



# **WATERFORD TOWNSHIP ZONING ORDINANCE 1990**

**Amendments:**

03/07/2018	2018-01	Temporary Holding/Retaining Tanks
01/20/2016	2016-02	Definitions - Dwelling
11/05/2014	2014-02	M1 & M1A District Amendments; Signs; Billboards; Lot Definition
08/06/2014	2014-01	Official Zoning Map Change
02/05/2014	2014-00	National Flood Plain Management Ordinance
11/05/2008	2008-01	Table A-2 Changes
07/21/2004	2004-07	Regulating Occupancy of Structures
03/07/2001	2001-01	Bottle Clubs
04/19/2000	2000-04	Flag Lots
08/06/1997	1997-02	Home Occupations

5/15/2019 Update includes all amendments through 2018

Adams, Graney and Associates  
New Wilmington, Pennsylvania

Originally Adopted December 19, 1990

**ZONING ORDINANCE**  
for

**WATERFORD TOWNSHIP**

**Effective January 1, 1991**

**By**

**ADAMS, GRANEY AND ASSOCIATES**

**CHAPTER 27**  
**ZONING**

**Part 1**  
**Basic Provisions**

S.101. Title ..... 1  
S.102. Community Development Objectives..... 1  
S.103. Zoning Map ..... 1  
S.104. Compliance ..... 1

**Part 2**  
**District Regulations**

S.201. Zoning Districts ..... 2  
S.202. District Boundaries..... 2  
S.203. Permitted Uses ..... 2  
S.204. Conditional Uses ..... 2  
S.205. Lot and Yard Requirements ..... 2  
    Table 201 Uses, Conditional Uses, Lot Regulations..... 4&5

**Part 3**  
**General Regulations**

S.301. Non-conforming Uses ..... 6  
S.302. Accessory Uses..... 6  
S.303. Employee Quarters ..... 7  
S.304. Rooming Houses ..... 7  
S.305. Temporary Structures ..... 7  
S.306. Signs ..... 7  
S.307. Off-Street Parking ..... 9  
S.308. Off-Street Loading..... 9

S.309. Height Regulations.....	9
S.310. Floor Area Requirements.....	10
S.311. Floodplains.....	10

**Part 4**  
**Conditional Uses**

S.401. General .....	11
S.402. Application .....	11
S.403. Review.....	11
S.404. Criteria for Approval .....	11
S.405. Performance Standards .....	12
S.406. Mobile Home Parks.....	13
S.407. Home Occupations .....	13
S.408. Drive-In Theaters .....	13
S.409. Sanitary Landfills .....	13
S.410. Mineral Excavations.....	14
S.411. Junkyards .....	15
S.412. Injection Wells .....	15
S.413. Schools, Churches and Nursing Homes .....	17
S.414. Cemeteries.....	17
S.415. Two-Family Dwellings .....	18
S.416. Clinics and Hospitals. ....	18
S.417. Public Utility Structures .....	18
S.418. Airports .....	18
S.419. Funeral Homes.....	19
S.420. Multiple Dwellings .....	19
S.421. Shopping Centers.....	19
S.422. Wholesale Business .....	20
S.423. Heavy Manufacturing .....	20
S.424. Service Station .....	20

S.425. Industrial Park .....	21
S.426. Commercial Recreation .....	21
S.427. Special Outdoor Recreation.....	21
S.428. Off-Site Signs (billboards).....	21
S.429. Mini-Storage Buildings.....	22

**Part 5**

**Administration and Enforcement**

S.501. Zoning Officer .....	23
S.502. Building Permits and Zoning Permits.....	23
S.503. Enforcement .....	24
S.504. Amendments .....	25
S.505. Zoning Hearing Board .....	26
S.506. ....	26
S.507. Appeal to the Zoning Hearing Board .....	27
S.508. Variances.....	28
S.509. ....	29

**Part 6**

**Definitions**

S.601. General .....	30
----------------------	----

**Part 7**

**Floodplain Management**

S.701. General Provisions .....	36
S.702. Establishment of Zoning Districts .....	36
S.703. District Provisions .....	38
S.704. General Technical Provisions .....	40
S.705. Special Provisions for Certain Kinds of Development Within Floodplain Districts .....	42

S.706. Existing Structures .....	44
S.707. Special Exceptions: Additional Factors to be considered .....	44
S.708. Variance Within Floodplain District .....	45
S.709. Administration .....	47
S.710. Supplementary Definitions .....	49
Referenced Ordinances .....	After Supplemental Definitions

Part 1

Basic Provisions

S.101. Title. This Ordinance may be cited as "Waterford Township Zoning Ordinance." (Ord. 11/23/1971, Art. I, S.101)

S.102. Community Development Objectives. The community development objectives, which are the basis for the provisions of this Chapter, are set forth in the Comprehensive Plan and listed below. (Ord. 11/23/1971, Art. 1, S.104)

1. The living and working areas of the region should be clearly separated from one another.

2. The overcrowding of population with reference to the facilities that are necessary to support that population is to be completely avoided.

3. The future growth of the Waterford area should provide each family with a sense of belonging to the community.

4. The center of Waterford should serve as a focal point for commercial and service enterprise for the area.

5. The natural assets of the area adjacent to and surrounding the Union City Reservoir should be protected for the enjoyment of the people. Conservation should be practiced in all corners of the Waterford area to preserve the wonders of nature, the purity of water, the utility of land, and the value of trees and foliage.

6. Waterford Township has a long tradition of farming and fully respects and embraces the spirit and intent of Act 133 of 1982, the Right to Farm Act. As such, it is the clear intent of this Chapter not to unreasonably restrict the legitimate operation of existing or future farms.

S.103. Zoning Map. A map entitled "Waterford Township Zoning Map" is hereby adopted as a part of this Chapter. The Zoning Map shall be kept on file for examination in the office of the Township Secretary in the Municipal Building. (Ord. 11/23/1971, Art. 1, S.105)

S.104. Compliance. No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of the Chapter and after the lawful issuance of all permits and certificates required by the Chapter. (Ord. 11/23/1971, Art. 1, S.106)

Part 2

District Regulations

S.201. Zoning Districts. The Municipality is divided into the districts as stated on Table 201 and as shown by the district boundaries on the Zoning Map. (Ord. 11/23/1971) . Art. 2, S.201)

S.202. District Boundaries. District boundaries that are shown on the lines of roads, streams, and transportation rights-of- way shall be deemed to follow the center lines. The vacation of roads shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Chapter. (Ord. 11/23/1971), Art. 2, S.202)

S.203 Permitted Uses. The permitted uses for each district are shown on Table 2 01. Uses which are not permitted are prohibited. (Ord. 11/23/1971). Art. 2, S.203; as amended by Ord. 111887, 11/18/87)

S.204. Conditional Uses. The Governing Body may authorize conditional uses as specified in Table 201 pursuant to the express standards and conditions as set forth by the Chapter. (ord. 11/23/1971). Art. 2, S.204)

S.205. Lot and Yard Requirements. The minimum lot area, Minimum Mean Lot Width and Frontage, minimum depth of front yard, minimum width of each side yard, minimum depth of each rear yard, and maximum building coverage for each district shall be shown on Table 201.

1. Lots which abut on more than one (1) street shall provide the required front yards along every street.

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

3. Any lot of record existing at the effective date of this Chapter when originally effective on November 23, 1971 and then 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 area and width are less than the minimum requirements of this Chapter.

4. Where septic tanks or on-lot sewage treatment occurs, the minimum lot size shall not be less than required by percolation tests, and in no case shall it be less than one-half (1/2) acre.



5. Nonresidential structures or uses shall not be located or conducted closer to any lot line of any other lot in any R-1 or R-2 District than the distance specified in the following schedule:

Minimum Side or Rear Yard Abutting any Lot in any "R" District	USE
20 Feet	Off-street parking spaces and access drives for nonresidential uses.
40 Feet	Churches, schools and public or semi-public structures.
70 Feet	Recreation facilities, entertainment facilities, motels, all business uses and industrial uses.

(Ord. 11/23/1971, Art. 2, S.207)

TABLE 201 \*2

A-1 CONSERVATION	A-2 AGRICULTURAL	R-1 RESIDENTIAL	R-2 RESIDENTIAL	8-1 BUSINESS	M-1 INDUSTRIAL	M-1A LIGHT * INDUSTRIAL
PERMITTED Agriculture USES + <sup>A</sup> Open Land Recreation Parks Essential Services Accessory Uses	Agriculture Open Land Recreation Parks, Schools, Churches Single-Family Dwellings Gemeteries <sup>3</sup> Essential Services Accessory Uses	Single-Family Dwellings Parks, Schools, Churches Agriculture Essential Services Accessory Uses	Single-Family Dwellings Two-Family Dwellings Multiple-Family Dwellings Parks, Schools, Churches Essential Services Accessory Uses	Retail Stores Service Shops Eating & Drinking Places Theaters, Bowling Alleys Offices Banks Auto Sales & Repair Service Station Motels Commercial Recreation Commercial Schools Hospitals & Clinics Schools, Churches Agriculture Public Utility Structures Clubs Garage Repair Essential Services Accessory Uses Family Dwellings Mini-Storage Buildings	Light Manufacturing Research Laboratories Offices Warehousing Supply Yards Truck Terminal Agriculture Public Utility Structures Open Land Recreation Garage Repair Essential Services Services Accessory Uses Mini-Storage Buildings	Light Manufacturing Research Warehousing Supply Yards Truck Terminals Public Buildings Agriculture Public Utility Structures Open Land Recreation Garage Repair Essential Services Accessory Uses & Buildings Mini-Storage Buildings

\* This district added by amendment on March 23, 1994

\*2 See Section 408 for the Floodplain District.

+ This use removed by Ordinance 2008-1 on November 5, 2008, and added to A-2 in Conditional Uses

<sup>3</sup> The minimum distance to property line for Spray Irrigation Systems in all Zones will be 200 feet, by amendment on December 19, 2001

<sup>A</sup> The minimum distance to property line for Spray Irrigation Systems, Small Flow Treatment systems not using a running stream, and At Grade-in-ground Septic Systems in all Zones will be 200 feet, by amendment on May 19, 2004

(Continued on next page)

TABLE 201 \*2 (Continued)

CONDITIONAL USES+ A	A-1 CONSERVATION	A-2 AGRICULTURAL	R-1 RESIDENTIAL	R-2 RESIDENTIAL	B-1 BUSINESS	M-1 INDUSTRIAL	M-1A LIGHT INDUSTRIAL
	Single Family Dwellings (413) Churches (413) Cemeteries (414) Home Occupations (407) Mineral Excavation (410) Injection Wells (312)	Mobile Home Park (406) Two-Family Dwellings (415) Nursing Homes (413) Clinics (416) Public Utility Structures (417) Home Occupations (407) Airport (418) Home Occupations (407) Mini-Storage Buildings (429) Mineral Excavation (410) Cemeteries (414)	Two-Family Dwellings (415) Clinics (416) Public Utility Structures (417) Cemeteries (414) Home Occupations (407)	Public Utility Structures (417) Funeral Homes (419) Hospitals (416) Home Occupations (407)	Multiple Dwelling (420) Shopping Centers (421) Commercial Recreation (426) Wholesale Businesses (422) Drive-in Theaters (408) Injection Wells (312) Special Outdoor Recreation (427) Off-Site Signs (428) Service Station (424)	Heavy Manufacturing (423) Industrial Park (425) Sanitary Landfills (409) Mineral Excavation (410) Injection Wells (312) Junk Yards (411) Bottle Clubs * 14 Retail Stores *5 Service Shops *5 Eating & Drinking Places *5 Offices *5 Banks *5 Auto Sales & Repair *5 Service Stations *5 Motels *5 Commercial Recreation *5 Commercial Schools *5 Agriculture *5 Public Utility Structures *5 Garage Repairs *5 Essential Services *5 Accessory Uses *5 Single-Family Dwellings *5 Mini-Storage Buildings *5	Mineral Excavation (410) Injection Wells (312) Retail Stores *5 Service Shops *5 Eating & Drinking Places *5 Offices *5 Banks *5 Auto Sales & Repair *5 Service Stations *5 Motels *5 Commercial Recreation *5 Commercial Schools *5 Agriculture *5 Public Utility Structures *5 Garage Repairs *5 Essential Services *5 Accessory Uses *5 Single-Family Dwellings *5 Mini-Storage Buildings *5
Minimum							
Lot Area	3 Acres	One Acre	10,500 Square Feet <sup>3</sup>	7,200 Square Feet <sup>3</sup>	20,000 Square Feet <sup>3</sup>	20,000 Square Feet <sup>3</sup>	20,000 Square Feet <sup>3</sup>
Per Family Minimum Mean Lot Width and Frontage	3 Acres	One Acre	4,000 Square Feet	2,500 Square feet	2,500 Square feet	N/A	N/A
Frontage	250 Ft.	150 Ft.	75 Ft.	60 Ft.	100 Ft.	100 Ft.	100 Ft.
Front Yard	50 Ft.	25 Ft.	30 Ft.	25 Ft.	50 Ft.	50 Ft.	50 Ft.
Side Yard	30 Ft.	25 Ft.	15 Ft.	10 Ft.	20 Ft.	20 Ft.	20 Ft.
Rear Yard	50 Ft.	50 Ft.	35 Ft.	25 Ft.	50 Ft.	50 Ft.	50 Ft.
Maximum Building Coverage	5%	10%	15%	20%	60%	60%	60%

<sup>1</sup> Frontage of lots bordering on a cul-de-sac turnaround shall be measured at the minimum building setback line.

<sup>2</sup> See Section 408 for the Floodplain District.

<sup>3</sup> See also Section 205.4.

<sup>4</sup> This use added by amendment on March 7, 2001

<sup>5</sup> This use added by amendment on November 5, 2008

+ The minimum distance to property line for Spray Irrigation Systems in all Zones will be 200 feet by amendment on December 19, 2001

A The minimum distance to property line for Spray Irrigation Systems, Small Flow Treatment systems not using a running stream, and At-Grade-In-ground Septic Systems in all Zones will be 200 feet, by amendment on May 19, 2004

Part 3

General Regulations

S.301. Nonconforming Uses. The following provisions shall apply to all nonconforming uses:

1. A nonconforming use may be continued or may be changed to another use of the same or more restrictive category but may not be extended, expanded or changed except as permitted by the Zoning Hearing Board in accordance with the provisions of this Chapter,

2. A Zoning Certificate must be obtained within one (1) year by the owner of any nonconforming use as evidence that the use lawfully existed prior to the adoption of the provisions which made the use nonconforming.

3. Any nonconforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is performed within twelve (12) months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

4. In the event that any nonconforming use, conducted in a structure or otherwise, ceases, or is abandoned, for whatever reason, for a period of one (1) year, such nonconforming use shall not be resumed.

5. It is the intent of this Chapter to give the broadest possible interpretation and latitude to existing farm operations which become nonconforming uses under this Chapter.

(Ord. 11/23/1971, Art. 3, S.301)

S.302. Accessory Use. The following provisions shall apply to accessory uses:

1. Accessory farm buildings shall not be erected within one hundred (100) feet of a neighboring property line.

A. Feed lots, runs, pens and similar intensively used facilities for animal raising and care shall not be located within three hundred (300) feet of a neighboring property line.

B. Roadside stands for sale of home-grown fruits and vegetables shall be permitted if they are erected at least thirty (30) feet off the road and parking space is provided off the road.

2. Every in-ground swimming pool shall be enclosed by a fence or wall not less than four (4) feet high to prevent uncontrolled access by small children. Above-ground pools shall be exempted from this fencing requirement if such facilities have gates or removable ladders to prevent uncontrolled access by small children.

3. The exterior storage of not more than one (1) motor vehicle which does not have a current inspection sticker shall be considered an accessory

use, but two (2) or more shall constitute an auto salvage business and shall not be permitted as an accessory use.

(Ord. 11/23/1971, Art. 3, S.302)

S.303. Employee Quarters: Living quarters in an accessory structure as an accessory use to a single-family house to accommodate domestic employees of the residents of the principal building shall be permitted.

S.304. Rooming Houses: The accommodation of not more than two (2) non-transient roomers as an accessory use to a single-family house provided that no sign is displayed shall be permitted.

S.305. Temporary Structures: Temporary structures and trailers used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six (6) month period.

(Ord. 11/23/1971, Art. 3, S.303)

S.306. Signs. No sign shall be permitted except as herein provided:

Signs permitted in all districts:

1. The following signs shall be allowed as a permitted use in any district:

A. Signs advertising the sale, lease or rental of the premises upon which sign is placed shall not exceed nine (9) square feet in area. Such signs shall be removed within forty-five (45) days of the termination of their purpose.

B. Signs denoting the name, address or profession of the occupant of the premises which shall not exceed ~~two (2) square feet in area,~~ five (5) feet by ten (10) feet. Note: if the business is to be lighted, in any form, it shall be as a conditional use. See Ord. 2-2014.

C. Signs denoting the architect, engineer or contractor placed on premises where construction, repair or renovation is in progress. Such signs shall not exceed thirty-two (32) square feet in area and shall be removed within forty-five (45) days of the applicable project termination.

D. Signs advertising the sale of agricultural products produced on the premises. Such signs shall not exceed thirty-two (32) square feet in area, and shall be removed within thirty (30) days following the cessation of sales for the applicable produce.

E. One sign or bulletin board shall be permitted in conjunction with any school, church or similar public institutions. Such signs shall be placed on the premise of such institutions and shall not exceed fifty (50) square feet in area.

F. Directional signs not larger than nine (9) square feet of

a reasonable size in connection with any legal business or industry provided they contain no information other than instructions for convenience of vehicular traffic in reaching such business or industry.

G. Signs announcing the candidacy of any person for political office shall be permitted thirty (30) days prior to the election date. Such signs shall not exceed nine (9) square feet, and shall be removed within fourteen (14) days following the election for which they were emplaced.

H. Signs shall be allowed as a permitted use in conjunction with any permitted business establishment provided:

1) No single sign shall exceed one hundred (100) square feet when viewed from its widest silhouette.

2) No more than three (3) signs shall be permitted on the premises.

3) Such signs shall not advertise any goods or services not available for purchase on the premises.

4) All signs shall meet all other requirements of this Chapter in regard to lighting, placement, language and materials.

2. No sign shall:

A. Project into the public right-of-way, with the exception of signs for traffic purposes placed by the State or Township.

B. Contain any flashing, pulsing or otherwise animated light sources; or moving parts; or make use of any phrase such as "turn," "look" or "stop" which might confuse or mislead vehicular traffic.

C. Simulate any official municipal sign, device or light erected by the Commonwealth of Pennsylvania or the Township of Waterford.

D. Be illuminated if it lies within a residential zone, unless it identifies a public or semi-public institution and the lighting is provided from an indirect source.

