevent interference from other antenna located on the structure.
5. The permitted height increase for a co-located or replacement antenna that will be separated horizontally from other antennas, shall be measured from the actual building or structure height, not from the height of any existing communications antennas.
6. The applicant shall submit detailed construction drawings indicating how the communications antenna will be mounted on the supporting structure, or portion thereof, as well as documents certifying that the communications antenna is designed to comply with wind and structural loading requirements of applicable technical, safety, and safety-related codes, including, but not limited to, the Municipal Code of Ordinances, the American National Standards Institute (ANSI) Code, as amended, the National Electric Safety Code, as amended, and the National Electrical Code, as amended. Where conflict may occur between the codes, the most stringent requirement shall apply.
7. A site plan shall be submitted to show property and lease lines, existing and proposed access drives, communications ancillary equipment location, or other site changes required to operate the co-located or replacement communications antenna. Any increase in dimensions to the communications antenna site area shall meet all setback and design requirements and the requirements of the Township's Stormwater Management ordinance, as applicable to the project.

§ 1011. Buffer yards

- A. Buffer yards.

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1. The buffer yard shall be measured from the District Boundary Line or a property line or right-of-way line, if not co-existent with the District Boundary Line.
 - a. A minimum buffer yard of twenty (20') feet in width shall be provided along any common property line between a non-residential use and a residential use or district.
 - b. The buffer yard shall be maintained and kept clean of debris, rubbish, weeds, and other unsightly features.
 - c. No building, structure, or physical improvement shall be permitted in the buffer yard except:
 1. An access drive;
 2. A stormwater facility;
 3. Off-street parking; and,
 4. A permitted sign.
 - d. No less than the exterior half of the buffer yard shall be planted and maintained with grass or ground cover, massed evergreens, and deciduous trees and shrubs of such species and size as will produce, within two growing seasons, a screen at least five feet in height and of such density as will obscure, throughout the full course of the year, all of the glare of automobile headlights emitted from the premises.
 1. Massed evergreens used in screen planting shall be at least four feet in height when planted and produce a complete visual screen year round.
 2. The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one year.
 3. The screen planting shall be so placed so that at maturity it will be no closer than three feet from any street or property line.
 4. A clear-sight triangle shall be maintained at all street intersections and at all points where private access ways intersect public streets.
 5. The screen planting shall be broken only at points of vehicular and pedestrian ingress and egress.

§ 1012. Oil and Gas Activity.

A. Re-Entry Drilling.

1. Notice. The Operator shall provide the following notice of Re-Entry Drilling at least thirty (30) days prior to initiating operations at the well site:

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- a. Written certification that the Operator is in compliance with the conditions contained in the initial conditional use approval;
 - b. Updated truck routing schedule over Township roads;
 - c. Updated compliance with the Township's Road Maintenance and Bond Agreement for the roads to be utilized;
 - d. Updated drilling and related operations schedule/timeline; and
 - e. Copies of any new or revised permits and approvals required for the Re-Entry Drilling.
 - f. Confirmation that Operator is not in breach of current Conditional Use approval
2. Approval. The required information will be reviewed by the Township Engineer and if said Re-Entry Notice is complete the Re-Entry Drilling will be approved in writing without the requirement of a supplemental hearing. The approval shall be a continuance of any previous approval granted for Oil and Gas Development on the subject property.
 3. Supplemental Hearing. A supplemental hearing will be required if the Re-Entry Drilling includes a material change or includes additional operations not covered for and/or permitted in the initial approval.
 4. Scope. If required, the conditional use hearing will be limited to testimony and exhibits explaining the specific operations not covered by the initial conditional or permitted use approval.
 5. Standards and Criteria. Operator may rely on the conditions set forth in the original conditional use approval. The Township may not change or amend the original conditions or ordinance terms concerning setbacks, well site and/or access road location so long as they do not adversely affect the health, welfare and safety of the residents.

