

- (i) Traffic generation (especially truck traffic),
  - (ii) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire and explosive hazards,
  - (iii) Amount and character of outdoor storage, Hours of operation and
  - (iv) Compatibility with the character of the surrounding area.
- 3. A nonconforming use which is found to meet the criteria (2 above) as a Special Exception by the Zoning Hearing Board after the above conditions are met shall not be considered a non-conforming use because it did not predate the enactment of the zoning ordinance. No natural expansion shall occur as the doctrine of natural expansion does not apply as the use did not predate the ordinance.
- H. District Changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another district, the provisions of this Section shall also apply to any nonconforming uses or structures existing in the district to which the area was transferred.
- I. Floodplain Area. In the Floodplain Area, as defined by the Township Floodplain Ordinance, all nonconforming structures and uses, including agricultural, shall be subject to the following:
  - 1. Existing nonconformities located in such district shall not be extended, expanded or enlarged.
  - 2. Any modification, alteration, repair, reconstruction or improvement of any kind to an existing nonconformity, to an extent or amount of less than 50 percent of its market value, shall be elevated and/or floodproofed at least 1-1/2 feet above the standard project flood or the 100-year flood, whichever is greater, to the greatest extent possible.
  - 3. Any modification, alteration, reconstruction or improvement of any kind to an existing nonconformity, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of this ordinance and all other applicable Township, State and Federal ordinances and regulations.

1410. TEMPORARY STRUCTURE OR USE.

A temporary zoning permit may be issued by the Zoning Officer for structures or uses subject to the following additional provisions:

- A. Duration. In the case of a special event, except under special circumstances, this shall be a maximum of five (5) days in a sixty (60) day period. The Zoning Officer may grant approval once for a recurring event.

- B. Statement from Owner. Prior to the issuance of a permit for a temporary use or structure, the applicant shall present a statement from the owner of record of the land recognizing the application and accepting responsibility and liability to ensure that the use or structure is removed once the permit expires.
- C. Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
- D. Bond. The Zoning Officer may require that a bond or other acceptable form of security be posted by the applicant to ensure removal of the temporary use or structure. Such a bond shall be equal to 125 percent of the cost of removing the structure or use, as estimated by the Township Engineer.
- E. Compatibility. The temporary use or structure shall be compatible with adjacent uses.
- F. Conditions. The temporary use or structure shall clearly be of a temporary nature.
- G. Construction Vehicle Parking and Temporary Offices. See Section 1503.C.16.B(6)
- H. Tents. This section shall not apply to tents erected for a maximum of (five) 5 days in any calendar year for 1) routine and customary accessory non-commercial uses and for routine and 2) customary accessory uses to an existing commercial use, which are permitted by right. All tents used for peddling purposes or solicitation (tents for selling flowers) are permitted only by special exception approval from the Zoning Hearing Board. Tents shall not be erected within retail or shopping center parking lots unless by special exception approval from the Zoning Hearing Board. All tents must be placed outside of the ultimate right-of-way of any street and must be placed on a vegetated surface.
- I. Fee. The Board of Supervisors may waive and/or return the required application fee if the applicant is a Internal Revenue Service recognized and well-established in the local community non-profit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
- J. Non-Profit. Only a well-established in the local community and Internal Revenue Service-recognized non-profit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use it not permitted.

- K. Special Events. If determined by the zoning officer that this special event will attract significant numbers of the public then the Township Board of Supervisors shall, by conditional use only, permit the proposed special event. The Board of Supervisors may deny the use if they determine that sanitary and water service, traffic control, off-street parking and protection of the public health and safety have not been adequately addressed. Please refer to the Township Outdoor Amusement Ordinance as amended

1411. SITE PLAN REVIEW.

- A. Intent. This section requires a site plan review for certain uses requiring special attention to more effectively ensure compliance with this Ordinance and to provide a review of items such as traffic access. Site Plan Review does not replace the Subdivision and Land Development review process required by the Township Subdivision and Land Development Ordinance.
- B. Conditional Uses. For conditional uses, the site plan review shall be part of the requirements and review of the Conditional Use (see Section 118).
- C. When Required.
1. A site plan meeting the requirements of this Section shall be submitted for any of the following proposed uses or structures, unless such use would be required to be submitted to the Township as a subdivision or land development:
    - a. Any expansion of more than 2,000 square feet in the footprint of a structure of one the following types:
      - (i) Industrial, office, commercial, or recreational building or use,
      - (ii) School, place of worship or institutional building,
      - (iii) Structure used for animal husbandry/agriculture.
    - b. Any new or expanded paved or gravel area of greater than 5,000 square feet.
    - c. Conversion of a noncommercial or non-industrial building to a new principal commercial use.
    - d. Any change from one commercial or industrial use to a different commercial or industrial use.
  2. For any use that is a subdivision or land development per the Township's Subdivision and Land Development Ordinance, the applicant shall submit the required subdivision or land development plan to the Township for review per that Ordinance.