3. All signs:

A. Over fifty (50) square feet shall be constructed of non-combustible materials.

B. Shall be constructed of durable materials and remain in good order.

4. Off-Site Signs (Billboards) will be allowed as a Conditional Use in the B-1 Zone, see S.428.

(Ord. 11/23/1971. Art. 3, S.304)

\*See Section 306 amendment in Ordinance 2-2014 (1)

S.307. Off-street Parking. Off-street parking spaces shall be provided in accordance with the specifications in this, section in any district whenever any new use is established or existing use is enlarged.

<u>USE</u>	<u>PARKING SPACE REQUIRED</u>
Dwelling	Two for each dwelling unit.
Church, Theater, School	One for every four (4) seats in largest meeting room.
Stores, Shops, Restaurants, Clubs, Professional Offices	One for every 100 square feet of public floor space.
Business Services, Warehouses	One for every 250 square feet of net floor area.
Manufacturing Plants	One for every two (2) employees.
Hospitals	One for every two (2) beds.
Motels	One for every rental unit.

1. No off-street parking space shall have an area less than two hundred (200) square feet exclusive of access drives.

2. Any off-street parking lot for more than five (5) vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

3. Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

4. Where more than one (1) use is present on a parcel (for example a motel with a restaurant), parking requirements for both uses must be met.

(Ord. 11/23/1971, Art. 5, S.305)

S.308. Off-street Loading. One off-street loading berth of not less than thirty-five (35) by ten (10) feet shall be provided for every business and industrial use with a floor area of more than ten thousand (10,000) square feet; with one (1) additional berth required for each additional twenty-five thousand (25,000) feet of floor area. (Ord. 11/23/1971, Art. 3, S.306)

S.309. Height Regulations. No structure shall exceed forty-five (45) feet in height above average ground level unless approved by the Zoning Hearing Board. The Board may authorize a variance to the height regulations in any district if?

1. All front, side and rear yard depths are increased one (1) foot for each additional foot of height; or

2. The structure is any of the following and does not constitute a hazard to an established airport: agricultural silos, farm buildings (excluding residences), television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, windmills and flagpoles. (Ord. 11/23/1971, Art. 2, S.205)

S.310 Floor Area Requirements. No single-family dwelling shall have a floor area of less than seven hundred and twenty (72 0) square feet. (Ord. 11/23/1971), Art. 2, S.206)

S.311 Floodplains. Zoning regulations for the Floodplain Districts shall be set forth in Part 7 of this Chapter. (Ord. 11/23/1971, Art. 4, S.408; as amended by Ord. 111837, 11/18/1987)



Part 4

Conditional Uses

S.401. General. Conditional Uses as specified in Table 201 of Part 2 may be allowed or denied by the Governing Body after recommendations by the Planning Commission in accordance with the criteria and provisions of this Chapter. (Ord. 11/23/1971, Art., 4, S.401)

S.402. Application. Applications for Conditional Uses will be filed with the Zoning Officer and shall be accompanied by:

1. An application fee in the amount of as set by the Governing Body.

2. Five (5) copies of a site plan which shows the proposed development in sufficient detail for the Planning Commission and Supervisors to review same. At a minimum, the site plan shall be drawn to scale and show the proposed development, all structures, all yard spaces, and overall lot size. It shall also depict any special requirements of this Chapter such as buffer yards, parking, etc. Where the proposed development is either large scale or complex, the Board of Supervisors may require the site plans to be completed by an architect or engineer. The applicant must also provide other supporting documentation which demonstrates he (or she) is meeting all the requirements of this Part and the entire Chapter.

(Ord. 11/23/1971, Art. 4, S.402)

S.403. Review. The Zoning Officer shall forward copies of the Application to the Governing Body and to the Planning Commission for review and approval.

1. The Planning Commission shall forward its recommendations within forty-five (45) days, unless the petitioner agrees in writing to a time extension. Failure to act within the allotted time shall be deemed to be a favorable recommendation.

2. The Governing Body may attach such reasonable conditions as they deem necessary to the approval of any Conditional Use. All development, construction and use shall be in accordance with the approved plan, unless a revised plan is submitted and approved. Any development contrary to the approved plan shall constitute a violation of this Chapter.

3. The Governing Body may consider a Conditional Use only pursuant to public notice and at a public hearing as these terms are defined by the Pennsylvania Municipalities Planning Code.

(Ord. 11/23/1971, Art. 4, S.403)

S.404. Criteria for Approval. A Conditional Use shall be approved if and only if it is found to meet the following criteria:

1. The proposed use conforms to the district and Conditional Use provisions and all general regulations of this Chapter.

2. The proposed use meets all special standards which may apply to its class of Conditional Uses as set forth in this Chapter.

3. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property of persons, and shall comply with the performance standards of S.405.

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

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

6. The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

7. The proposed use shall preserve the objectives of this Chapter and shall be consistent with the Comprehensive Plan.

(Ord. 11/23/1971, Art. 4, S.404)

S.405. Performance Standards. All Conditional Uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this Chapter, the Governing Body may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

1. Fire Protection: Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

2. Electrical Disturbances: No activity that shall cause electrical disturbances adversely affecting radio, television or other equipment in the vicinity.

3. Noise: Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

4. Vibrations: Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

5. Odors: No malodorous gas or matter shall be permitted which is discernable on any adjoining lot or property.

6. Air Pollution: No pollution of air by fly ash, dust, smoke, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property.

7. Glare: Lighting devices that produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

8. Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances into neighboring properties.

9. Water Pollution: Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Resources and the Erie County Health Department.

(Ord, 11/23/1971, Art. 4, S.405)

S.406. Mobile Home Parks. Mobile Home Parks shall be permitted only if in accordance with all State and County laws and with the requirements following:

1. The Mobile Home Park shall meet all applicable requirements of the Mobile Home Parks Ordinance adopted July 11, 1972, as amended. (See Chapter 14.)

(Ord. 11/23/1971, Art. 4, S.406 as amended by Ord. 111887, 11/18/1987)

S.407. Home Occupations. Amendment to this section 8/6/1997, Ordinance #1997-2.

S.408. Drive-In Theaters. Access shall be to minor roads, where possible, rather than highways, to reduce traffic congestion. Theater screens shall be placed so that they are not visible from a highway or a residential structure, and shall be screened with adequate fencing or planting. All parts of the theater shall be no closer than two hundred (200) feet to any Residence or Residential District, and all lights shall be directed away from the residences. (Ord. 11/23/1971, Art. 4, S.409)

S.409. Sanitary Landfills. Sanitary landfills shall be permitted only in the M-1 District and as a Conditional Use. Plans for sanitary landfills shall be approved and controlled by the Pennsylvania Department of Environmental Resources (PaDER), the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America. Operators of sanitary landfills shall file with the Waterford Township Supervisors written proof that they have met all permit requirements of the State and/or Federal government as they may apply to a specific development.

1. Local requirements which must be met prior to permit approval by the Township Supervisors include:

A. A buffer yard of two hundred (200) feet from all public rights-of-way and four hundred (400) feet from all dwellings, schools, churches, hospitals and similar residential uses.

B. A barrier, either of natural forestry at a width of one hundred (100) feet or an eight (8) foot high cyclone type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind-blown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.

C. The barrier shall be at a minimum distance of seventy-five (75) feet from all operations, and the area between the work area and barrier shall consist of a natural cover of vegetation or forestry. This strip shall not be of barren soil. The barrier shall

also be at a minimum of two hundred (200) feet from any adjacent properties or public rights-of-way.

D. The project shall consist of no more than two (2) access routes, unless the landfill property borders three (3) or more public rights-of-way. In such an event, approval by the Township Supervisors will be necessary to secure an additional access route.

E. A bond will be filed with the Township Supervisors, at an amount deemed necessary by the Board of Supervisors, to provide for final covering and reclamation as specified under the provisions set in accordance with the approval of the Pennsylvania Department of Environmental Resources sanitary landfill permit.

F. The operator shall submit to the Board of Supervisors for approval a plan for the restoration of the landfill area which shall include anticipated future use of the restored land; the proposed final topography indicated by contour line of no greater interval than five (5) feet, steps which will be taken to conserve the topsoil, and the location roads, drainage courses and other contemplated improvements. When the operator has performed all requirements contained in the restoration plan, he will be issued a written certificate by the Zoning Officer that the restoration is complete and is in compliance with the plan.

(Ord. 11/23/1971, Art. 4, S.410)

S.410. Mineral Excavation. Excavation of sand, gravel, coal, oil, gas or other materials from the ground shall be considered as a temporary use, and shall comply with the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America. A zoning certificate shall be required for each property.

1. All operations must be conducted no closer than three hundred (300) feet from an existing dwelling, park, school, hospital or other community or institutional building, and no closer than one hundred (100) feet to any road right-of-way, stream or cemetery.

2. All operations must be conducted no closer than one hundred (100) feet or fifty (50) feet while maintaining a 2 to 1 slope, from an adjacent property unless said property is under common lease or ownership.

3. The operator shall file with the Zoning Officer written proof that he has met all permit, registration and bonding requirements of applicable State laws and regulations. Written proof shall include copies of all pertinent documents (permits, etc.).

4. The operator shall submit to the Board for approval a plan for the restoration of the area to be excavated, which shall include anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater intervals than five (5) feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses or other contemplated improvements.

(Ord. 11/23/1971, Art. 4, S.411; as amended by Ord. 111887, 11/18/1987)

S.411. Junkyards. No person shall establish, own, maintain or operate a junkyard or scrap yard except in conformance with the following provisions:

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

2. No junkyards established after the effective date of this Chapter shall be located closer than two hundred (200) feet to existing State, Federal and Township roads.

3. All junkyards shall comply with all State and Federal regulations and written evidence of such compliance shall be furnished to the Zoning Officer upon three (3) days' notice.

(Ord. 11/23/1971, Art. 4, S.412)

S.412. Injection Wells. Injection Wells are a widely used method for the disposal of brine and other liquid wastes which result from oil and gas drilling. Although regulated by Federal and Commonwealth agencies, this use does represent a potential hazard to both surface and groundwater. Such pollution would be especially damaging in Waterford Township where residents use individual wells for their domestic water, and surface water represents a vital recreational and agricultural resource. It is because of these concerns that this amendment to the Township's Zoning Ordinance is adopted. Injection Wells shall be allowed in the following zones as a Conditional Use: the A-1 Conservation District, the A-2 Agricultural District, the B-1 Business District, and the M-1 Industrial District.

1. Application for this Conditional Use shall include copies of all permits for design and/or operation of the Injection Wells required by the Commonwealth of Pennsylvania, Department of Environmental Resources, the United States Environmental Protection Agency, their successors, if any, the County of Erie and other governmental agencies. Prior to the grant of a Conditional Use, the Township may grant a preliminary Conditional Use, application for which does not require the issuance of the permits and submission of copies described above, but does not require all other submissions. A preliminary Conditional Use may be made conditional upon the issuance of required permits and shall describe insofar as possible, and convenient, the terms and conditional under which the Conditional Use may be granted, with the provisions that the Conditional Use may contain amended, deleted or new conditions as the Supervisors shall determine in their sole judgement.

2. Applications for Conditional Use shall also include copies of all information, applications, modules, exhibits, reports, drawings, blueprints and correspondence which form a part of the application for or of the permits described in S.412 (1) above, and such other information as the Supervisors may reasonably require.

3. As a condition in the grant of Conditional use, it shall be required

that Injection Wells are constructed and operated accordance with the permits described in S.412 (1) above, as they may be amended from time to time, and that operation shall be modified, suspended or discontinued as required by such permits or administrative or judicial order under such permits.

4. Additional conditions which may be required in the grant of Conditional Use include but shall not be limited to:

A. A buffer yard of two hundred (200) feet from all public rights-of-way, and at least six hundred (600) feet from dwellings, schools, churches, hospitals and similar uses.

B. Ingress and egress shall be limited to no more than two (2) well defined driveways. The property shall have direct access to a public street or highway.

C. The Injection Well, related appurtenances, unloading, and storage facilities shall be enclosed by a well-constructed cyclone type fence at least eight (8) feet high.

D. The hours of operation shall be limited to the hours between 7 a.m. and 11 p.m., prevailing time.

E. Plan for restoration of the site shall be submitted.

F. Submission of copies of reports to the Township which are submitted to regulatory agencies. This practice shall be required from the time the conditional use is granted until the use ceases and all necessary closure actions are taken.

G. Testing and reports shall be made of water wells, groundwater and other environmental conditions, as specified. At a minimum, this shall include all such facilities or bodies of water within one thousand five hundred (1,500) feet of the Injection Well.

H. Permission for the Township or its delegates to go onto and to inspect the site at reasonable times and to take samples of soil, surface water and groundwater and material to be injected into the Injection Well.

I. Payment of specified fees as may be required to enforce the zoning ordinance and this Conditional Use.

J. Provisions that the permittee shall provide a specified amount of funding annually which the Supervisors may draw upon in their sole discretion to pay for any and all testing of the materials deposited in or on the site, the soil, subsoil, strata, surface water, groundwater or any other environmental condition as the Supervisors in their sole discretion shall determine to test for, upon their reasonable belief that such testing is reasonably necessary or useful to monitor the safe operation of the Injection Well and to ensure the safe and proper condition of the site including the subsurface and of the lands in the Township, including their sub-surfaces during Injection Well operation and thereafter.

K. An indemnity agreement running to the benefit of the Township and its residents or property owners in the event of injury or damage to

property, including, but not limited to, impairment of drinking water supplies, to repair or compensate for damages and/or to provide for appropriate site and off-site restoration, supported by a bond, surety or letter of credit with an amount, duration, source and terms satisfactory to the Supervisors.

L. A provision that a bond, surety or letter of credit with an amount, duration, source and terms satisfactory to the Supervisors be in force to provide funds for performance of obligations assumed under the Conditional Use or in any agreements under the Conditional Use.

M. Non-transferability of permit.

(Added by Ord. 4/1/1987)

S.413. Schools, Churches and Nursing Homes. Schools, churches and nursing homes can generate intense use at various times. Consequently, they must be regulated in the interest of preserving the host neighborhood, and providing for public safety. Such use must:

1. Be located on a paved street or road with a cartway width of at least twenty (20) feet.

2. Nursing Homes shall provide off-street parking equal to one (1) space for each staff member (largest shift) plus visitor parking equal to .75 spaces for each patient bed. Other uses must meet the off-street parking requirements of S.307.

3. Provide building design and landscaping to be in concert with surrounding uses.

4. All recreational/play and parking areas which abut residential uses shall be screened by a green buffer yard at least ten (10) feet in width planted with evergreen trees or shrubs to provide a year-round visual screen.

5. Any outdoor lighting shall be designed to prevent glare on adjoining properties.

6. Copies of building floor plans shall be provided to the Stancliff Hose Company.

S.414. Cemeteries.

1. A minimum site of ten (10) acres shall be required.

2. A drainage plan shall be submitted with the application for conditional use approval to show existing and proposed runoff characteristics.

3. Ingress, egress and internal circulation shall be designed to ensure safety and minimize impact on local roads. Plans for ingress/egress shall be referred to appropriate officials for comments regarding public safety.

4. All property lines adjoining residential use or zoning

classification shall be screened by a buffer yard which is at least ten (10) feet in depth measured from the property line.

5. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements of this Chapter.

S.415. Two-Family Dwellings.

1. Each two-family dwelling shall have a lot area of at least one (1) acre.

2. Side yards shall be increased by five (5) feet over the requirements of Table 201.

S.416. Clinics and Hospitals.

1. Such facilities shall exclude the treatment of the insane, nor shall they include penal or correctional institutions.

2. Access shall be from a street or road with a pavement width of at least twenty (20) feet.

3. All required parking, loading and unloading shall be contained entirely on lot, including sufficient maneuvering room so that vehicles will not back onto a public street. At least five (5) parking spaces per doctor shall be provided for patients as well as one (1) space for each doctor, technician and employee.

4. All lighting shall be so arranged to prevent glare to adjoining properties.

5. Any parking area next to a residential use shall be screened by a buffer yard at least ten (10) feet in width.

S.417. Public Utility Structures.

1. No storage of movable equipment or material shall be permitted outside a building.

2. Uses involving distribution equipment which is not enclosed by a building shall be secured by a fence at least six (6) feet in height with self-latching gate.

3. Uses involving distribution equipment which is not enclosed by a building shall be adequately screened by a six (6) foot compact evergreen planting area along all property lines adjacent to residential uses or zoning districts.

S.418. Airports. Airports for private use and personal use facilities are permitted as a conditional use where specified and in accordance with the following requirements:

1. Approval from the Bureau of Aviation, Pennsylvania Department of Transportation (PennDOT) attesting to the safety and adequacy of the proposed facility and documenting that said facility has been inspected by the Bureau and that it complies with all applicable regulations.



2. Approval from the Federal Aviation Administration (FAA) certifying that the proposed facility does not violate or conflict federal air space, as well as any other clearances and/or approvals that may be required by the FAA.

3. A site plan for the proposed facility, drawn to an appropriate scale, showing the location of all runways, taxiways, hangers, and other structures.

4. Personal and private use airports shall be for the benefit of those persons owning and/or living on the immediate premises and subject to the following conditions:

A. There shall be no sales of fuel or other aviation services (repair, storage of other aircraft, etc.) including the sale of aircraft and/or related parts or service for transient aircraft.

B. Providing flying lessons or conducting a flight school shall not be a permitted operation or service.

C. No more than three (3) personal aircraft shall be based on the facility.

S.419. Funeral Homes.

1. There shall be no receiving vault, preparation room or display of merchandise from outside the principal building.

2. There shall be a minimum of five thousand (5,000) square feet of off-street parking but in no event less than twenty-five (25) parking spaces for the first parlor and ten (10) parking spaces for each additional parlor.

S.420. Multiple Dwellings.

1. Shall have public or private sanitary sewer facilities with such facilities approved by the Pennsylvania Department of Environmental Resources and/or the Erie County Department of Health.

2. The first two dwelling units shall be required to have a minimum lot area of thirty thousand (30,000) square feet, each additional dwelling unit shall require additional lot area of three thousand (3,000) square feet (viz a 10-unit apartment would need a lot of fifty-four thousand [54,000] square feet - about 1.2 acres - lot size of about 150 x 360) .

3. Side yards shall be increased to twenty-five (25) feet.

4. All off-street parking shall be in the rear yard area except limited parking will be allowed in the front yard if suitable landscaping is provided.

S.421. Shopping Centers. Shopping Centers shall include enclosed malls as well as strip plazas. The developer shall provide the Township with the following information and to be governed by the following conditions:

1. A site plan of the facility showing proposed building(s), units

within buildings, parking areas and internal circulations.

2. A circulation plan to show the estimated traffic generated. Access to public streets shall be at select defined points and not unlimited along the property frontage. If the proposed development fronts on a state highway, compliance with PennDOT standards is to be demonstrated. If it is to be on a township road, the impact of projected traffic volume will be shown along with the capacity of roads to accept such volume.

3. Parking areas will include suitable landscaping. All lighting will be controlled so as not to produce glare on neighboring properties.