B. Traffic Control Site.

1. Notice. The Operator shall provide the following notice of a Traffic Control Site at least 14 days prior to initiating the use:
 - a. Updated truck routing schedule over Township roads;
 - b. Updated compliance with the Township's Road Maintenance and Bond Agreement for the roads to be utilized;
 - c. A location map showing the location of the site in the Township and the proposed ingress to and egress from the site;
 - d. The anticipated types of vehicles to be accommodated;
 - e. The relevant drilling and related operations schedule/timeline, if available; and
 - f. Proof of the property owner's consent to the use.

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2. Approval. The required information will be reviewed by the Township Engineer and if said Traffic Control Site Notice is complete the Traffic Control Site will be approved in writing.

C. Oil and Gas Pipelines.

1. Notice: A company desiring to construct oil and gas pipelines that are regulated by State or Federal agencies are allowed to do so as a permitted use in the Township, subject to submitting to the Township copies showing evidence that it has obtained and maintains in good standing all required state and/or federal permits, including proof of bonding to operate pipelines, when such bonding is required. In addition to the required permitting documents, Applicant must also submit:
 - a. The origin point and destination of the pipeline to be constructed in the Township including timeframe for activities;
 - b. A description of the substance to be transported through the pipeline and a copy of the material safety data sheet (MSDS); and
 - c. Any site reclamation plans and timeframe
 - d. Location of any pressure relief devices
 - e. GIS Drawings
 - f. Statement concerning method of operation

§ 1013. Communication Towers.

- A. The Applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.
- B. The Applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon complies with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- C. Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- D. Any Applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, structure, or Communications Tower. A good faith effort shall require that all owners of potentially suitable structures within a

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one quarter (1/4) mile radius of the proposed Communications Tower site be contacted and the one (1) or more of the following reasons for not selecting such structure apply:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
3. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its extended function.
4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation
5. A commercially reasonable agreement could not be reached with the owners of the structure.

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PART 11

NONCONFORMITIES

§ 1101. General Provisions.

- A. The general provisions of this shall apply to buildings, structures, signs, lands and uses which would not be permitted as the result of the application of this Ordinance to their location or use in the Township, or as a result of the reclassification of the lot containing them, or of the adoption of other amendments to this Ordinance after the initial passage. This is concerned with properties of inadequate area and/or frontage, uses of land and/or structures for activities not permitted in the zoning districts where such land and/or structures are located, and structures placed on a lot too close to lot boundary lines for compliance with standards of the zoning district in which they are located.

§ 1102. Nonconforming Lots of Record.

- A. Existing Lots of Record. Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its dimensions are less than the minimum requirements of this ordinance, except as set forth hereafter. Where two or more adjacent lots of record with less than the required area and width are held by one owner on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Zoning Hearing Board which may require re-platting to fewer lots which would comply with the minimum requirements of this Ordinance.
- B. No provision of this Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a non-conforming lot of record. The Zoning Officer may grant a reduction in the requirement for side yards and rear yards for lots of record which lack required lot width or depth.

§ 1103. Nonconforming Uses of Land and Structures.

- A. Where at the effective date of adoption or amendment of this Ordinance, lawful use of land, or land and the structure or structures on it, exists and is made no longer permissible under the requirements of this Ordinance, as adopted or amended, such use may be continued indefinitely, so long as it remains otherwise lawful, provided the following conditions are applied.
- B. No such non-conforming use of land shall be extended by acquisition of additional land to occupy a greater land area than was occupied at the effective date of adoption or amendment of this Ordinance. Such land area shall contain the non-conforming use and the area of expansion and shall be already owned by the operator of the non-conforming use at the time of adoption of the ordinance creating the nonconformity, and recorded as a separate lot.

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- C. No structure containing a non-conforming use but capable of being enlarged without violating setback or height requirements in the zoning district where it is located may be increased in volume more than fifty (50%) percent over the volume of such structure at the time of adoption of this Ordinance or subsequent amendments that made the use non-conforming. A non-conforming use which occupies part of a structure may be extended throughout the structure it occupied at the time of adoption of this Ordinance or subsequent amendment that made the use non-conforming, but the expansion under such circumstances may not be extended to occupy land outside the original structure.
- D. If any such non-conforming use of land or use of land and structures in combination ceases or is abandoned for any reason including destruction of buildings, for a period of at least one (1) year, any subsequent use of such land, or land and structures in combination, shall conform to the regulations for the zoning district where such land is located, except that where a hardship to the operator of the non-conforming use clearly exists as a result of financial, health or other calamity, the Zoning Hearing Board may grant an extension of the one (1) year limit consistent with the hardship, but not more than one additional year.
- E. As a result of adoption of this Ordinance no illegal use of land which was initiated under the previous zoning ordinance, as amended, shall become non-conforming but instead shall be subject to remedy under the provisions of this Ordinance regarding violations.
- F. The non-conforming use of a structure or a lot may be changed only to a conforming use unless:
1. The applicant demonstrates a hardship in converting the use to a conforming use; or
 2. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing non-conforming use. However, this requirement shall not preclude an owner from selling a non-conforming use to a succeeding owner to operate as it was operated prior to the sale. Each succeeding owner of a non-conforming use shall secure a zoning certificate of compliance from the Zoning Officer who may ask the Zoning Hearing Board for a decision if he has reason to doubt that the non-conforming use will be continued in the same manner as formerly.
- G. The non-conforming use of a structure and/or land, or combination of structure and land may be superseded by a use permitted in the zoning district where the lot is located and the use of the premises shall thereafter conform to the regulations of the zoning district.
- H. Where a non-conforming use of structure and premises exists in combination, the removal of the structure and/or use in the structure shall terminate the non-conforming use of the premises.

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- I. The maintaining or strengthening to a safe condition of any non-conforming structure shall not be interpreted as being denied by any portion of this Article.
- J. Where a structure exists on a lot at the effective date of this Ordinance or any amendment to it and does not conform to the requirements regarding height or minimum setbacks from adjacent streets or lot lines, such structure may remain indefinitely subject to the following provisions.

- K. Any replacement of a non-conforming structure shall be made in compliance with the regulations governing development for the zoning district in which the lot is located, except that if a hardship is alleged by the owner, he may request a special exception of the Zoning Hearing Board which may approve replacement on the same foundation that supported the structure to be replaced, but in no case a location that was less conforming than the original location.

- L. If a non-conforming structure is moved, it shall thereafter conform to requirements of this Ordinance regarding location on the lot.

§ 1104. Record of Nonconforming Uses.

- A. The Zoning Officer shall keep the data current by the addition of non-conforming uses as amendments to this Ordinance are adopted and by the deletion of non-conforming uses as they are eliminated.

- B. The record may be kept by map or written documentation.

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PART 12

ADMINISTRATION AND ENFORCEMENT

§ 1201. Appointment and Powers of Zoning Officer.

- A. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Hopewell Township and West Middletown Borough, shall be appointed.
- B. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
- C. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.
- D. The Zoning Officer shall also be the Floodplain Administrator and shall administer and enforce those portions of the Municipal Code.
- E. The Zoning Officer shall be authorized to institute civil enforcement proceedings as a means of enforcement.

§ 1202. Enforcement.

- A. It shall be the duty of the Zoning Officer to enforce the provisions of this Chapter and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for zoning permits, building permits, and land use, and upon determination that all proposed activities are in accordance with the requirements of this Chapter and all other relevant ordinances, shall authorize issuance of zoning permits, building permits, and/or certificates of use and occupancy, as the situation may warrant.

§ 1203. Conflicting Regulations and Interpretation of Provisions.

- A. In the interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the protection of the public health, safety, morals or general welfare. Wherever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, including other portions of this Chapter, the most restrictive or that imposing the higher standards shall govern.
- B. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language adopted by the Municipal Elected Officials, in favor of the property owner and against any implied extension of the restriction.

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§ 1204. Enforcement Notice.

- A. If it appears to the Municipality that a violation of this Chapter has occurred, the Municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall be in writing and shall state at least the following:
 1. The name of the owner of record and any other person against whom the Municipality intends to take action.
 2. The location of the property in violation.
 3. The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter, and an outline of remedial action which, if taken, will affect compliance with the provisions of this Chapter.
 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 5. That the recipient of the notice has the right to appeal to the Municipal Zoning Hearing Board.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Municipal Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Municipality shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Municipality if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

§ 1205. Causes of Action.