4. The amount of parking spaces required shall total that which is required by this Chapter for the various types of uses proposed. Future additions and use changes must also comply with the parking requirements of this Chapter.

5. Compliance with appropriate stormwater management regulations must be demonstrated.

S.422. Wholesale Business. Wholesale Business will be permitted as a conditional use in a B-1 District. Such uses shall:

1. Provide a lot area of at least thirty thousand (30,000) square feet.

2. Provide a loading/unloading plan to guarantee all vehicular needs can be accommodated on site, and there will be no need to back onto a public right-of-way.

3. Provide a buffer yard of fifteen (15) feet in width for all yards which abut residential districts or uses.

4. Provide a complete site plan of the premises showing structures, parking areas, loading/unloading areas, lighting and drainage.

5. Demonstrate compliance with Stormwater Management regulations.

S.423. Heavy Manufacturing. Heavy Manufacturing shall be located where the emission of allowable levels of fumes, smoke or dust will not be objectionable to established permitted uses nearby or is controlled by the installation of special equipment. Outside storage yards abutting or immediately across a street from any "R" District or residential use shall be screened. They shall meet all performance standards set for in S.405.

S.424, Service Station. Shall be permitted subject to the following regulations:

1. Any fuel pumps shall be at least thirty (30) feet from the front lot line and at least thirty (30) feet from a side lot line.

2. No vehicles will be parked or stored along the front property lines.

3. Any lot line abutting a residential district or residential use shall be required to use screen plantings.

4. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles which lack current Pennsylvania inspection stickers or parts of vehicles. The overnight parking of customer vehicles and the storage of DER/EPA approved refuse containers shall be permitted.

S.425. Industrial Park. Industrial parks shall be permitted as a conditional use in the M-1 District. They shall:

1. Provide an overall plan of the proposed industrial park.
2. Have a total net acreage (exclusive of roads and easements) of not less than twenty-five (25) acres.
3. Provide a traffic circulation plan to demonstrate how the facility will impact upon the township or state road system.
4. Provide a fifteen (15) foot buffer yard along all property lines which adjoin residential uses or districts.
5. Shows plans for utilities and drainage which plans shall be referred to and be required to be approved by the Township Engineer.
6. If the Park is to be constructed in phases, an overall schematic plan must be submitted.

S.426. Commercial Recreation.

1. All side yards shall be at least thirty (30) feet.
2. The hours of operation shall not begin before 9:00 A.M. (Prevailing Time) and not continue past 12:00 Midnight (Prevailing Time).
3. No outdoor speakers shall be permitted.

S. 427. Special Outdoor Recreation. The purpose of this section is to control special outdoor recreation. These particular uses by their nature can generate noise or excessive activity adversely affecting neighboring properties. Such uses include, but are not limited to, firearm and sheet shooting facilities, all- terrain vehicle trails, motorcycle or motorbike trails or racing facilities, motor speedways (including "drag strips"), and related or similar operations. Such uses shall:

1. Have a lot of not less than four (4) acres in size.
2. In addition to required side and rear yards, provide a buffer yard of an additional ten (10) feet, which yard is to be planted in evergreen trees in order to help provide a visual and sound barrier to nearby properties.
3. There shall be no outdoor speakers.
4. Operating hours shall be between 8:00 A.M. and 10:00 P.M. prevailing time.

S. 428. Off-Site Signs (Billboards). Signs not advertising an activity

or product sold on the premises of a permitted business shall be a conditional use in the B-1 District provided:

1. Such sign shall not be placed within one hundred fifty (150) feet of another on the same side of the road or one hundred (100) feet of another on the opposite side of a road.

2. Such sign shall not be placed within two hundred fifty (250) feet of any residence, church, school or similar edifice.

3. Such signs shall not be placed within two hundred fifty (250) feet of any road intersection, or at a curve, or at any place where vehicular line-of-sight could be partially or completely obstructed.

4. Such signs shall not exceed three hundred (300) square feet in area when viewed from its widest silhouette.

S. 429. Mini-Storage Buildings: These structures are also known as self-service storage facilities and consist of one or more larger buildings which are divided into small separate units. These units, often the size of a single garage, are then rented for storage, normally for personal goods. Such uses must adhere to the following regulations:

1. There shall be no outdoor storage of any type, at any time.

2. In addition to the required side and rear yards, an additional ten (10) foot buffer yard shall be required. This buffer yard is to be planted in evergreen trees to provide a visual buffer to surrounding properties.

3. Each such facility shall be serviced by at least two (2) well marked driveways of ten (10) to twelve (12) feet in width.

4. The entire complex shall be surrounded by a security fence at least six (6) feet but not greater than eight (8) feet in height. Said fence shall be no closer to any lot line than ten (10) feet.

5. The hours of operation shall not begin before 6:30 A.M. nor extend beyond 12:00 midnight, prevailing time.

Part 5

Administration and Enforcement

S.501. Zoning Officer. The Zoning Officer, who shall be appointed by the Board of Supervisors, shall:

1. Administer and enforce any provisions of 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.

2. Issue Zoning Certificates and Building Permits.

3. Maintain a permanent file of all Zoning Certificates and applications as public records.

4. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of his or her duties.

5. The Zoning Officer shall not hold any elective office in the Township.

6. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate a working knowledge of municipal zoning.

7. Receive appeals to the Zoning Hearing Board, requests for variances, and requests for conditional uses.

(Ord. 11/23/1971. Art. 5, S.501)

S.502. Building Permits and Zoning Certificates.

1. A building permit shall be obtained before any person may:

A. Occupy or use any vacant land; or

B. Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged; or

C. Change the use of a structure or land to a different use;  
or

D. Change a nonconforming use.

E. Applicants for a building permit shall be accompanied by a plot plan showing clearly and completely the location, dimensions and nature of any structure involved and such other information as the Zoning Officer may require for administration of this Chapter, together with a filing fee in accordance with a schedule affixed by resolution of the Governing Body,

2. Zoning certificates will be used for the following purposes:

A. To verify that a development has been completed in

conformance with the building permit issued.

B. To verify that the use of a building or land is in conformance with the provisions of this Ordinance.

Ord. 11/23/1971), Art. 5, S.502

S.503. Enforcement.

(a) **Enforcement Notice:** If it appears to the Township and/or the Zoning Officer that a violation has occurred, the Township shall initiate enforcement proceeding 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 the parcel, and to any other person requested in writing by the owner of record.

(c) The enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the Township 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 the ordinance.

(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 zoning hearing board within a prescribed period of time in accordance with procedures set forth in this Chapter.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

(d) **Causes for Actions** 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 (Ordinance) , the Township, or with the approval of the governing body, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the 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 Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

(e) **Jurisdictions** District justices shall have initial jurisdiction over proceedings brought under Subsection 503(f) of this Chapter (Ordinance).

(f) **Enforcement Remedies:**

(1) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter (zoning ordinance) shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Chapter (ordinance) to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter (zoning ordinance) shall be paid over to the Township.

(2) The 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.

(3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section,

S.504. Amendments. The Governing Body may amend this Chapter as proposed by a member of the Governing Body, the Planning Commission or by a petition of a person residing or owning property within the Municipality in accordance with the following provisions.

1. Petitions for amendment shall be filed with the Planning Commission, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with a schedule fixed by resolution. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Governing Body and to the petitioner.

2. Any proposed amendment introduced by a member other than that prepared by the Planning Commission shall be referred to the Planning Commission for review and recommendations at least thirty (30) days prior to public hearing by the Municipality.

3. At least thirty (30) days prior to the public hearing on the

amendment by the Governing Body, the Township shall submit the proposed amendment to the Erie County Planning Department for recommendations.

4. Before voting on the enactment of an amendment the Governing Body shall hold a public hearing thereon pursuant to public notice. If, after any public hearing held upon an amendment the proposed amendment is revised or further revised to include land previously not affected by it the Governing Body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. If the proposed amendment involves a zoning map change, notice of the public hearing must be posted along the perimeter of the tract at points not less than two hundred fifty (250) feet apart. This posting shall occur at least one (1) week prior to the date of the hearing.

6. Within thirty (30) days after enactment, a copy of the amendment to the Chapter (Zoning Ordinance) shall be forwarded to the Erie County Planning Department.

(Ord. 11/23/1971, Art. 5, S.505)

S.505. Zoning Hearing Board. In accordance with Article IX of the Pennsylvania Municipalities Planning Code, the Governing Body shall appoint and organize a Zoning Hearing Board, which Board shall adopt rules to govern its procedure. The Board shall hold meetings, keep minutes and, pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing within forty-five (45) days after hearing or continued hearings, all as required by law. A fee shall be charged in accordance with a schedule affirmed by resolution for any appeal or proceeding filed with the Zoning Hearing Board. The Zoning Hearing Board shall have the functions, powers and obligations specifically granted by law. A quorum shall not be less than a majority of the members. (Ord. 11/23/1971. Art. 5, S.506)

S.506, The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication on the following matters:

1. Substantive challenges to the validity of any land use ordinance, except those brought before the Governing Body pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.

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. Where the Ordinance appealed from is the initial Zoning Ordinance of the municipality and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

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 a municipal engineer or the Zoning



Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

5. Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.1 of the Pennsylvania Municipalities Planning Code.

6. Applications for special exceptions under the Zoning Ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code.

7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.

8. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code.

9. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same development not involving Article V or VII applications of the Pennsylvania Municipalities Planning Code.

(Ord. 11/23/1971, Art. 5, S.507)

S.507. Appeal to the Zoning Hearing Board.

1. Any person wishing to make an appeal to the Zoning Hearing Board shall do so in writing and on forms prescribed by the Board.

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

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

4. Any person or entity receiving an enforcement notice from the Township and/or the Zoning Officer shall have the right to appeal to the Zoning Hearing Board within fourteen (14) days of the date of the enforcement notice.

5. The recipient of the notice shall, within fourteen (14) days of date of the enforcement notice, notify the Zoning Hearing Board in writing

of his appeal of the alleged violation and requesting a hearing on the same.

6. Said written notice of appeal shall provide the Zoning Hearing Board with (i) documentation as to the enforcement notice recipient's ownership or interest in the subject property; (ii) a detailed analysis of the enforcement notice recipient's position relative to the alleged violations.

7. Such analysis shall include all facts that the enforcement notice recipient deems appropriate, but shall at least include (1) a response or answer to the specific violations as alleged by the Township and/or the Zoning Officer, with a detailed analysis of the defense as to all specific violations, citing in each instance applicable provisions of the Ordinance and (ii) any and all facts or documentation which the recipient of the notice intends to introduce at the hearing before the Zoning Hearing Board.

(Ord. 11/23/1971. Art. 5, S.508)

S. 508 Variances. In accordance with Section 910.2 of the Pennsylvania Municipalities Planning Code, the Zoning Hearing Board, upon appeal, shall have the power to authorize variances from the provisions of this Chapter provided 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 hardships are due to such conditions and not the circumstances or conditions 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 the Zoning 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 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.

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

(Ord. 11/23/1971, Art. 5, S.509)

S. 509. It is the intent of this Ordinance that the Zoning Hearing Board shall have the powers and duties, and follow the Planning Code, as the same may be amended, whether or not they are specifically recited herein.

## Part 6

### Definitions

S.601. General. Certain words in this Chapter are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is mandatory and not permissive.

**ACCESSORY USE** - a customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

**AGRICULTURE** - any use of land or structure for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture or animal or poultry husbandry. Uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos and any other use or structure that is clearly related to an agricultural operation.

**APPLICANT** - a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

**AREA** - area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site, exclusive of the street or road right-of-way.

**BOARD** - The Zoning Hearing Board established by this Chapter.

**BUILDING** - see structure.

**BUILDING HEIGHT** - the vertical distance from the average elevation at grade level to the highest point of the deck of a flat roof or a mansard roof, or to the mean height between the eaves and the ridge for gable, hip and gambrel roofs.

**BUILDING LINE** - the building line is an imaginary line fixed by the required yard depth measured back from the nearest road right-of-way, in front of which no building may take place.

**BUILDING PERMIT** - the written authorization issued by the Zoning Administration Office for the construction, reconstruction, alteration or enlargement of existing or proposed buildings or other structures.

**BUSINESS SERVICE** - any business activity which renders service to other commercial or industrial enterprises.

**BUFFER YARD** - an area not less than ten (10) feet in width, unless otherwise specified, planted with evergreen trees and/or shrubs to provide a visual and sound barrier between a use and surrounding properties.

**CLINIC** - any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

**CLUB** - an establishment operated for social, athletic, recreational or educational purposes but open only to members and not the general public.

**CONDITIONAL USE** - a use permitted in a particular zoning district pursuant to the express standards of this Chapter (Ordinance) and the procedures as set forth by the Pennsylvania Municipalities Planning Code.

**COVERAGE** - that percentage of the lot area covered by principal and accessory use structure.

**DENSITY** - the area of a lot or group of lots computed exclusive of any portion of the right-of-way of any road by the number of families housed on the lot or group of lots.

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

**DWELLING** - *amended 1/20/16 Ord. 2016-02 to read:* a house, apartment building or other structure (including mobile homes and manufactured homes) used primarily for human habitation that has a minimum of 1,000 square feet of living space and permanently affixed to the property. The word "DWELLING" shall not include hotels, motels or other structures used for transient residence, nor shall it include house trailers or campers unless they are specifically included.

**DWELLING/SINGLE FAMILY** - *amended 1/20/16 Ord. 2016-02 to read:* The definition of DWELLING, SINGLE-FAMILY is repealed and replaced with the following: SINGLE FAMILY DWELLING - A dwelling designed for occupancy by one family, including factory built or manufactured dwellings, site-built dwellings, modular homes and mobile homes. A mobile home shall be permitted provided it shall be permanently affixed to the property.

**DWELLING/TWO-FAMILY** - *amended 1/20/16 Ord. 2016-02 to read:* The definition of DWELLING/TWO FAMILY is repealed and replaced with the following: TWO FAMILY DWELLING - A building containing two DWELLINGS designed for and used exclusively for occupancy by two families living independently.

**DWELLING/MULTIPLE** - *amended 1/20/16 Ord. 2016-02 to read:* The definition of DWELLING/MULTIPLE is repealed and replaced with the following: MULTI-FAMILY DWELLING - A DWELLING or group of DWELLINGS on one lot containing separate living quarters that are designed for occupancy by three or more families living independently of each other and containing three or more DWELLING units. Such buildings shall consist of the following types: apartment building, garden apartment or row house.

**ESSENTIAL SERVICES** - the erection, construction, alteration or maintenance of public utilities by municipal, or any other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, necessary for the furnishing of adequate service by such public utilities or municipal, or other governmental agencies or for the public health, safety and general welfare, but not including structures.

**FAMILY** - a family is:

A single person occupying a dwelling unit and maintaining a household, or,

Two (2) or more persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a common household, including not more than two (2) boarders or roomers.

Or, not more than five (5) unrelated persons occupying a dwelling unit, living together and maintaining a common household.

**FLOOR AREA (HABITABLE)** - the enclosed area of a building designed and intended for all season use by human inhabitants.

**GARAGE REPAIR (see also Service Station)** - premises where motor vehicles are serviced and repaired, including engine overhaul and body work.

**GOVERNING BODY** - Board of Supervisors, Waterford Township, Erie County, Pennsylvania.

**GROUP HOME** - *Added 1/20/2016 Ord. 2016-02.* A single-family detached dwelling providing residence and specialized services for not more than eight (8) developmentally disabled, mentally handicapped, physically handicapped, or dependent children or adults referred by the appropriate Erie County or State agency responsible for placement and qualified staff who provide professional care, supervision and service for such residents, and not more than two such personnel shall be residents of the dwelling.

**GROUP RESIDENCY FACILITY** - *Added 1/20/2016 Ord. 2016-02.* An establishment that provides, in a family setting or environment room, board and care to persons who are intellectually disabled and/or physically handicapped, dependent children under the age of 18 years, or individuals over 62 years of age, who are in need of supervision and specialized services limited to health, social and/or rehabilitative services provided by a governmental agency, its licensed or certified agents or a responsible and licensed nonprofit social service corporation. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency, at least one responsible adult to be available for the residents on a 24-hour per day basis while residents are on the premises. Such establishment must inherently function as a single housekeeping unit and not as an institution; shall not bear exterior signage and shall not allow or engage in activity, including extend of parking, not customary for other uses in the particular zoning district. This category shall not include facilities for delinquent children, persons 18 or more years of age released from or under the jurisdiction of a criminal court, government bureau of corrections or similar institution or agency, persons suffering from communicable or publicly transmittable diseases or otherwise not within the specific definition set forth above. Under this definition, the number of "residents" shall be deemed to include resident clients, staff residing in the premises or assigned per shift and family of staff who reside in the premises, either temporarily or permanently. Persons receiving treatment under Article IV (determinations affecting those charged with a crime or under sentence) shall not be eligible for residence in a group residence facility. Intellectually disabled individuals shall be certified by Erie County intellectual disability authorities as being

capable of residing in such a facility. This definition shall be strictly interpreted.

**HOME OCCUPATIONS** - any occupation or profession which is customarily carried on in a dwelling unit, or in a structure or building accessory to a dwelling unit; and is carried on by a member of the family residing in the dwelling unit with not more than two (2) employees outside the family; and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

**INJECTION WELL** - a bore hole drilled, or being drilled, for the purpose of, or to be used for, injecting any liquid, including, but not limited to, brine disposal.

**JUNKYARD** - land or structure used for the collecting, storage, processing and sale of scrap metal; scrapped, abandoned or junked motor vehicles, machinery and equipment; two or more motor vehicles without current state inspection; waste paper, glass, rags, containers and other discarded materials (except that any municipal dump shall not be deemed a junkyard).

**LIGHT MANUFACTURING** - the processing and fabrication of certain materials and products where no process involved will produce noise, vibration, 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; lightweight non-ferrous metal castings; film processing; light steel metal products; plastic goods; pharmaceutical goods; and food products; but not animal slaughtering, curing nor rendering of fats.

**LOT** - a parcel of land occupied or capable of being occupied by one (1) ~~or more structures.~~ *single family dwelling and one or more unoccupied structures. Amended per Ordinance 2014-02.*

**LOT, DEPTH OF** - the mean horizontal distance between the front and rear lot lines.

**LOT, FRONTAGE OF** - the width of a lot measured along the road right-of-way.

**LOT, MINIMUM AREA OF** - the area of a lot, computed exclusive of any portion of the right-of-way of any public thoroughfare.

**LOT, WIDTH OF** - the mean width, measured at right angles to its depth at the building line.

**LOT OF RECORD** - any lot which, individually or as part of a subdivision, has been recorded in the office of the Recorder of Deeds of Erie County.