- A. In case any building, structure, landscaping or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Municipal Elected Officials or, with the approval of the Municipal Elected Officials, an officer of the Municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the

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alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Municipal Elected Officials. No such action may be maintained until such notice has been given.

§ 1206. Violations and Penalties.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The Washington County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Chapter shall be construed or interpreted to grant to any person or entity other than the Municipality the right to commence any action for enforcement pursuant to this Chapter.
- D. District Justices shall have initial jurisdiction over proceedings brought under this Chapter.

§ 1207. Appeals and Applications to Municipality Zoning Hearing Board.

- A. Appeals and applications to the Municipality Zoning Hearing Board from the terms of this Chapter shall be filed with the Zoning Officer and shall contain:
 - 1. The name and address of the applicant.
 - 2. The name and address of the owner of the real estate involved in the appeal.
 - 3. A brief description and location of the real estate involved in the appeal.

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4. A statement of the present zoning classification of the involved real estate and a description of the improvements thereon and the present use thereof.
5. Reference to the section of this Chapter under which the appeal or application is filed; or, reference to the section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
6. An accurate description of the present and/or proposed use intended to be made, indicating the size and use of such proposed use. In addition, there shall be attached a plot plan of the involved real estate as required to accompany applications for permits.
7. An application fee, in an amount as established from time to time by resolution of the Municipal Elected Officials, which is payable to the Hopewell Township and West Middletown Borough.

§ 1207.1. Membership; Terms; Vacancies.

- A. The membership of the Municipal Zoning Hearing Board shall consist of five residents of the Hopewell Township and West Middletown Borough appointed by the Municipal Elected Officials by resolution. Their terms of office shall be five years and shall be so fixed that the term of office of no more than one member shall expire each year. The Municipal Zoning Hearing Board shall promptly notify the Municipal Elected Officials of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Municipal Zoning Hearing Board shall hold no other office in the Township.

§ 1207.2. Removal of Members.

- A. Any Municipal Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by majority vote of the Municipal Elected Officials, taken after the member has received 15 days advanced notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§ 1207.3. Organization.

- A. The Municipal Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Municipal Zoning Hearing Board, but the Municipal Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Municipal Zoning Hearing Board as provided in §1201 of this article.
- B. The Municipal Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with the ordinances of the Township and laws of the

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Commonwealth. The Municipal Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Municipal Elected Officials as requested by the Municipal Elected Officials.

§ 1207.4. Expenditures for Services.

- A. Within the limits of funds appropriated by the Municipal Elected Officials, the Municipal Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Municipal Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by resolution of the Municipal Elected Officials, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Municipal Elected Officials.

§ 1207.5. Conduct of Hearings.

- A. The Municipal Zoning Hearing Board shall conduct hearings and make decisions in accordance with PA Municipalities Planning Code Section 908. Hearings.

§ 1207.6. Jurisdiction.

- A. The Municipal Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - 1. Substantive challenges to the validity of any land use ordinance, except those brought before the Municipal Elected Officials pursuant to §§ 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10609.1 and 10916.1(a)(2).
 - 2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.
 - 3. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - 4. Appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 - 5. Applications for variances from the provisions of this Chapter.
 - 6. Applications for special exceptions from the provisions of this Chapter.

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7. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Chapter.
8. Appeals from the Zoning Officer's determination under § 916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10916.2.
9. Appeals from the determination of the Zoning Officer or the Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving development controlled by Stormwater Management; Chapter 195, Subdivision and Land Development; or planned residential development.

§ 1207.7. Applicability of Judicial Remedies.

- A. Nothing contained in this article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rule of Civil Procedure No. 1091, relating to action in mandamus.

§ 1207.8. Variances.

- A. The Municipal Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Municipal Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Municipal Zoning Hearing Board may grant a variance; provided, that all of the following findings are made where relevant in a given case:
 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
 2. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 3. That such unnecessary hardship has not been created by the appellant.
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or

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permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Municipal Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., and this Chapter.
- C. Unless specifically authorized by the Municipal Zoning Hearing Board, the grant of a variance shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within one year from the date of grant of variance, unless the Municipal Zoning Hearing Board, in its decision, permits a greater period of time.

§ 1207.9. Special Exceptions.

- A. Where the Municipal Elected Officials in this Chapter has stated special exceptions to be granted or denied by the Municipal Zoning Hearing Board pursuant to express standards and criteria, the Municipal Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Township Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., as it may deem necessary to implement the purposes of this Chapter.
- B. Unless specifically authorized by the Municipal Zoning Hearing Board, the grant of a special exception shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within one year from the date of the grant of the special exception however, if the grant of a special exception requires the processing of a subdivision or land development plan, then the grant of the special exception shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within two years from the date of the grant of the special exception , unless the Municipal Zoning Hearing Board, in its decision, grants a special exception to permit a greater period of time.

§ 1207.10. Parties Appellant before Board.

- A. Appeals under §1207 may be filed with the Municipal Zoning Hearing Board in writing by the landowner affected, and any officer or agency of the Township or any person aggrieved. Requests for variances pursuant to §1207.8 and special exceptions pursuant to §1207.9 may be filed with the Township Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

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§ 1207.11. Time Limitations.

- A. No person shall be allowed to file any proceeding with the Municipal Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative planned residential development plan or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map pursuant to § 916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10916.2, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

§ 1207.12. Stay of Proceedings.

See PA Municipalities Planning Code Section 915.1.

§ 1208. Requests for Reasonable Accommodations.

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit an application for a special exception to the Zoning Hearing Board. The Zoning Hearing Board shall require the information outlined in §1207, Application and approval of procedures.
- B. The Zoning Hearing Board may hold any meeting(s) and/or hearing(s) necessary in its discretion to elicit information or argument pertinent to the request for accommodation.
- C. The Zoning Hearing Board's decision shall be in writing.
- D. The Zoning Hearing Board shall issue its written decision to the Applicant and the Board of Commissioners within thirty (30) days of filing of the request for accommodation or at the next regularly scheduled Zoning Hearing Board meeting, whichever is the later of the two.
- E. A request for reasonable accommodation should be directed to the Zoning Hearing Board. In considering a request for reasonable accommodation, the Zoning Hearing Board shall, with the advice of the appointed legal counsel, apply the following criteria:
 - 1. Whether the Applicant is handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.

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2. The degree to which the accommodation sought is related to the handicap or disability of the Applicant.
3. A description of hardship, if any, that the Applicant will incur absent provisions of the reasonable accommodation requested.
4. The extent to which the requested accommodation is necessary to afford the Applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
5. The extent to which the proposed accommodation may impact other landowners in the immediate vicinity.
6. The extent to which the requested accommodation would impose financial and administrative burdens upon Hopewell Township and West Middletown Borough.
7. The extent to which the requested accommodation would impose an undue hardship upon the Hopewell Township and West Middletown Borough.
8. The extent to which the accommodation would require a fundamental alteration in the nature of the Hopewell Township and West Middletown Borough's regulatory policies, objectives and regulations.
9. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or non-disabled persons.
10. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when they are no longer needed to provide handicapped or disabled persons equal opportunity to use and enjoy the dwelling in question.
11. The extent to which the requested accommodation will increase the value of the lot during and after its occupancy by Applicant.

HOPEWELL TOWNSHIP & W. MIDDLETOWN BOROUGH ZONING ORDINANCE

ENACTED AND ORDAINED this _____ day of _____, 2018.

ATTEST:

BOARD OF SUPERVISORS
HOPEWELL TOWNSHIP

Secretary

Chairman

Supervisor

Supervisor

HOPEWELL TOWNSHIP & W. MIDDLETOWN BOROUGH ZONING ORDINANCE

ENACTED AND ORDAINED this _____ day of _____, 2018.

ATTEST:

**BOROUGH COUNCIL OF WEST
MIDDLETOWN**

Secretary

Chairman