**MANUFACTURING** - the processing and fabrication of any article, substance or commodity.

**MOBILE HOME** - a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of, again, being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

**MOBILE HOME PARK** - a parcel, or contiguous parcels, of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**NON-CONFORMING USE** - a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter (Zoning Ordinance) or amendment heretofore, or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter (Ordinance) or amendment, or prior to the application of this Chapter (Ordinance) or amendment to its location by reason of annexation.

**NONCONFORMING STRUCTURE** - a structure or a part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Chapter (Zoning Ordinance) or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter (Ordinance) or amendment, or prior to the application of this Chapter (Ordinance) or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**PENNSYLVANIA PLANNING CODE** - the Pennsylvania Municipalities Planning Code (Act 247 of July 31, 1968, as amended).

**PERMITTED USES** - the main or primary purpose, for which a building, other structure, and/or land may be used, occupied or maintained under the provisions of this Chapter (Zoning Ordinance).

**PUBLIC NOTICE** - a notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days or less than seven (7) days from the date of hearing.

**ROAD** - the entire right-of-way of a public or private street or highway.

**SIGN** - any structure or device to attract attention by words or graphic display. The term "sign" shall not apply to a religious symbol, bearing no lettering, when at a place of worship.

**SPECIAL EXCEPTION** - a use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania



Municipalities Planning Code.

**STATION, SERVICE (See also Garage Repair)** - a retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products.

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

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

**VARIANCE** - relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

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

**YARD; FRONT** - an open space extending the full width of the lot between the front building line and road right-of-way line.

**YARD, REAR** - an open space extending the full width of the lot between the rear of the main building and the rear lot line.

**YARD, SIDE** - an open space extending from the front yard to the rear yard between any building and the nearest side lot line.

**ZONING AMENDMENT** - a change in this Chapter (Zoning Ordinance) or Map, reviewed by the Township and County Planning Commissions, prior to submission and approved by the Waterford Township Supervisors. No amendment can be enacted without a public hearing.

**ZONING MAP** - the map containing the zoning districts of Waterford Township, Erie County, Pennsylvania, together with all amendments subsequently adopted.

**ZONING OFFICER** - the Zoning Administration Officer or his authorized representative, appointed by Waterford Township Board of Supervisors, Erie County, Pennsylvania.

(Ord. 11/23/1971. Art. 6; amended by Ord. 111887. 11/18/1987)

Part 7

Floodplain Management

S.701. General Provision.

1. Purpose. The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

A. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;

B. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding;

C. Requiring all those uses, activities and developments that do occur in hazardous flood areas to be protected or floodproofed against flooding and flood damage.

2. Applicability. These provisions shall apply to lands within the jurisdiction of Waterford Township.

3. Compliance. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Part.

4. Warning and Disclaimer of Liability. The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes. Larger floods might occur on rare occasions. Flood heights might be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside the identified floodplain districts, or that land uses permitted within such districts will be free from flooding or flood damage.

This Part shall not create liability on the part of Waterford Township or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

(Ord. 8/6/1986). Pt. 1, 1.01-1.04)

S.702. Establishment of Zoning Districts. For the purpose of this Part, the areas considered to be floodplain within Waterford Township shall be those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Waterford Township by the Federal Emergency Management Agency (FEMA) dated September 30, 1983.

A map showing all areas considered to be subject to the one hundred

(100) year flood is available for inspection at the Waterford Township offices. For the purposes of this Part, the following nomenclature is used in referring to the various kinds of floodplain areas:

FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by FEMA.

FF (Flood-Fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by FEMA.

FA (General Floodplain Area) - the areas identified as "Approximate one hundred (100) year Floodplain" in the Flood Insurance Study prepared by FEMA.

1. The FW (Floodway Area) is delineated for purposes of this Part using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this area are specifically defined in the Floodway Data Table contained in the Flood Boundary and Floodway Map.

2. The FF (Flood-Fringe Areas) shall be that area of the one hundred (100) year floodplain not included in the Floodway. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations in the flood profiles of the Flood Insurance Study and as shown on its accompanying Flood Boundary and Floodway Map.

3. The FA (General Floodplain Area) shall be that floodplain area for which no detailed flood profiles or elevations are provided. Such areas are shown on the maps accompanying the Flood Insurance Study prepared by FEMA. In determining the necessary elevations for the purposes of this Part, other sources of data may be used such as:

- A. Corps of Engineers ~ Floodplain Information Reports.
- B. U.S. Geological Survey - Flood-prone Quadrangles.
- C. USDA, Soil Conservation Service - County Soil Surveys (Alluvial Soils) or P.L., 566 Flood Information.
- D. Pennsylvania Department of Environmental Resources - Flood Control Investigations.
- E. Known Highwater Marks from Past Floods.
- F. Other Sources.

4. Overlay Districts.

A. The Floodplain Districts described herein shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map and as such the provisions for the Floodplain Districts shall serve as a supplement to the underlying district provisions.

B. Where there happens to be any conflict between the provisions or requirements of any of the Floodplain Districts and those of any underlying district, the more restrictive provision shall apply.

5. The delineation of any of the Floodplain Districts may be revised by the Township where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, a River Basin Commission, or other qualified agency or individual documents show the need or possibility for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

(Ord. 8/6/1986). Pt. 2)

S.703, District Provisions. All uses, activities and development occurring within Waterford Township shall be undertaken in compliance with the provisions of this Part and with all other applicable codes and ordinances of Waterford Township.

Under no circumstances shall any use, activity or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

Prior to any proposed alteration or relocation of any stream, watercourse, etc. within the municipality, a permit shall be obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

1. Floodway District (FW). In the Floodway District (FW) any new construction or development that would cause any increase in flood heights shall be prohibited.

A. Allowed Uses. In the Floodway District (FW) the following uses and activities are allowed provided that they are in compliance with the provisions of this Part and not prohibited by any other ordinance;

(1) Agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting;

(2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas;

(3) Accessory residential uses such as yard areas, gardens, play areas and pervious parking areas;

(4) Accessory industrial and commercial uses such as

yard areas, pervious parking and loading areas, airport landing strips, etc.

B. Uses Allowed by Special Exception. The following uses and activities may be allowed by Special Exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:

(1) Structures, except for mobile homes, accessory to the uses and activities in Subsection (1)(A) of this Section;

(2) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses;

(3) Water-related uses and activities such as marinas, docks, wharves, piers, etc.;

(4) Extraction of sand, gravel and other materials;

(5) Temporary uses such as circuses, carnivals, and similar activities;

(6) Storage of materials and equipment provided they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent floatation or movement, and/or can be readily removed from the area within the time available after flood warning;

(7) Other similar uses and activities provided that they cause no increase in flood heights and/or velocities. All uses, activities and structural development shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances.

## 2. Flood-Fringe District (FF).

A. Permitted Uses. In the Flood-Fringe District (FF) the development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all other applicable codes and ordinances.

## 3. General Floodplain District (FA).

A. Permitted Uses. In the General Floodplain District (FA) the development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all other applicable codes and ordinances.

(Ord. 8/6/1986, Pt. 3, SS.3.01-3.03)

S.704. General Technical. Provisions. The following provisions shall apply to all proposed construction or development occurring within any floodplain district.

1. State Encroachment Permits. No new construction or development shall be approved by the Township within any Floodway District (FW) or within fifty (50) feet of the top-of banks of any watercourse located within any Flood Fringe District (FF) or General Floodplain District (FA); unless the applicant has obtained a permit from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

2. Residential Structures. Within any Floodplain District, the lowest floor (including basement) of any new construction of, or substantial improvement to, residential structures shall be at or above the one hundred (100) year flood elevation.

3. Nonresidential Structure.

A. Within any Floodplain District, the lowest floor (including basement) of any new construction of, or substantial improvement to, nonresidential structures shall be at or above the one hundred (100) year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

B. Any nonresidential structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard for that type of construction.

4. General Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified floodplain district:

A. Fill. If fill is used, it shall:

(1) extend laterally at least fifteen (15) feet beyond the building line from all points,

(2) consist of soil or small rock materials only. Sanitary Landfills shall not be permitted,

(3) be compacted to provide the necessary permeability and resistance to erosion, scouring or settling,

(4) be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to and approved by the Building Permit Officer,

(5) to be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems.

(1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(3) No part of any on-site sewage system shall be located within any identified floodplain district except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, and not listed in S.705(1), Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring,

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent floatation, collapse or lateral movement.

(2) All air ducts, large pipes, storage tanks and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to

prevent floatation.

(Ord. 8/6/1986, Pt. 4, SS.4.00-4.03)

S.705. Special Provisions for Certain Kinds of Development  
Within Floodplain Districts.

1. Development Which Might Endanger Human Life.

A. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply of any amount of radio-active material or more than five hundred fifty (550) gallons or other comparable volume of the following materials and substances, shall be subject to the provision of this section, in addition to all applicable provisions.

- (1) Acetone
- (2) Ammonia
- (3) Benzene
- (4) Calcium carbide
- (5) Carbon disulfide
- (6) Celluloid
- (7) Chlorine
- (8) Hydrocyanic acid
- (9) Hydrochloric acid
- (10) Magnesium
- (11) Nitric acid and oxides of nitrogen
- (12) Petroleum products (gasoline, fuel, oil, etc.)
- (13) Phosphorus
- (14) Potassium
- (15) Sodium
- (16) Sulphur and sulphur compounds
- (17) Pesticides (including insecticides, fungicides and rodenticides)
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any Floodway District (FW), any structure of the kind described in Subsection (1) of this section, shall be prohibited.

C. Where permitted within any Flood-Fringe District (FF) or General Floodplain District (FA), any structure of the kind described in Subsection (1), above, shall be:

(1) elevated or designed and constructed to remain completely dry, up to at least one and one-half (1-1/2) feet above the one hundred (100) year flood, and

(2) designed to prevent pollution from the



structure or activity during the course of the one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publications, "Flood- Proofing Regulations, \*" (U.S. Army Corps of Engineers, June 1972) or with some other equivalent watertight standard.

2. Prohibited Activities. The following kinds of activities are prohibited within any Floodplain District:

A. The commencement of any of the following activities; or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:

- (1) Hospitals
- (2) Nursing homes
- (3) Jails or prisons
- (4) Schools

B. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to any such existing development.

3. Special Requirements for Mobile Homes.

A. Within any Floodplain District (FW), mobile homes shall be prohibited, except as replacements to mobile homes in existing mobile home parks.

B. Within any general Floodplain District (FA), mobile homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

C. All mobile homes and any additions thereto will be subject to the following regulations enforced by the Township Zoning Administration to prevent damage to property or injury to persons due to flooding;

(1) anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 ANSI A119.3-1975) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

- (a) over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length;

(b) frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length;

(c) all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(2) Elevated in accordance with the following requirements:

(a) the stands or lots shall be elevated on compact fill, or on pilings so that the lowest floor of the mobile home will be one and one-half (1-1/2) feet or more above the elevation of the one hundred (100) year flood;

(b) adequate surface drainage is provided;

(c) adequate access for a hauler is provided;

(d) where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

D. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Waterford Township officials for mobile home parks.

(Ord. 8/6/1986, Pt. 5, SS.5.01-5.03)

S.706. Existing Structures. A structure or use of a structure on premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:

1. No expansion or enlargement of an existing structure and/or use shall be allowed within any floodway district that would cause any increase in flood heights.

2. Any modification, alteration, reconstruction or improvement of any kind of an existing structure and/or use to an extent or amount of fifty percent (50%) or more of its market value shall constitute a substantial improvement and shall be undertaken in compliance with the provisions of this Part.

(Ord, 8/6/1986, Pt. 6)

S.707. Special Exceptions: Additional Factors to be Considered.

1. Review Factors. In passing upon applications for Special

Exceptions, the Zoning Hearing Board shall consider all relevant factors and procedures specific in other sections of the Zoning Ordinance and:

A. The danger of life and property due to increased flood heights or velocities caused by encroachments;

B. The danger that materials might be swept on to other lands or downstream to the injury of others;

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

E. The importance of the services provided by the proposed facility to the community;

F. The requirements of the facility for a waterfront location.

G. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

H. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;

I. The safety of access to the property in times of flood of ordinary and emergency vehicles;

J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;

K. Such other factors which are relevant to the purpose of this Part.

2. Supplemental Technical Review. The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception to any engineer or other qualified person or agency for technical assistance in evaluation of the proposed project in relation to flood heights and velocities and the adequacy of the plans for protection and other related matters.

3. Conditions for Approval of Special Exceptions. Special exceptions shall be issued only after the Zoning Hearing Board has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) a creation of nuisances, (e) any fraud or victimization of the public, or (f) any conflict with local laws or ordinances. (Ord. 8/6/1986, Pt. 7, SS.7.01-7.03)

S.708. Variance Within Floodplain District.

1. General. If compliance with any of the requirements of this Part would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

2. Variance Procedures and Requirements. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:

A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation;

B. No variance shall be granted which would permit any of the activities prohibited in S.705(2), Prohibited Activities, and except for a possible modification of the one and one-half (1-1/2) foot freeboard requirement, no variance shall be granted for any of the other requirements contained in S.705(1), Development Which May Endanger Human Life.

C. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Part;

D. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:

(1) that there is good and sufficient cause;

(2) that failure to grant the variance would result in exceptional hardship to the applicant;

(3) that the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threat to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable local or state ordinances or regulations.

E. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

F. Whenever a variance is granted, the Township shall notify the applicant in writing that:

(1) the granting of the variance might result in increased premium rates for flood insurance;

(2) such variance might increase the risks to life and property.

Notwithstanding any of the above, however, all structures shall be

designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

(Ord. 8/6/1986, Pt. 8, SS.801, 802)

S.709. Administration. A zoning permit shall be required for all construction and development, which includes but is not limited to buildings or other structures, paving, filling, grading, excavation, mining, dredging, or drilling operations. Prior to the issuance of any such permit, the Permit Officer shall require all applications to include compliance with all applicable state and federal laws.

1, Application Procedure and Requirements. In addition to the information and documentation ordinarily required for Zoning Permits, applicants shall also include the following specific information along with any floodplain district:

A. If any proposed construction or development is located entirely or partially within any identified floodplain district, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Permit Officer to determine that:

(1) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

(2) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

(3) adequate drainage is provided so as to reduce exposure to flood hazards.

B. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Permit Officer to make the above determination:

(1) A completed Zoning Permit Application Form.

(2) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

(a) north arrow, scale, and date;

(b) topographic contour lines, if available;

(c) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

(d) the location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;

(e) the location of all existing streets, drives and other access ways; and

(f) the location of any existing bodies of water or watercourses, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.

(3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(a) the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

(b) the elevation of the one hundred (100) year flood;

(c) if available, information concerning flood depths, pressures, velocities, impact and uplift forces associated with a one hundred (100) year flood; and

(d) detailed information concerning any proposed floodproofing measures.

(4) The following data and documentation:

(a) When any part of a proposed structure or a substantial improvement to an existing structure is to be built below the elevation of the one hundred (100) year flood, the applicant must submit a document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development.

(b) detailed information needed to determine compliance with S.704(4)(F), Storage, and S.705(1)(A), Development Which May Endanger Human Life, including:

i) the amount, location and purpose of any materials or substances referred to in S.704(4)(F), and S.705(1), which are intended to be used, produced, stored or otherwise maintained on site.

ii) a description of the safeguards incorporated into the design of the proposed

structure to prevent leaks or spills of the dangerous materials or substances listed in 3.705(1) during a one hundred (100) year flood.

(c) the appropriate component of the Department of Environmental Resources' Planning Module for Land Development."

(d) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

(Ord. 8/6/1986, Pt. 9, S.9.01)

S.710. Supplementary Definitions.

1. General. Unless specifically defined below, words and phrases used in this Part shall be interpreted so as to give this Part its most reasonable application.

2. Specific Definitions.

COMPLETELY DRY SPACE - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONSTRUCTION - the construction, reconstruction, renovation repair, extension, expansion, alteration or relocation of a building structure, including the placement of mobile homes.

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

ESSENTIALLY DRY SPACE - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable.

FLOOD - a temporary inundation of normally dry land areas.

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

FLOODPROOFING - any combination of structural and nonstructural additions, changes, adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

IDENTIFIED FLOODPLAIN DISTRICT - the floodplain area

specifically identified in this Part as being inundated by the one hundred (100) year flood. Included would be districts identified as Floodway (FW), Flood Fringe (FF) and General Floodplain (FA).

MOBILE HOME - a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

MOBILE HOME PARK - a parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for non-transient use.

ONE HUNDRED (100) YEAR FLOOD - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has one percent (1%) chance of occurring each year, although the flood may occur in any year).

SPECIAL PERMIT - a special approval which is required for hospitals, nursing homes, jails and new mobile home parks, when such development is located in all, or a designated portion of a floodplain.

STRUCTURE - anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, mobile homes, and other similar items.

SUBSTANTIAL IMPROVEMENT - any repair, construction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

(Ord. 8/6/1986, Pt. 10, SS.10.01, 10.02)



WATERFORD TOWNSHIP ORDINANCE NO. 97-02

AN ORDINANCE AMENDING THE WATERFORD TOWNSHIP ZONING ORDINANCE SO AS TO ALLOW A HOME OCCUPATION TO BE CARRIED ON IN AN ACCESSORY BUILDING AND SO AS TO SET FORTH ADDITIONAL CONDITIONS RELATED THERETO.

The Waterford Township Zoning Ordinance, being Chapter 27 of the Code of Ordinances of the Township of Waterford, Erie County, Pennsylvania, is hereby amended as follows:

**FIRST:**

Section 407 of Part 4, entitled "Home Occupations," shall be deleted in its entirety and shall have substituted therefore a new Section 407, entitled "Home Occupation," that reads as follows:

**§ 407. Home Occupations.** A Home Occupation, when permitted or approved, shall be clearly incidental and secondary to the use of dwelling unit on the lot for residential purposes and shall comply with all applicable provisions of this Section 407, in addition to all other applicable provisions of this Chapter.

1. **Dwelling Units.** When the Home Occupation is conducted and carried on within a dwelling unit, the Home Occupation may include, but shall not be limited to, art studios, dressmaking, and teaching or professional offices. However, a Home Occupation shall not be interpreted to include commercial stables, kennels, restaurants or auto repair services. When the Home Occupation is carried on within a dwelling unit, the following additional conditions shall be observed:

(a) The occupation must be of the type customarily carried on in a dwelling unit; and

- (b) The occupation shall be carried on by a member or members of the immediate family residing in the dwelling unit, with no more than two (2) employees outside the family; and
- (c) The occupation shall be carried on wholly within the dwelling unit; and
- (d) There shall be no exterior display or exterior sign other than permitted by this Chapter; and
- (e) There shall be no exterior storage of goods or materials; and
- (f) There shall be no exterior indication of the Home Occupation or variation from the residential character of the dwelling unit; and
- (g) No offensive odor, vibration, noise, smoke, dust, heat or glare shall be produced, which may disturb or endanger neighboring properties or their occupants; and
- (h) The occupation shall occupy no more than thirty percent (30%) of the dwelling unit; and
- (i) Any additional reasonable conditions and safeguards imposed by the Board of Supervisors are agreed to, complied with and satisfied.

2. **Accessory Buildings and Home Occupations in Accessory Buildings.** When the Home Occupation is carried on within an accessory building, Home Occupations may included, but shall not be limited to, machine shop, woodworking shop, art studios, dressmaking, and teaching or professional offices. However, Home Occupation shall not be interpreted to include kennels, restaurants, or auto repair services. When the Home Occupation is carried on within an accessory building, the following additional conditions shall be observed:

- (a) The set back requirements provided for in this Chapter shall be increased by twenty-five (25) feet on all sides for the accessory building;
- (b) The accessory building must set behind or to the side of the dwelling unit located on the lot;
- (c) The occupation shall be carried on by no more than five (5) employees, including immediate family members residing in the dwelling unit on the lot;
- (d) The occupation is carried on wholly within the accessory building;

(e) There shall be no exterior display or exterior sign, except that a sign denoting the name, address and business of the Home Occupation not exceeding two (2) square feet in area shall be permitted;

(f) The owner of the Home Occupation shall personally occupy the dwelling unit on the lot;

(g) All pickups and deliveries shall only be made between the hours of 8:00 a.m. and 5:00 p.m., prevailing time;

(h) There shall be no exterior storage of goods or materials;

(i) There shall be no exterior indication of the Home Occupation or variation from the residential character of the dwelling unit;

(j) No offensive odor, vibration, noise, smoke, dust, heat or glare shall be produced, which may disturb or endanger neighboring properties or their occupants;

(k) The accessory building within which the Home Occupation is carried on shall be no larger than two thousand (2,000) square feet;

(l) The owner of the lot must provide written proof that all property owners within four hundred (400) feet were notified of the conditional use hearing;

(m) Any additional reasonable conditions and safeguards imposed by the Board of Supervisors are agreed to, complied with and satisfied;

(n) Home Occupations in Accessory Buildings are permitted and may be carried on in the A-2 Agricultural District only.

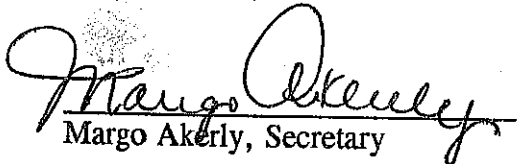
**SECOND:**

The definition of "Home Occupation" in Section 601 of Part 6 shall have deleted therefrom the following:

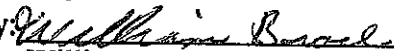
and is carried on by a member of the family residing in the dwelling unit with not more than two (2) employees outside the family;


Duly enacted and ordained on the 6<sup>th</sup> day of AUGUST, 1997, by  
the Board of Supervisors of the Township of Waterford, County of Erie, Commonwealth of  
Pennsylvania.

Witness/Attest:

  
Margo Akerly, Secretary

**WATERFORD TOWNSHIP**

By:   
William Brace, Chairman

By:   
Joseph Lenart, Supervisor

By:   
William Mitchell, Supervisor

ORDINANCE NO. 2000-04

*Flag  
Lots*

WHEREAS, the Board of Supervisors of Waterford Township in the County of Erie, Commonwealth of Pennsylvania, ordained and enacted The Waterford Township Zoning Ordinance; and

WHEREAS, the Waterford Township Zoning Ordinance has been amended from time to time so as to further carry out the Statement of Community Development Objectives; and

WHEREAS, the Board of Supervisors of Waterford Township desire to amend the Waterford Township Zoning Ordinance so as to allow flag lots as a conditional use in the A-2 Agricultural District only.

NOW, THEREFORE, this 19<sup>th</sup> day of April, 2000, the Board of Supervisors of the Township of Waterford, County of Erie, And Commonwealth of Pennsylvania, hereby ordains and enacts:

ORDINANCE NO. 2000-04

**AN ORDINANCE AMENDING THE WATERFORD TOWNSHIP  
ZONING ORDINANCE SO AS TO ALLOW FLAG LOTS IN A-2  
AGRICULTURAL DISTRICTS ONLY AS A CONDITIONAL USE**

The Waterford Township Zoning Ordinance is hereby amended as follows:

FIRST:

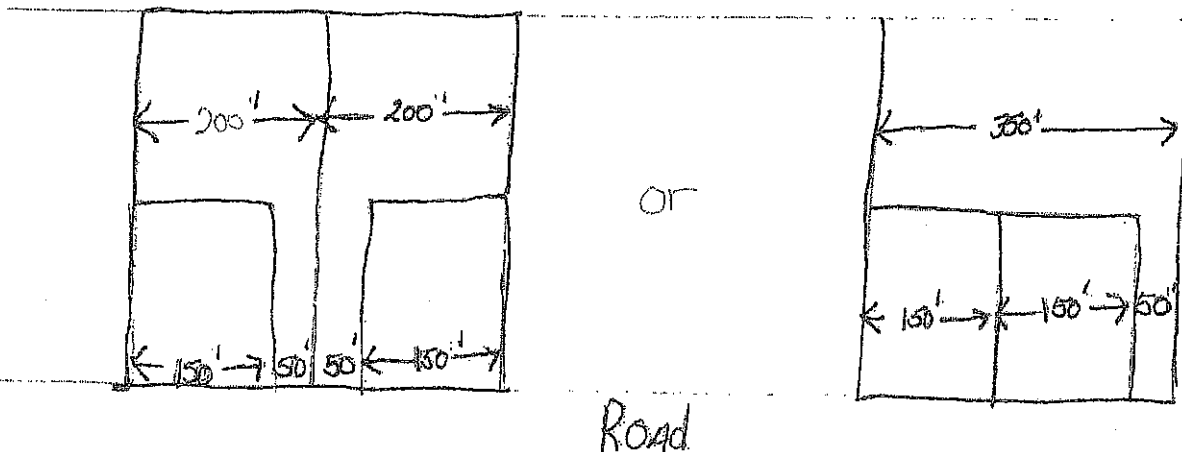
Table 201, Conditional Uses, entitled A-2 Agricultural, shall have an amendment added to said section so as to permit flag lots as a conditional use in the A-2 AGRICULTURAL DISTRICT.

SECOND:

Section 430, shall be added to the Waterford Township Zoning Ordinance and shall be entitled, "Flag Lots".

The following provisions shall apply to flag lots:

1. Flag lots shall be a conditional use in the A-2 AGRICULTURAL DISTRICT only.
2. Flag lots shall be L-shaped configurations that are only used when other subdivision practices are not favorable for specific property.
3. Flag lots shall only be for residential development and use.
4. Flag lots shall be a minimum of two acres not counting the pole.
5. Flag lots shall not be permitted to be stacked.
6. The pole shall be a minimum of 50 feet at the road right-of-way.
7. No more than two poles shall be permitted between two normal lots.
8. The layout of flag lots shall be as hereinafter depicted.



Duly enacted and ordained on this 19<sup>th</sup> day of April, 2000, by the Board of Supervisors  
of the Township of Waterford, County of Erie, Commonwealth of Pennsylvania.

WITNESS/ATTEST:

Bev Caldwell  
Bev Caldwell

WATERFORD TOWNSHIP

By William Brace  
William Brace, Supervisor

By William Mitchell  
William Mitchell, Supervisor

By Thomas Coffin  
Thomas Coffin, Supervisor

ORDINANCE 2001 - 01

*Bottle Clubs*

An Ordinance of the Township of Waterford establishing regulations that govern operation of Bottle or BYOB Clubs; that establish penalties for violation of this ordinance and include severability and repealor clauses.

WHEREAS, the Board of Supervisors of Waterford Township herein provide for Bottle or BYOB clubs to be a conditional use in an M-1 industrial district; and

WHEREAS, the Board of Supervisors finds that it is in the best interest of the general health, safety and welfare of the residents of Waterford Township that reasonable regulations be established to govern the operation of Bottle clubs or BYOB clubs in Waterford Township and to provide for provisions for enforcement of those regulations.

IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervosors of Waterford Township, Erie County, Pennsylvania as follows:

1.01 Purpose of Ordinance

The purpose of this Ordinance is:

- a. To permit Bottle clubs or BYOB clubs to be a conditional use in an M1 zoning district.
- b. To define and regulate the hours of operation of Bottle clubs or BYOB clubs in order to preserve and protect the health, safety and general welfare of the citizens of Waterford Township; and
- c. To protect the rights of citizens to the quiet enjoyment of their property.

The Waterford Township Zoning Ordinance Table 201 is hereby amended to permit Bottle clubs or BYOB clubs as a conditional use in an M1 Industrial District.

1.02 Definitions

1.02.1 As used in this Ordinance, BOTTLE CLUB means an establishment operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees



of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the Liquor Code (10 P.S. §162.6) or any organization as set forth in Section 6 of the Solicitation of Funds for Charitable Purposes Act.

1.02.2 As used in this Ordinance, BYOB CLUB means any facility operated for profit of pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board wherein patrons may consume alcoholic liquors, alcohol or malt or brewed beverages which said patrons have carried or brought into the premises. The term shall not include a licensee under the Liquor Code (10 P.S. §162.6), any organization as set forth in Section 6 of the Solicitation of Funds for Charitable Purposes Act or any facility which is rented for a limited period of time, not to exceed ten (10) hours, by an individual or organization for the purpose of a private party. 10 P.S. §162.6.

1.02.3 As used in this Ordinance, ALCOHOLIC LIQUORS, ALCOHOL and MALT or BREWED BEVERAGES shall be defined as set forth in the Liquor Code, 47 P.S. §1-101, et seq.

### 1.03 Regulations on Operation

1.03.1 It shall be unlawful and a violation of this Ordinance for any person(s), corporation, partnership, firm or other entity to own, operate, lease, manage or control a Bottle Club or a BYOB Club without having first obtained a valid certificate of occupancy for such use as required in Section 502 of the Waterford Township Zoning Ordinance.

1.03.2 It shall be unlawful and a violation of this Ordinance for any person(s), corporation, partnership, firm or other entity to own, operate, lease, manage or control a Bottle Club or a BYOB Club without maintaining in force and effect at all times a broad form general liability insurance policy with limits of one million dollars (\$1,000,000.00) per occurrence, proof of which coverage shall be required prior to issuance of any certificate of occupancy.

1.03.3 It shall be unlawful and a violation of this Ordinance for any person(s), corporation, partnership, firm or other entity owning, operating, leasing, managing or controlling a Bottle Club or BYOB Club to allow entry thereto by or allow provision to or consumption by persons under the age of 21 years of age of any alcoholic liquors, alcohol or malt or brewed beverages.

1.03.4 It shall be unlawful and a violation of this Ordinance for any person(s), corporation, partnership, firm or other entity from owning, operating, leasing, managing or controlling a Bottle Club or BYOB Club to be open for business or transact business between the hours of 2:00 a.m. and 8:00 a.m. prevailing time of each day, and/or before noon (12:00 p.m.) on Sundays.

1.03.5 This Ordinance shall not be interpreted to modify or supersede express regulations established in the Waterford Township Zoning Ordinance governing Bottle Clubs or BYOB Clubs, the regulations of this Ordinance being intended to be in addition to such regulations.

1.04 Enforcement. The Waterford Township Code Administrator and the Waterford Township Supervisors are hereby authorized and directed to enforce the terms of this Ordinance.

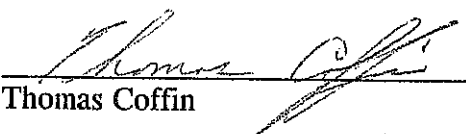
1.05 Penalties for Violation. Any person or entity committing any act(s) prohibited herein shall violate this Ordinance. This Ordinance shall be enforced pursuant to the provisions of Section 503 of the Waterford Township Ordinance governing enforcement and enforcement remedies. Said enforcement notice set forth in Section 503 of the Waterford Township Zoning Ordinance and all its sub-parts are incorporated herein by reference. The Township retains the right to any additional remedies and causes of action as permitted by law.

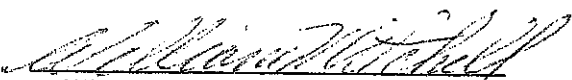
1.06 Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

1.07 Repealor. All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed.

BE IT ENACTED this 7<sup>th</sup> day of March, 2001.

  
\_\_\_\_\_  
William Brace

  
\_\_\_\_\_  
Thomas Coffin

  
\_\_\_\_\_  
William Mitchell

WATERFORD TOWNSHIP ORDINANCE 07-2004

*occupancy of structures*

AN ORDINANCE REGULATING THE OCCUPANCY OF STRUCTURES LOCATED WITHIN THE TOWNSHIP OF WATERFORD AND PROVIDING FOR THE APPLICATION FOR AN OCCUPANCY PERMIT OR CERTIFICATE OF OCCUPANCY AND ESTABLISHMENT OF FEES FOR THE SAME.

AND NOW, this ~~24~~<sup>21</sup>st day of July, 2004, the Board of Supervisors of the Township of Waterford, County of Erie and Commonwealth of Pennsylvania, hereby ordain and enact Waterford Township Ordinance No. 07-2004, an ordinance regulating the occupancy of structures located within the Township of Waterford and providing for the application for an occupancy permit or certificate of occupancy and the establishment of fees for the same.

WHEREAS, the Township of Waterford wishes to control and regulate the occupancy and use of any structure and land located within the jurisdictional confines of Waterford Township;

WHEREAS, before a person occupies or utilizes any structure, the owner or user of the structure or land must obtain an occupancy permit or certificate of occupancy from Waterford Township.

WHEREAS, Waterford Township intends to adopt, contemporaneously herewith, the Pennsylvania Uniform Construction Code as provided for and set forth in 35 P.S. § 7210.101, et seq.;

WHEREAS, after the construction and inspection of all structures as provided for under the Uniform Construction Act, Waterford Township requires the owner/occupant of all structures to obtain an occupancy permit before use and/or utilization of the structure, building, or residence;

WHEREAS, for purposes of this Ordinance, the following terms, phrases, words, and derivations shall have the meaning given herein when not inconsistent with the context. Words used

in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory;

(a) "Township" is the Township of Waterford which is located at 12451 Circuit Road, Waterford, Pennsylvania, 16441, Erie County, Pennsylvania;

(b) "Board of Supervisors" is the Board of Supervisors of Waterford Township, Erie County, Pennsylvania;

(c) "Owner" is the person owning, leasing, occupying or having charge of any premises or real property or structure located within the Township;

(d) A "person" is a natural person, firm, partnership, association, corporation, company, club, co-partnership, society or any other organization of any kind.

NOW, THEREFORE, it is hereby ENACTED AND ORDAINED as follows:

1. The Township hereby elects that all owners shall obtain an occupancy permit or certificate of occupancy before use or utilization of any structure, building, residence or land.
2. No building or land shall be occupied, used or have a change in the use without there having been issued a certificate of occupancy as provided for in the within Ordinance.
3. A certificate of occupancy, either for the whole or part of a new building or for the structural alteration of an existing building, shall be applied for after the owner/applicant has received notice that the occupancy of the structure complies with the requirements of the Pennsylvania Uniform Construction Code as then amended, unless a variance for the space has been obtained in accordance with 35 P.S. § 7201.101, et seq.

4. The certificate of occupancy shall be issued within ten (10) days after application if the building or part of the building or structure has been completed and the applicant has proven that they comply with the requirements of the Pennsylvania Uniform Construction Code and all other state and municipal laws and/or ordinances.

5. A certificate of occupancy for the use or occupancy of vacant land or for a change in use of an existing building shall also be applied for and issued before any such land or building may be occupied, used or changed as to use, and such certificate of occupancy shall be issued within ten (10) days after application has been made, provided such proposed use is in conformance with all of the provisions of the Township's zoning ordinances and other applicable ordinances.

6. Refusal by the zoning officer to issue an occupancy permit or certificate of occupancy shall include a written statement to the applicant citing specific sections of the various ordinances that have not been met and containing reasons for such denial.

7. An occupancy permit or certificate of occupancy is required for the following:

- (a) Occupancy of a new building after the space to be occupied complies with the requirements of the Pennsylvania Uniform Construction Code;
- (b) Occupancy and use of the building hereinafter moved or altered so as to require a certificate under the Pennsylvania Uniform Construction Code;
- (c) A change in use of an existing building other than to a use of the same type;
- (d) A change in the use of land except to another use of the same type;
- (e) A change in use of a nonconforming use to a conforming use;
- (f) Any vacant public, commercial or industrial building that the owner intends to reoccupy.

8. All applicants for a certificate of occupancy or occupancy permit shall verify and represent that the building or the proposed use of the building or land complies with all provisions of law and of the Waterford Township Zoning Ordinance, the Waterford Township Uniform Construction Act and all other ordinances of the municipality and the statutes and laws of the Commonwealth of Pennsylvania.

9. All applications for occupancy permits and certificates of occupancy shall be accompanied by fees in accordance with the fee schedule adopted by the Board of Supervisors by resolution and as amended or modified from time to time.

10. All applications shall also be accompanied by plans in duplicate drawn to scale showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any new buildings.

11. Any person who violates the provisions of this ordinance shall upon the judgement of the District Justice determining such violations, shall be subject to a fine not exceeding \$300.00 and costs for each offense and in default of payment of fines and costs shall be subject to imprisonment for a period not exceeding 90 days. Any person who continues any such violation beyond one calendar day shall be deemed to have committed a separate offense upon each calendar day such violation continues.

12. The provision of this ordinance are severable and if any word, clause, sentence, phrase, action or subsection of this ordinance or if its application is held to be invalid or unconstitutional by any court such holdings should not be construed to effect the validity and enforceability of any other word, clause, sentence, phrase, section or subsection. Rather, this ordinance shall be read as if said invalid, illegal, or unenforceable word, clause, sentence, phrase, section or subsection had never been

contained herein and there shall be deemed substituted such other provisions as will most nearly accomplish the purpose of the invalid, illegal or unenforceable word, clause, sentence, phrase, section or subsection to the extent permitted by applicable law.

13. Where any legal action or enforcement action is brought the owner shall be liable for the cost and expenses incurred by the Township, including but not limited to, reasonable attorneys fees.

14. Any ordinance or part of any ordinance inconsistent with the provisions of this ordinance shall be and are hereby repealed to the extent of such conflict.

15. This ordinance shall be come effective five days after its adoption.

July 26, 2004

This ordinance is duly enacted and ordained on the date first above written by the Board of Supervisors of Township of Waterford, County of Erie, Commonwealth of Pennsylvania.

WATERFORD TOWNSHIP

By William Brace  
William Brace

By William Mitchell  
William Mitchell

By Thomas Coffin  
Thomas Coffin

WITNESS / ATTEST

Sueley Caldwell  
Secretary

ORDINANCE NO. 2008 - 1

*Table  
changes*

AN ORDINANCE AMENDING THE WATERFORD TOWNSHIP ZONING ORDINANCE SO AS TO REMOVE CEMETERIES AS A PERMITTED USE IN AN A-2 AGRICULTURAL DISTRICT AND TO PLACE ALL CEMETERIES IN AN A-2 AGRICULTURAL DISTRICT AS CONDITIONAL USES; TO ADD THE FOLLOWING CONDITIONAL USES TO ALL M-1 INDUSTRIAL AND M-1A LIGHT INDUSTRIAL: RETAIL STORE(S), SERVICE SHOP(S), EATING AND DRINKING PLACE(S), OFFICE(S), BANK(S), AUTO SALE(S) AND REPAIR, SERVICE STATION(S), MOTEL(S), COMMERCIAL RECREATION, COMMERCIAL SCHOOL(S), AGRICULTURE, PUBLIC UTILITY STRUCTURE(S), GARAGE REPAIR(S), ESSENTIAL SERVICES, ACCESSORY USES, SINGLE FAMILY DWELLING(S), MINI STORAGE BUILDING(S) AND TO REZONE THE HEREINAFTER DESCRIBED PARCELS OF PROPERTY TO M-1A LIGHT INDUSTRIAL.

---

The Waterford Township Zoning Ordinance is hereby amended as follows:



WATERFORD TOWNSHIP ZONING  
ORDINANCE NO. 2008-1

*Table A2  
Changes*

WHEREAS, The Board of Supervisors of Waterford Township, in the County of Erie, Commonwealth of Pennsylvania, ordained and enacted The Waterford Township Zoning Ordinance on or about November 23, 1971; and

WHEREAS, The Waterford Township Zoning Ordinance has been amended from time to time so as to further carry out the Statement of Community Development Objectives set forth in Section 102 of The Waterford Township Zoning Ordinance; and

WHEREAS, the Board of Supervisors of Waterford Township desire to amend Table 201 "Permitted Uses" in the Waterford Township Zoning Ordinance so as to remove "cemeteries" as a "permitted use" in A-2 Agricultural Districts and make "cemeteries" a "conditional" use in A-2 Districts; and

WHEREAS, the Board of Supervisors of Waterford Township desire to amend Table 201 so as to add the following conditional uses in M-1 Industrial and M-1A Light Industrial Districts: retail store(s), service shop(s), eating and drinking place(s), office(s), bank(s), auto sale(s) and repair, service station(s), motel(s), commercial recreation, commercial school(s), agriculture, public utility structure(s), garage repair(s), essential services, accessory uses, single family dwelling(s) and mini storage building(s); and

WHEREAS, after giving consideration to the character of Waterford Township, the needs of the citizens and the suitabilities and specific nature of the particular parts of Waterford Township, the Board of Supervisors of Waterford Township believe that certain real property commonly referred to and identified as Erie County Tax Index Nos. (47) 18-40-5, (47) 18-40-6, and (47) 24-39-3 should be rezoned to M-1A Light Industrial

in their entirety and that certain real property commonly referred to and identified as Erie County Tax Index Nos. (47) 19-41-3, (47) 19-40-4, (47) 24-39-5.01 and (47) 24-39-4 should have a portion thereof rezoned to a M-1A Light Industrial District; and

WHEREAS, the subject properties identified above are generally located on the north and south side of Depot Road, just west of Donation Road and located on the East and West Side of the Con-Rail Railroad Tracks.

WHEREAS, the Board of Supervisors of Waterford Township wish to rezone that portion of Index No. (47) 24-39-4 from R-1 Residential to M-1A Light Industrial to the extent and as depicted upon the attached map. Said map is attached and marked as Exhibit "A." The Parcel to be rezoned is described as follows: Beginning at a point at the northeasterly corner of the parcel identified as Erie County Tax Index No. (47) 24-39-3 and the place of beginning. Said place of beginning is the northwesterly corner of the parcel of property identified as Erie County Tax Index No. (47) 24-39-4; thence in a southerly direction along the easterly boundary line of (47) 24-39-3 as extended 625 feet more or less to a point; thence in an easterly direction 75 feet more or less to a point on the Con-Rail Railroad Line Right of Way; thence in a northerly direction 625 feet more or less to a point on the southerly line of Depot Road; said point being the northeasterly corner of Erie County Tax Index No. (47) 24-39-4; thence in a westerly direction 75 feet more or less to a point and the place of beginning.

WHEREAS, the Board of Supervisors of Waterford Township wish to rezone that portion of Erie County Tax Index No. Parcel (47) 24-39-5.01 from R-1 Residential to M-1 Light Industrial to the extent and as depicted on the attached map. Said map is attached and marked as Exhibit "A." The within parcel to be rezoned begins at the northwesterly

corner of the parcel of property that is identified as Erie County Tax Index No. (47) 24-39-3; thence in a southerly direction along the westerly line of Index No. (47) 24-39-3 400 feet more or less to a point; thence in an easterly direction approximately 75 feet to a point on the westerly boundary line of the parcel of property identified as Erie County Tax Index No. (47) 24-39-4; thence in a southerly direction along the westerly boundary line of Erie County Tax Index No. (47) 24-39-4, 175 feet to a point; thence in a westerly direction 150 feet more or less to a point; thence in a northerly direction, 625 feet more or less to a point in Depot Road and which point is approximately 75 feet westerly of the northwesterly corner of the parcel identified as Erie County Tax Index No. (47) 24-39-3; thence in an easterly direction along Depot Road 75 feet more or less to a point in the place of beginning.

WHEREAS, the Board of Supervisors of Waterford Township wish to rezone that portion of Erie County Tax Index No. (47) 19-40-4 from R-1 Residential to M-1 Light Industrial to the extent and as depicted on the attached map. Said map is marked as Exhibit "A." The Parcel to be rezoned is described as follows: The northern boundary line on the parcel to be rezoned abuts Parcel No. (47) 19-40-3. The eastern boundary line abuts the Con-Rail Railroad Tracks for approximately 1,500 feet. The southerly boundary abuts Parcels (47) 18-40-6 and (47) 18-40-5. The western boundary line of the subject property thence runs in a northerly direction 1,550 feet to the place of beginning and the southwesterly corner of (47) 19-40-3. Said parcel being rectangular in shape with a width of approximately 200 feet and a length of approximately 1,500 feet more or less. The Parcel to be rezoned is described as follows: Beginning at a point in the south westerly corner of the parcel identified as Erie County Tax Index No. (47) 19-40-3 and

the point of beginning; thence in an easterly direction 200 feet more or less to a point in west line of the Con-Rail Roadway Right of Way; thence in a southerly direction along the Con-Rail Roadway Right of Way approximately 1,550 feet more or less to a point; thence in a westerly direction 200 feet to a point; thence in a northerly direction 1,550 feet more or less to a point and the place of beginning.

WHEREAS, the Board of Supervisors of Waterford Township wish to rezone that portion of Index No. (47) 19-41-3 from A-2 Agriculture to M-1 Light Industrial to the extent and as depicted on the attached map. Said map is attached and marked as Exhibit "A." The Parcel to be rezoned is described as follows: Beginning at a point at the northeasterly corner of the parcel of property identified as Erie County Tax Index No. (47) 19-41-3 where it intersects with the westerly right of way line of Donation Road and the place of beginning; thence in a southerly direction along the westerly line of Donation Road, approximately 1,400 feet to a point; thence in a westerly direction 550 feet more or less to a point; thence in a northerly direction 200 more or less to a point; thence in a westerly direction 250 feet more or less to a point; thence in a northerly direction 150 feet more or less to a point; thence in a westerly direction 375 feet to the Con-Rail Railroad Right of Way; thence in a northerly direction along the Con-Rail Roadway Right of Way 1,175 feet more or less to a point; thence in an easterly direction approximately 1,275 feet more or less to the westerly line of Donation Road, and the place of beginning. There is a 200 foot buffer area between the properties along Depot Road and the southerly border of the above described property that will NOT be rezoned. The 200 foot buffer area will remain A-2 Agricultural.

WHEREAS, after giving consideration to the character of Waterford Township, the needs of the citizens and the suitabilities and the specific nature of the particular parts of Waterford Township, the Board of Supervisors of Waterford Township believes that these amendments to The Waterford Township Zoning Ordinance reflects the policy and goals set forth in the Statement of Community Development Objectives set forth in Section 102 of the Waterford Township Zoning Ordinance and the purposes set forth in the Pennsylvania Municipalities Planning Code (53 P.S. § 10100, et seq.); and

WHEREAS, The Board of Supervisors of Waterford Township believe that the herein described rezoning is required for the following reasons:

1. Waterford Township is losing much of its M-1A Light Industrial due to the PACE Program and presently has an insufficient amount of M-1A Light Industrial property in the Township; and
2. The proposed rezoned area accesses a main highway in the Township that can accommodate manufacturing.
3. The proposed rezoned area accesses a main railroad line cutting through the Township.
4. Rezoning will provide a reduction in transportation costs to accommodate the growth of industry and manufacturing.
5. The area to be rezoned is a continuation of manufacturing and a business already existing in the area.
6. Rezoning will add marketable property with access to a main thoroughfare and railroad.

7. Rezoning of the area will provide relief for existing blighted and abandoned property that is now vacant and will allow the property to become productive.

NOW, THEREFORE, this 5th day of November, 2008, the Board of Supervisors of the Township of Waterford, in the County of Erie and Commonwealth of Pennsylvania, hereby ordained and enact the following ordinance:

**FIRST:**

To amend Table 201 to remove cemeteries under A-2 Agricultural as a permitted use.

**SECOND:**

To amend Table 201 A-2 Agricultural to permit cemeteries as a conditional use.

**THIRD:**

To amend Table 201 M-1 Industrial and M-1A Light Industrial to permit the following additional conditional uses: retail store(s), service shop(s), eating and drinking place(s), office(s), bank(s), auto sale(s) and repair, service station(s), motel(s), commercial recreation, commercial school(s), agriculture, public utility structure(s), garage repair(s), essential services, accessory uses, single family dwelling(s) and mini storage building(s).

**FOURTH:**

To rezone Parcel (47) 18-40-5 in its entirety from R-1 Residential to M-1A Light Industrial.

**FIFTH:**

To rezone Parcel (47) 18-40-6 in its entirety from R-1 Residential to M-1A Light Industrial.

**SIXTH:**

To rezone Parcel (47) 24-39-3 in its entirety from R-1 Residential to M-1A Light Industrial.

**SEVENTH:**

To rezone a portion of Parcel (47) 24-39-4 from R-1 Residential to M-1A Light Industrial. The Parcel to be rezoned is described as follows: Beginning at a point at the northeasterly corner of the parcel identified as Erie County Tax Index No. (47) 24-39-3 and the place of beginning. Said place of beginning is the northwesterly corner of the parcel of property identified as Erie County Tax Index No. (47) 24-39-4; thence in a southerly direction along the easterly boundary line of (47) 24-39-3 as extended 625 feet more or less to a point; thence in an easterly direction 75 feet more or less to a point on the Con-Rail Railroad Line Right of Way; thence in a northerly direction 625 feet more or less to a point on the southerly line of Depot Road; said point being the northeasterly corner of Erie County Tax Index No. (47) 24-39-4; thence in a westerly direction 75 feet more or less to a point and the place of beginning.

**EIGHTH:**

To rezone a portion of Parcel (47) 24-39-5.01 in its entirety from R-1 Residential to M-1A Light Industrial. The Parcel to be rezoned is described as follows: Beginning at the northwesterly corner of the parcel of property that is identified as Erie County Tax Index No. (47) 24-39-3; thence in a southerly direction along the westerly



line of Index No. (47) 24-39-3 400 feet more or less to a point; thence in an easterly direction approximately 75 feet to a point on the westerly boundary line of the parcel of property identified as Erie County Tax Index No. (47) 24-39-4; thence in a southerly direction along the westerly boundary line of Erie County Tax Index No. (47) 24-39-4, 175 feet to a point; thence in a westerly direction 150 feet more or less to a point; thence in a northerly direction, 625 feet more or less to a point in Depot Road and which point is approximately 75 feet westerly of the northwesterly corner of the parcel identified as Erie County Tax Index No. (47) 24-39-3; thence in an easterly direction along Depot Road 75 feet more or less to a point in the place of beginning.

**NINTH:**

To rezone a portion of Parcel (47) 19-40-4 in its entirety from R-1 Residential to M-1A Light Industrial as follows: The Parcel to be rezoned is described as follows: The northern boundary line on the parcel to be rezoned abuts Parcel No. (47) 19-40-3. The eastern boundary line abuts the Con-Rail Railroad Tracks for approximately 1,500 feet. The southerly boundary abuts Parcels (47) 18-40-6 and (47) 18-40-5. The western boundary line of the subject property thence runs in a northerly direction 1,550 feet to the place of beginning and the southwesterly corner of (47) 19-40-3. Said parcel being rectangular in shape with a width of approximately 200 feet and a length of approximately 1,500 feet more or less. The Parcel to be rezoned is described as follows: Beginning at a point in the south westerly corner of the parcel identified as Erie County

Tax Index No. (47) 19-40-3 and the point of beginning; thence in an easterly direction 200 feet more or less to a point in west line of the Con-Rail Roadway Right of Way; thence in a southerly direction along the Con-Rail Roadway Right of Way

approximately 1,550 feet more or less to a point; thence in a westerly direction 200 feet more or less to a point; thence in a northerly direction 1,550 feet more or less to a point and the place of beginning.

TENTH:

To rezone a portion of Parcel (47) 19-41-3 from A-2 Agricultural to M-1A Light Industrial as follows: The parcel to be rezoned is described as follows: Beginning at a point at the northeasterly corner of the parcel of property identified as Erie County Tax Index No. (47) 19-41-3 where it intersects with the westerly right of way line of Donation Road and the place of beginning; thence in a southerly direction along the westerly line of Donation Road, approximately 1,400 feet to a point; thence in a westerly direction 550 feet (plus or minus) to a point; thence in a northerly direction 200 (plus or minus) to a point; thence in a westerly direction 250 feet (plus or minus) to a point; thence in a northerly direction 150 feet (plus or minus) to a point; thence in a westerly direction 375 feet to the Con-Rail Railroad Right of Way; thence in a northerly direction along the Con-Rail Roadway Right of Way 1,175 feet more or less to a point; thence in a easterly direction approximately 1,275 feet more or less to the westerly line of Donation Road, a place of beginning. There is a 200 foot buffer area between the properties along Depot Road and the southerly border of the above described property that will NOT be rezoned. The 200 foot buffer area will remain A-2 Agricultural.

Duly enacted and ordained on the 5th day of November, 2008, by the Board of Supervisors of the Township of Waterford, County of Erie and Commonwealth of Pennsylvania.

WITNESS/ATTEST:

WATERFORD TOWNSHP SUPERVISORS

Linda L. Neumeyer  
Secretary

By G. L. White  
Gary L. White, Chairman

By Michael McCall  
Michael McCall, Supervisor

By Tom Coffin  
Tom Coffin, Supervisor

 COPY

**WATERFORD TOWNSHIP**  
**NATIONAL FLOOD PLAIN**  
**MANAGEMENT ORDINANCE**  
**OF FEBRUARY 2014**

OD- 2014

1-22-2014  
Send to  
Waterford

TABLE OF CONTENTS

	<u>PAGE</u>
ARTICLE I - STATUTORY AUTHORIZATION	3
ARTICLE II - GENERAL PROVISIONS	3
ARTICLE III - ADMINISTRATION	4
ARTICLE IV - IDENTIFICATION OF FLOODPLAIN AREAS	11
ARTICLE V - TECHNICAL PROVISIONS	13
ARTICLE VI - PROHIBITED ACTIVITIES	23
ARTICLE VII - EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS	23
ARTICLE VIII - VARIANCES	24
ARTICLE IX - DEFINITIONS	25
ARTICLE X - ENACTMENT	31

**WATERFORD TOWNSHIP ORDINANCE NO. 2014-00**

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE TOWNSHIP OF WATERFORD, ERIE COUNTY, PENNSYLVANIA WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

**ARTICLE I. STATUTORY AUTHORIZATION**

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, Waterford Township, does hereby ordain and enact and order as follows.

**ARTICLE II. GENERAL PROVISIONS**

**Section 2.01 Intent**

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

**Section 2.02 Applicability**

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere which is subject to flooding within the Township of Waterford unless a Permit has been obtained from the Floodplain Administrator.

B. A Permit shall not be required for minor repairs to existing buildings or structures.

**Section 2.03 Abrogation and Greater Restrictions**

This Ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

**Section 2.04 Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**Section 2.05 Warning and Disclaimer of Liability**

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of Waterford Township or any officer, agent, servant and/or employee or any of their respective insurance carriers for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

**ARTICLE III. ADMINISTRATION**

**Section 3.01 Designation of the Floodplain Administrator**

The Zoning Officer, is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

**Section 3.02 Permits Required**

A Permit shall be required before any construction or development is undertaken within any special flood hazard area of the municipality of Waterford Township.

**Section 3.03 Duties and Responsibilities of the Floodplain Administrator**

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any Permit, the Floodplain Administrator shall review the application for the Permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966 -537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978 -325, as amended); the Pennsylvania Clean Streams Act (Act 1937 -394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No Permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his /her duties, the Floodplain Administrator and the Township Engineer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.
- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Supervisors of Waterford Township for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain all records associated with the requirements of this Ordinance including, but not limited to, permitting, inspection and enforcement.
- H. The Floodplain Administrator, with the assistance of the Building Inspector when needed and requested, shall consider the requirements of the 34 P A Code and the 2009 IBC and 2009 IRC or latest revisions thereof.



**Section 3.04 Application**

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of Waterford. The applicant shall submit five (5) sets of the application and supporting documents. Such application shall contain the following:
1. Name and address of applicant.
  2. Name and address of owner of land on which proposed construction is to occur.
  3. Name and address of contractor, if known.
  4. Site location including address.
  5. Listing of other permits required.
  6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
  7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified special flood hazard area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
  3. adequate drainage is provided so as to reduce exposure to flood hazards.
  4. structures will be anchored to prevent floatation, collapse, or lateral movement.
  5. building materials are flood-resistant.
  6. appropriate practices that minimize flood damage have been used.

7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Permit Application Form.
  2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - a. north arrow, graphic scale, and date;
    - b. topographic contour lines, if available;
    - c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
    - d. the location of all existing streets, drives, and other access ways; and
    - e. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
    - b. the base flood elevation;
    - c. supplemental information as may be necessary under 34 P A Code, the 2009 IBC or the 2009 IRC, as amended.
  4. The following data and documentation:
    - a. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and
    - b. detailed information concerning any proposed floodproofing measures and corresponding elevations.
    - c. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within a

Zone AE Area/District without floodway ( See Section 4.02 B) when combined with all other existing and anticipated development within the project site, will not increase the base flood elevation more than one (1) foot at any point.

- d. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- e. detailed information needed to determine compliance with Section 5.03 F., Storage, and Section 5.04, Development Which May Endanger Human Life, including:
    - i. the amount, location and purpose of any materials or substances referred to in Sections 5.03 F. and 5.04 which are intended to be used, produced, stored or otherwise maintained on site.
    - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 5.04 during a base flood.
  - f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
5. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administration.

#### Section 3.05 Application Review Procedures

Upon receipt of an application for a Permit by the Floodplain Administrator, the following procedures shall apply:

- A. Within ten (10) working days following the receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and, when needed, to the Township Engineer for review and comment.

- B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

#### **Section 3.06 Review by County Conservation District**

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

#### **Section 3.07 Review of Application by Others**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals for review and comment.

#### **Section 3.08 Changes**

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

#### **Section 3.09 Placards**

In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit the date of its issuance and be signed by the Floodplain Administrator.

#### **Section 3.10 Start of Construction**

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a

manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

### **Section 3.11 Enforcement**

#### **A. Notices**

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing;
2. include a statement of the reasons for its issuance;
3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

#### **B. Penalties**

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a summary offense and upon conviction shall pay a fine to Waterford Township of not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution. In addition to

the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board of Supervisors of Waterford Township to be a public nuisance and abatable as such.

#### **Section 3.12 Appeals**

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board, shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.
- C. Any person aggrieved by any decision of the Zoning Hearing Board, may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

### **ARTICLE IV. IDENTIFICATION OF FLOODPLAIN AREAS**

#### **Section 4.01 Identification**

The identified floodplain area shall be:

- A. any areas of Waterford Township, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated February 19, 2014 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study. Without limiting the foregoing, this section and the provisions contained herein, are intended to provide that Waterford Township does hereby agree that the within Ordinance is to be considered automatically amended to include the most recently available flood elevation data provided by FEMA. This provision and its automatic inclusion has been approved by the National Flood Insurance Program (NFIP) regulations; and
- B. any Community Identified Flood Hazard Areas.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township of Waterford and declared to be a part of this Ordinance.

**Section 4.02 Description and Special Requirements of Identified Floodplain Areas**

The identified floodplain areas shall consist of the following specific areas:

- A. The Floodway Area/District Identified as Floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.
  1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection.
- B. The AE Area/District without Floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.
  1. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without Floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development within the project site, increase the BFE more than one (1) foot at any point.
- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses,

computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality,

- D. The Shallow Flooding Area/District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.
- E. Community Identified Flood Hazard Areas shall be those areas where Waterford Township has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

#### **Section 4.03 Changes in Identification of Area**

The identified floodplain area may be revised or modified by the Supervisors of Waterford Township where studies or new technical or scientific data provided by a qualified agency or other person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA.

Additionally, whether the identified flood plain area is revised by the Township or not, as soon as practicable, but not later than six (6) months after the date such information becomes available, the Township shall notify the FEMA of the changes by submitting technical or scientific data.

#### **Section 4.04 Boundary Disputes**

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Waterford Township Planning Commission and any party aggrieved by this decision or determination may appeal to the Supervisors of Waterford Township. The burden of proof shall be on the appellant, as well as all costs, review fees, etc.

#### **Section 4.05 Jurisdictional Boundary Changes**

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in the Code of Federal Regulations 44 60.3.

### **ARTICLE V. TECHNICAL PROVISIONS**

#### **Section 5.01 General**

- A. Alteration or Relocation of Watercourse



1. No encroachment, alteration, or improvement of any kind shall be made in any riverine area until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection.
  2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will maintain the flood carrying capacity of the watercourse.
- B. Technical or scientific data shall be submitted by the Township to FEMA for a Letter of Map Revision (LOMR) as soon as practicable but within six (6) months of any new construction, development, or other activity resulting in changes in the BFE. The situations when a LOMR or a Conditional Letter of Map Revision (CLOMR) are required are:
1. Any development that causes a rise in the base flood elevations within the floodway, or;
  2. Any development occurring in Zones A1 -30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation, or;
  3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).
- C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
- D. Within any Identified Floodplain Area (See Section 4.02), no new construction or development shall be located within the area measured fifty (50) feet landward from the top -of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection.

#### Section 5.02 Elevation and Floodproofing Requirements

##### A. Residential Structures

1. In AE, AI -30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
2. In A Zones, where there no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor

(including basement) elevated up to, or above, the regulatory flood elevation in accordance with Subsection 4.02.C of this Ordinance.

3. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 P A Code (Chapters 401-405 as amended) shall be utilized.

#### B. Non-residential Structures

1. In AE, AI -30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
  - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
  - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
2. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation in accordance with Subsection 4.02.C of this Ordinance.
3. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
4. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
5. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential

Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 P A Code (Chapters 401-405 as amended) shall be utilized.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - b. The bottom of all openings shall be no higher than one (1) foot above grade.
  - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

E. Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 100 square feet.

3. The structure will have a low damage potential.
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.
8. the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - b. the bottom of all openings shall be no higher than one (1) foot above grade.
  - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

#### **Section 5.03 Design and Construction Standards**

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

##### **A. Fill**

If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points;
2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

4. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
5. be used to the extent to which it does not adversely affect adjacent properties.

#### B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

#### C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.

#### D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

#### E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

#### F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 5.04,

Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

#### G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

#### H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or component located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

#### I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

#### J. Paints and Adhesives

1. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

#### K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Ordinance, to the extent that they are more restrictive and/or supplement the requirements of this Ordinance.

International Building Code (IBC) 2009 or the latest edition thereof:  
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof:  
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

**Section 5.04 Development Which May Endanger Human Life**

- A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
1. will be used for the production or storage of any of the following dangerous materials or substances; or,
  2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
  3. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
  - Ammonia
  - Benzene
  - Calcium carbide
  - Carbon disulfide
  - Celluloid
  - Chlorine
  - Hydrochloric acid
  - Hydrocyanic acid
  - Magnesium
  - Nitric acid and oxides of nitrogen
  - Petroleum products (gasoline, fuel oil, etc.)
  - Phosphorus
  - Potassium
  - Sodium
  - Sulphur and sulphur products
  - Pesticides (including insecticides, fungicides, and rodenticides)
  - Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any Floodway Area, any structure of the kind described in Subsection A, above, shall be prohibited.
- C. Within any Identified Floodplain Area, any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top -of-bank of any watercourse.
- D. Where permitted within any Identified Floodplain Area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:
1. elevated, or in the case of a non-residential structure elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.
  2. designed to prevent pollution from the structure or activity during the course of a base flood elevation.



#### **Section 5.05 Special Requirements for Subdivisions**

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

#### **Section 5.06 Special Requirements for Manufactured Homes**

- A. Within any Floodway Area /District, manufactured homes shall be prohibited except as replacements to existing manufactured homes.
- B. Within any Identified Floodplain Area s, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top -of-bank of any watercourse except as replacements to existing manufactured homes.
- C. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
  1. placed on a permanent foundation.
  2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation.
  3. anchored to resist flotation, collapse, or lateral movement.
- D. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
- E. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

#### **Section 5.07 Special Requirements for Recreational Vehicles**

- A. Recreational vehicles in Zones AI-30, AH and AE must either
  1. be on the site for fewer than 180 consecutive days,

2. be fully licensed and ready for highway use, or
3. meet the permit requirements for manufactured homes in Section 5.06.

## **ARTICLE VI. PROHIBITED ACTIVITIES**

### **Section 6.01 General**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  1. Hospitals
  2. nursing homes
  3. jails or prisons
  4. schools
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

## **ARTICLE VII EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS**

### **Section 7.01 Existing Structures**

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 7.02 shall apply.

### **Section 7.02 Improvements**

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.

- B. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- D. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Ordinance.
- E. The above activity shall also address the requirements of the 34 P A Code, as amended and the 2009 IBC and the 2009 IRC.

## **ARTICLE VIII VARIANCES**

### **Section 8.01 General**

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of Waterford may, upon request, grant relief from the strict application of the requirements.

### **Section 8.02 Variance Procedures and Conditions**

Requests for variances shall be considered by the Township of Waterford in accordance with the procedures contained in Section 3.12 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without Floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Prohibited Activities (Article VI) or to Development Which May Endanger Human Life (Section 5.04).
- D. If granted, a variance shall involve only the least modification necessary to provide relief.

- E. In granting any variance, the Township of Waterford shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- F. Whenever a variance is granted, the Township of Waterford shall notify the applicant in writing that:
  - 1. The granting of the variance may result in increased premium rates for flood insurance.
  - 2. Such variances may increase the risks to life and property.
- G. In reviewing any request for a variance, the Township of Waterford shall consider, at a minimum, the following:
  - 1. That there is good and sufficient cause.
  - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
  - 3. That the granting of the variance will:
    - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
    - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- H. A complete record of all variance requests and related actions shall be maintained by the Township of Waterford. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting a 1% annual chance flood.

## **ARTICLE IX DEFINITIONS**

### **Section 9.01 General**

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

### **Section 9.02 Specific Definitions**

- 1. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").
3. Based flood discharge - the volume of water resulting from a Base Flood as it passes a given location with a given time, usually expressed in cubic feet per second (cfs).
4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, AI-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
5. Basement - any area of the building having its floor below ground level on all sides.
6. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
7. 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.
8. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
9. Existing structure - means a structure for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing Structure" may also be referred to as "existing construction."
10. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
11. Flood - a temporary inundation of normally dry land areas.
12. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has

delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

13. Flood Insurance Study (FIS) - the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
14. 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.
15. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
16. 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.
17. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
18. Historic structures - any structure that is:
  - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - 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;
  - 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:
    - i. By an approved state program as determined by the Secretary of the Interior or
    - ii. Directly by the Secretary of the Interior III states without approved programs.

19. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.
20. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
21. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
22. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
23. New construction - structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after February 17, 1982 and before the effective start date of this floodplain management ordinance is subject to the Ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
24. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
25. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
26. Post-FIRM Structure - a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's

Initial Flood Insurance Rate Map (FIRM) dated February 17, 1982, whichever is later, and, as such, would be required to be compliance with the regulations of the National Flood Insurance Program.

27. Pre-FIRM Structure - a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated February 17, 1982, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
28. Recreational vehicle - a vehicle which is:
  - a. built on a single chassis;
  - b. not more than 400 square feet, measured at the largest horizontal projections;
  - c. designed to be self-propelled or permanently towable by a light-duty truck,
  - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
29. Regulatory flood elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.
30. Repetitive loss - flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
31. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
32. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, AI-A30, AE, A99, or, AH.
33. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land



preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

34. Structure - a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
35. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
36. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
37. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage or "repetitive loss" regardless of the actual repair work performed. The term does not, however include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
38. Township - the Township of Waterford, Erie County, Pennsylvania.
39. Uniform Construction Code (DCC) - The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

40. Violation - the failure of a structure or other development to be fully compliant with the community's flood -plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
41. Zoning Hearing Board - The Zoning Hearing Board of Waterford Township, Erie County, Pennsylvania.

**ARTICLE X. ENACTMENT**

**Section 10.01 Adoption**

This Ordinance shall be effective on the 5th day of February, 2014, and shall remain in force until modified, amended or rescinded by Waterford Township, Erie County, Pennsylvania.

ENACTED AND ADOPTED by the Supervisors of Waterford Township this 5th day of February, 2014.

WITNESS/ATTEST:

**WATERFORD TOWNSHIP SUPERVISORS**

Linda Niemeyer  
Linda Niemeyer  
Waterford Township Secretary

By John R. Stull  
John R. Stull, ~~Chairman~~ Supervisor

By Florry Kondzielski  
Florry Kondzielski, Supervisor

By \_\_\_\_\_  
Bruce Coffin, ~~Supervisor~~ Chairman

**ORDINANCE NO. 2014-1**

*Zoning  
Map  
Change*

AN ORDINANCE AMENDING THE WATERFORD TOWNSHIP ZONING ORDINANCE AND OFFICIAL ZONING MAP TO REZONE CERTAIN PROPERTY ALONG ROUTE 97 MORE FULLY DESCRIBED HEREIN FROM A-2 AGRICULTURAL TO M-1A LIGHT INDUSTRIAL.

WHEREAS, the Board of Supervisors of the Township of Waterford in the County of Erie, Commonwealth of Pennsylvania ordained and enacted the Waterford Township Zoning Ordinance effective November 23, 1971; and

WHEREAS, the Waterford Township Zoning Ordinance has been amended from time to time thereafter; and

WHEREAS, the Board of Supervisors of the Township of Waterford desire to amend the Waterford Township Zoning Ordinance and change the official Waterford Township Zoning Map so as to rezone portions of Tax Parcels No. (47) 32-85-3.03 and No. (47) 32-85-3.01 from their current zoning classification A-2 (Agricultural) to M-1A (Light Industrial). The portions of these tax parcels being rezoned consist of (i) a 17.794 acre portion of Tax Parcel No. (47) 32-85-3.03 (designated as Parcel 2 on the survey attached hereto as Exhibit "A"; (ii) a 3.206 acre portion of Tax Parcel No. (47) 32-85-3.03 (designated as Parcel 1 on the survey attached hereto as Exhibit "A"; and (iii) a small triangular-shaped portion of Tax Parcel No. (47) 32-85-3.01 located at the southwesterly corner thereof (designated by cross-hatching on the survey attached hereto as Exhibit "A").

NOW, THEREFORE, the Board of Supervisors of the Township of Waterford, Erie County, Pennsylvania hereby ordains and enacts the following amendments to the Waterford Township Zoning Ordinance and the official Waterford Township Zoning Map:

FIRST: The portions of Tax Parcels No. (47) 32-85-3.03 and No. (47) 32-85-3.01 consisting of (i) the 17.794 acre portion of Tax Parcel No. (47) 32-85-3.03 (designated as Parcel 2 on the survey attached hereto as Exhibit "A"), (ii) the 3.206 acre portion of Tax Parcel No. (47) 32-85-3.03 (designated as Parcel 1 on the survey attached hereto as Exhibit "A"), (iii) a small triangular-shaped portion of Tax Parcel No. (47) 32-85-3.01 located at the southwesterly corner thereof (designated by cross-hatching on the survey attached hereto as Exhibit "A"), are all hereby rezoned from their current zoning classification of A-2 (Agricultural) to M-1A (Light Industrial).

SECOND: The Zoning Officer is directed to take all steps necessary to memorialize the foregoing amendments to the Waterford Township Zoning Ordinance and the official Waterford Township Zoning Map, and to provide written notice and copies to the Erie County Department of Planning of such amendments within thirty (30) days hereafter.

DULY ENACTED AND ORDAINED on this 6th day of August, 2014 by the Board of Supervisors of the Township of Waterford, Erie County, Pennsylvania.

Attest:

TOWNSHIP OF WATERFORD

Linda L. Niemeyer  
Township Secretary

By: Bruce C. Coffin  
Bruce C. Coffin, Chairman

By: Flory A. Kondzielski  
Flory A. Kondzielski, Supervisor

By: John R. Stull  
John R. Stull, Supervisor



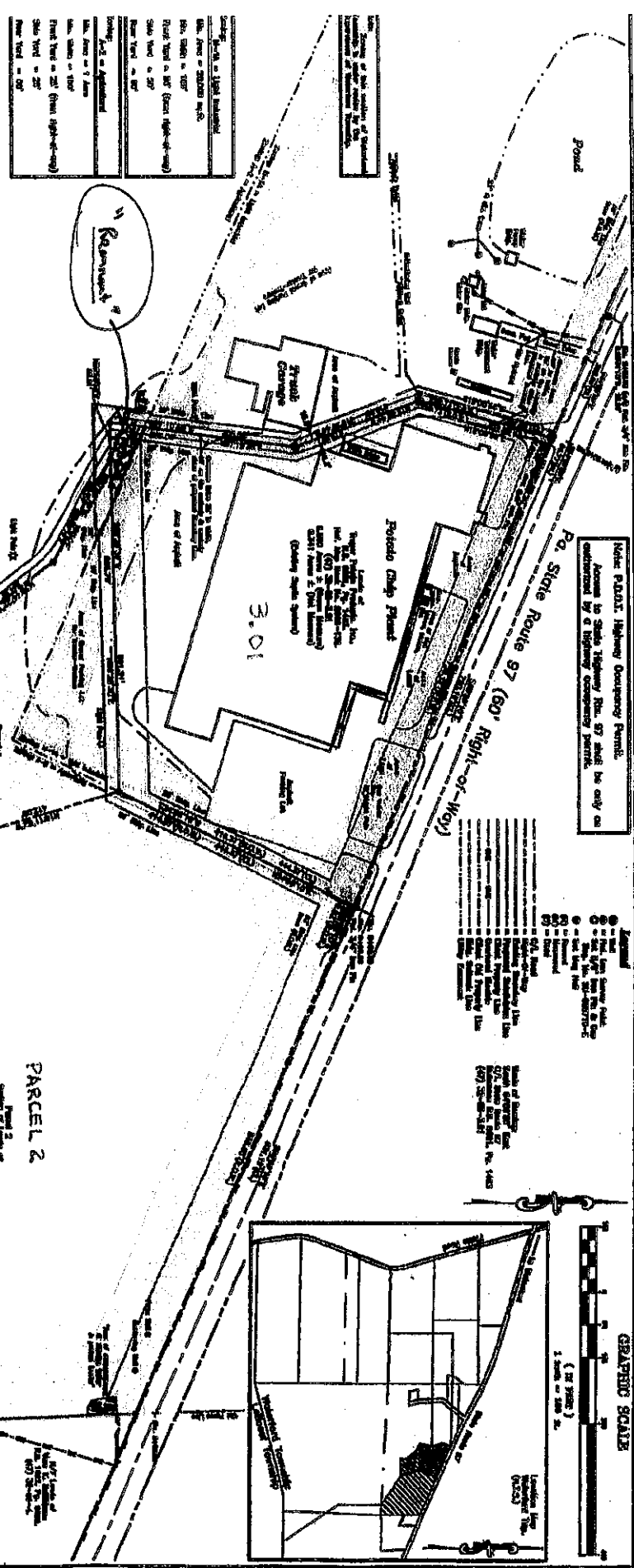
MIA LIGHT INDUSTRIAL

PETITION TO REZONE TO MIA LIGHT INDUSTRIAL

Under P.O.D.T. Highway Occupancy Permit. Allowed to State Highway Div. 97 shall be only as authorized by a Highway Occupancy Permit.

- Legend**
- = 10' wide easement
  - = 20' wide easement
  - = 30' wide easement
  - = 40' wide easement
  - = 50' wide easement
  - = 60' wide easement
  - = 70' wide easement
  - = 80' wide easement
  - = 90' wide easement
  - = 100' wide easement

Scale of Drawing: 1" = 100' (Horizontal) 1" = 20' (Vertical)



**Notes:**

- 1) All dimensions are given in feet and inches.
- 2) All bearings are given in degrees, minutes and seconds.
- 3) All areas are given in square feet.
- 4) All distances are given in feet.
- 5) All bearings are given in degrees, minutes and seconds.
- 6) All areas are given in square feet.
- 7) All distances are given in feet.
- 8) All bearings are given in degrees, minutes and seconds.
- 9) All areas are given in square feet.
- 10) All distances are given in feet.
- 11) All bearings are given in degrees, minutes and seconds.
- 12) All areas are given in square feet.
- 13) All distances are given in feet.
- 14) All bearings are given in degrees, minutes and seconds.
- 15) All areas are given in square feet.
- 16) All distances are given in feet.
- 17) All bearings are given in degrees, minutes and seconds.
- 18) All areas are given in square feet.
- 19) All distances are given in feet.
- 20) All bearings are given in degrees, minutes and seconds.

**Professional Information:**

Robert K. Mitchell  
REGISTERED PROFESSIONAL  
LAND SURVEYOR  
SIL-053710-E  
PENNSYLVANIA

Land of Surveyor  
Robert K. Mitchell  
1000 N. 10th St.  
P.O. Box 100  
Harrisburg, PA 17103  
(717) 634-1000

**Additional Notes:**

Parcel 3.03: 3.03  
Option Parcel: OPTION PARCEL

Various other notes and details regarding the parcels and easements.

WATERFORD TOWNSHIP

ORDINANCE NO. 2-2014

*M1 + M1A district  
amendment;  
signs, signs,  
billboards,  
change definition  
of "lot".*

AN ORDINANCE AMENDING WATERFORD TOWNSHIP'S ZONING ORDINANCE DATED DECEMBER 19, 1990, AS AMENDED, TO: (1) ADD THE SPECIAL OUTDOOR RECREATION AREA TO THE M1 AND M1-A DISTRICTS AS CONDITIONAL USES; (2) INCREASE THE ALLOWABLE MAXIMUM SIZE OF BUSINESS SIGNS AND PROVIDE FOR CONDITIONAL USES OF SAID SIGNS IF LIGHTED; (3) PERMIT BILLBOARDS AS A CONDITIONAL USE IN CERTAIN ZONING DISTRICTS WITH DESIGN REQUIREMENT; AND (4) CHANGE THE DEFINITION OF "LOT"

Be it ENACTED by the Township of Waterford under the authority of the Municipalities Planning Code and other applicable law, as follows:

WHEREAS, Waterford Township enacted a Zoning Ordinance, Ordinance No. 90-\_\_\_\_\_ on December 19, 1990, effective January 1, 1991, and has periodically amended same; and

WHEREAS, Waterford Township has considered various proposals to further amend the Zoning Ordinance as identified hereinafter.

NOW, THEREFORE, following public hearing and satisfying all conditions precedent, it is hereby ENACTED as follows:

1903 D

1. Section 306 entitled "Signs" is amended to provide the following additional provisions at the end of Section 306:

Signs/Billboards shall be permitted as Conditional Uses in the B1, M1 and M1-A districts so long as constructed on a single steel pole.

Section 306.1.B. shall increase the maximum allowable size of a business sign to five (5) feet by ten (10) feet. Note, if the business sign is to be lighted in any form, it shall be as a conditional use.

2. Section 601 is amended to replace the definition of Lot with the following new definition:

LOT - A parcel of land occupied or capable of being occupied by one single-family dwelling and one or more unoccupied structures.

3. Table 201 of Part II is amended to authorize Special Outdoor Recreation in the M1 and M1-A conditional uses so long as it is private and not open to the public.

4. All ordinances or parts of any ordinances inconsistent herewith are hereby repealed.

ENACTED AND ADOPTED by the Waterford Township Board of Supervisors

this 5th day of November, 2014.

Attest:

WATERFORD TOWNSHIP

*Lesda L. Nemeyer*  
Secretary

By *Bruce C. Coffin*  
Chairman

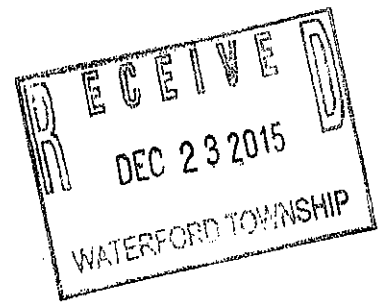
By *Harry Kandyk*  
Supervisor

By *John R. Stull*  
Supervisor

#806378



WATERFORD TOWNSHIP  
ORDINANCE NO. 2016 - 02



AN ORDINANCE AMENDING WATERFORD TOWNSHIP'S ZONING ORDINANCE DATED DECEMBER 19, 1990, AS AMENDED, TO ADD DEFINITIONS RELATED TO DWELLINGS AND GROUP DWELLINGS

BE IT ENACTED by the Township of Waterford under the authority of the Municipalities Planning Code and other applicable law, as follows:

WHEREAS, Waterford Township enacted a Zoning Ordinance, December 19, 1990, effective January 1, 1991, and has periodically amended same; and

WHEREAS, Waterford Township has determined it to be in the best interests of its citizens to amend certain definitions in the Zoning Ordinance and add definitions related to dwellings and group facilities.

NOW, THEREFORE, following public hearing and satisfying all conditions precedent, it is hereby ENACTED as follows:

1. Part 6 - Definitions, is amended:

- a. The definition of DWELLING is added as the following definition:

DWELLING – A house, apartment building or other structure (including mobile homes and manufactured homes) used primarily for human habitation that has a minimum of 1,000 square feet of living space and permanently affixed to the property. The word “DWELLING” shall not include hotels, motels or other structures used for transient residence nor shall it include house trailers or campers unless they are specifically included.

- b. The definition of DWELLING, SINGLE-FAMILY is repealed and replaced with the following: SINGLE FAMILY DWELLING – A dwelling designed for occupancy by one family, including factory built or manufactured dwellings, site-built dwellings, modular homes and mobile homes. A mobile home shall be permitted provided it shall be permanently affixed to the property.

- c. The definition of DWELLING/TWO FAMILY is repealed and replaced with the following: TWO FAMILY DWELLING – A building containing two DWELLINGS designed for and used exclusively for occupancy by two families living independently.

- d. The definition of DWELLING/MULTIPLE is repealed and replaced with the following: MULTI-FAMILY DWELLING – A DWELLING or group of DWELLINGS on one lot containing separate living quarters that are designed for occupancy by three or more families living independently of each other and containing three or more DWELLING units. Such buildings shall consist of the following types: apartment building, garden apartment or row house.

2. The following definitions are added:

- a. GROUP HOME – A single-family detached dwelling providing residence and specialized services for not more than eight developmentally disabled, mentally handicapped, physically handicapped or dependent children or adults referred by the appropriate Erie County or state agency responsible for placement and qualified staff who provide professional care, supervision and service for such residents and not more than two such personnel shall be residents of the dwelling.

- b. GROUP RESIDENCE FACILITY – An establishment that provides in a family setting or environment room, board and care to persons

who are intellectually disabled and/or physically handicapped, dependent children under the age of 18 years or individuals over 62 years of age who are in need of supervision and specialized services limited to health, social and/or rehabilitative services provided by a governmental agency, its licensed or certified agents or a responsible and licensed nonprofit social service corporation. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency, at least one responsible adult to be available for the residents on a 24-hour per day basis while residents are on the premises. Such establishment must inherently function as a single housekeeping unit and not as an institution; shall not bear exterior signage and shall not allow or engage in activity, including extend of parking, not customary for other uses in the particular zoning district. This category shall not include facilities for delinquent children, persons 18 or more years of age released from or under the jurisdiction of a criminal court, government bureau of corrections or similar institution or agency, persons suffering from communicable or publicly transmittable diseases or otherwise not within the specific definition set forth above. Under this definition, the number of "residents" shall be deemed to include resident clients, staff residing in the premises or assigned per shift and family of staff who reside in the premises, either temporarily or permanently. Persons receiving treatment under Article IV (determinations affecting those charged with a crime or under sentence) shall not be eligible for residence in a group residence facility. Intellectually disabled individuals shall be certified by Erie County intellectual disability authorities as being capable of residing in such a facility. This definition shall be strictly interpreted.

3. The references to types of dwellings in the table in section 201 setting forth conditional uses in the B-1 Business District, the term Multiple Dwellins shall mean  
**MULTI-FAMILY DWELLING.**

4. All ordinances or parts of any ordinances inconsistent herewith are hereby repealed.

ENACTED AND ADOPTED by the Waterford Township Board of Supervisors

this 20~~th~~ day of January, 2016.

WATERFORD TOWNSHIP

Attest:

Wendy Brabler  
Secretary

By Bruce C. Coffin  
Supervisor, Chairman

By John R. Stull  
Supervisor

By J. Malmeusch  
Supervisor

#878515

WATERFORD TOWNSHIP, PENNSYLVANIA

ORDINANCE NO. 2018 - 01

*Temporary  
Holding/Retaining  
Tanks*

AN ORDINANCE OF WATERFORD TOWNSHIP, ERIE COUNTY, PENNSYLVANIA PURSUANT TO THE PENNSYLVANIA SEWAGE FACILITIES ACT, THE ACT OF JANUARY 24, 1966 (P.L. 1535, NO. 537) AND THE RULES AND REGULATIONS OF THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO PROVIDE FOR RETAINING OR HOLDING TANKS WHERE PERMITTED BY THE TOWNSHIP'S OFFICIAL ACT 537 PLAN AND THIS ORDINANCE.

WHEREAS, Waterford Township, on occasion, will consider the installation of a holding or retaining tank for sewage, as defined herein, on a temporary basis until a more permanent solution is available; and

WHEREAS, said tanks need required attention to avoid overflows and create health hazards; and

WHEREAS, the County of Erie already has a permitting system in place but the Township has responsibility for the management of such tanks and hereby enacts this Ordinance to regulate such tanks; and

WHEREAS, the Pennsylvania Construction Code requires that an Improved Property be serviced by a system to handle Sewage.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Supervisors of Waterford Township, Erie County, Pennsylvania, and it is hereby enacted and ordained as follows:

## HOLDING TANKS

### 1. Purpose.

The purpose of this ordinance is to establish procedures for the use and maintenance of Holding Tanks designated to receive and retain Sewage whether for institutional, recreational or commercial uses or in emergency situations as approved by the Supervisors and it is hereby declared that the enactment of this ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of Waterford Township.

### 2. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in this article shall be as follows:

**HOLDING TANK** - A watertight receptacle, whether permanent or temporary, that receives and retains Sewage conveyed by a water-carrying system and is designed and constructed to facilitate ultimate disposal of the Sewage at another site.

**IMPROVED PROPERTY** - Any property within the Township upon which there is erected a structure intended for institutional, recreational or commercial uses and public Sewage facilities are more than one thousand (1,000) feet from any boundary of the subject property, or that has a Sewage system that has failed in the opinion of the Erie County Department of Health or Pennsylvania Department of Environmental Protection and from which structure Sewage shall or may be discharged.

**OWNER** - Any Person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

**PERSON** - Any individual, partnership, company, association, corporation or other group or entity.

SEWAGE - Any substance that contains any of the water products or excrement or other discharge from the bodies of human beings or animals and/or any noxious or deleterious substance being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

TOWNSHIP - Waterford Township, Erie County, Pennsylvania.

**3. Rights and privileges granted.**

The Supervisors are hereby authorized and empowered to undertake within the Township the control and methods of Holding Tank use, Sewage disposal and Sewage collection and transportation thereof.

**4. Rules and regulations.**

A. The Supervisors are hereby authorized and empowered to adopt such rules and regulations concerning Sewage that they may deem necessary from time to time to effect the purposes herein.

B. All such rules and regulations adopted by the Supervisors shall be in conformity with the provisions herein, all other ordinances of the Township and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

**5. Rates, charges and bond.**

The Supervisors shall have the right and power to fix, alter, charge and collect rates, assessments and other charges at reasonable and uniform rates as authorized by applicable law. The Supervisors shall have the right and power to authorize any Person to install and maintain a Holding Tank, subject to the rules and regulations of Township and subject to the bonding requirements as pertains to the maintenance and servicing of the same which shall be determined and fixed by Township within its discretion. The purpose of the bond is to ensure adequate security in the event Township must remediate any spill or nuisance caused by a Holding Tank. In the event Township must act to protect the health, safety and welfare of Township's residents, Owner or Owners hereby agree to remit the necessary amount secured by the bond to Township. Owner or Owners are responsible to Township for any amount in excess of the bond.

**6. General**

A. The collection and transportation of all Sewage from any Improved Property utilizing a Holding Tank shall be in accordance with this ordinance and at the

expense of the Owner of the Improved Property and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

B. Holding Tanks may only be used in the B-1 Business and M-1A Light Industrial zoning districts of the Township and in emergency situations when authorized by the Township.

**7. Duties of Owners of Improved Property utilizing a Holding Tank.**

The Owner of an Improved Property that uses a Holding Tank shall:

A. Obtain a permit for the Holding Tank from the Erie County Department of Health prior to installation and follow all requirements of that permit.

B. Install a proper tank that is not less than 2,000 gallons in capacity.

C. Install an alarm such that when the tank is 75% full the alarm shall notify the Owner that it is getting full. The warning device shall create an audible and visual signal at a location frequented by the Owner or occupier of the property upon which the tank is located. In the event that the Township finds that the alarm has been shut off or tampered with, the Township may revoke the permit - in accordance with Section 8 herein - and the Owner will have ten days from said revocation to properly empty and remove the Holding Tank.

D. Permit the Supervisors or their agents to inspect, prior to the covering and use of any Holding Tanks, their construction, water tightness, size and location, in conjunction with the Sewage facilities application. In the event an inspection reveals that a Holding Tank is filled in excess of seventy-five percent (75%) of capacity the permit holder shall within ten (10) days following the inspection cause the Holding Tank to be pumped. In the event an inspection reveals that the required alarm system is not functioning properly, the permit holder shall within ten (10) days following the inspection cause the required alarm system to be repaired so that it functions as designed.

E. Maintain the Holding Tank in conformance with this or any ordinance of this Township, the provisions of any applicable law and the rules and regulations of the Township, the Erie County Health Department and any administrative agency of the Commonwealth of Pennsylvania.

F. Prevent the overflow of the contents onto the surface of the ground or into the Waters of the Commonwealth.



G. Provide to the Township proof of agreement between the Owner and a certified Sewage disposal hauler whereby the hauler contractually agrees to pump, at regular intervals, and dispose of at an approved site the wastes from said Holding Tank. Failure of the Owner to pay such reasonable rates as may be charged by the certified Sewage disposal hauler in a timely manner shall constitute a violation of this ordinance.

H. Agree that all costs of maintenance of the Holding Tank, pumping of said tank and transportation of the Sewage shall be the sole responsibility of the Owner of the Improved Property.

I. Deposit with the Township a bond, issued by a bonding company that is authorized to do business in Pennsylvania, or establish an escrow account, in the amount of \$2,000 per Holding Tank. The purpose of the bond is to insure full compliance with this Ordinance and proper installation, maintenance, disposal and removal of said temporary Holding Tank and Sewage. The bond shall remain in effect while the temporary Holding Tank is in use and shall contain a provision that the Township shall be notified in writing via certified mail from the bonding company of the termination of said bond at least thirty (30) days prior to the expiration/termination date.

J. Not transfer title to the property upon which the Holding Tank is situate without twenty (20) days prior written notice to the Township, and the Owner shall provide to any buyer or tenant evidence of the property being served by a Holding Tank and information identifying the contracted hauler.

K. Upon cessation of the need for the Holding Tank, the Owner shall disconnect the tank from the improvement served by the Holding Tank, have the Sewage removed by the contracted hauler and the tank either removed or filled with a lawful solid substance. The Owner shall within 10 (ten) days of removal of the tank or filling the same with a solid substance report to Township in writing that the Holding Tank has been properly removed or filled with a lawful substance. The invoice from the contracted hauler confirming removal of the Holding Tank should be affixed to the Owner's report.

L. Ensure the Holding Tank is properly maintained, sealed, pumped and prevent spills due to overflows.

M. The Owner of the property shall cause an inspection to be performed on the holding tank on an annual basis at the expense of the Owner and the report submitted to the Township. At a minimum the inspection shall include tank integrity and confirm that the alarm is operable and can notify of the need to be pumped. If the Township appoints a contractor to inspect holding tanks, the contractor may inspect

each and every Holding Tank installed, constructed, operated or used within Township on or before June 1 of each and every year, and provide Township with a completed written inspection report for each Holding Tank evidencing that the Holding Tank has been inspected by the designated contractor for Township. The written inspection report shall be completed in the manner and on a form provided by Township. Township shall retain at its municipal offices every annual written inspection report for each Holding Tank for a minimum of three (3) years from the date of the written inspection report.

N. The Owner or Owners of a Lot on or in which a Holding Tank is constructed, installed, operated, or used shall abandon the Holding Tank consistent with applicable public health and environmental laws, rules, regulations and standards, as soon as a community Sewage system becomes available. Thereupon, said Owner shall connect with said community sewer system, and shall pay all necessary fees related thereto.

#### **8. Violations and penalties.**

Any Owner who violates any of the provisions of Section 7 above shall, upon conviction hereof by summary proceedings, be sentenced to pay a fine of not more than \$1,000 or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

Any Owner who fails to adhere to this Ordinance shall have his/her permit revoked after reasonable notice and opportunity to be heard. Prior to revoking any permit issued hereunder, Township shall provide the owner with written notice of the alleged violations and inform the Owner of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the Owner's application, or if no residential address is listed, to the business address provided on the Owner's application.

#### **9. Abatement of nuisance.**

In addition to any other remedies provided in this article, any violation of Section 7 above shall constitute a nuisance and may be abated by the Supervisors by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction. Owner will be responsible for reimbursing Township all costs and fees.

In the event that a Holding Tank has malfunctioned or overflowed in such a manner as to constitute an immediate threat or immediate potential threat to the environment or the health, safety or welfare of the residents of Township, the Township may remedy the malfunction and/or overflow without prior notice to the owner or occupiers of the parcel on or in which the Holding Tank is located. All costs and expenses incurred by the Township associated with the remedy may be imposed upon the Owner or occupier of the premises served by the Holding Tank. The Township shall demand payment of all such costs to be paid within thirty (30) days of notice. Should payment not be received, the same may be recovered by suit or lien on the property.

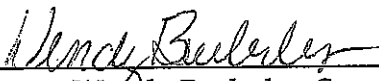
**10. Repealer**

This Ordinance shall repeal all other ordinances, or parts thereof, which are contrary to or conflict with the provisions of this Ordinance to the extent necessary to give this Ordinance full force and effect.

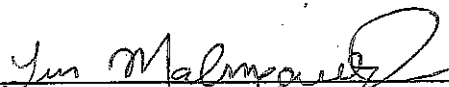
BE IT ENACTED this 7th day of March , 2018.


WATERFORD TOWNSHIP BOARD OF SUPERVISORS

Attest:

  
Wendy Burbules, Secretary

By   
Bruce Coffin, Chairman

By   
Tim Malinowski, Supervisor

By   
Dave Senger, Supervisor

#1069697