

FRANKLIN TOWNSHIP

LUZERNE COUNTY, PENNSYLVANIA

ZONING ORDINANCE

PUBLIC REVIEW DRAFT

MARCH 2012

GUIDE TO USING THIS ZONING ORDINANCE

- ☛ **Contact the Zoning Officer** to ensure you have the latest version of the Zoning Ordinance and Zoning Map and to help you find what you are looking for.
- ☛ The **Table of Contents** and the **Index** at the back of the Ordinance should help you find the sections applicable to your situation.
- ☛ The **Zoning Map** shows all of the **Zoning Districts** in the Township. Each District is listed in the **Schedule of Uses** in Article IV.
- ☛ The **Schedule of Uses** in Article IV lists all of the uses allowed in each district.
- ☛ The **Schedule of Uses** in Article IV also classifies all of the uses allowed in each Zoning District.
 - ☛ **Principal Permitted Uses** and **Accessory Uses** - action by the Zoning Officer.
 - ☛ **Conditional Uses** - review by Planning Commission, action by Board of Supervisors. (See §1206)
 - ☛ **Special Exceptions** - review by Planning Commission, action by Zoning Hearing Board. (See §1206)
- ☛ The requirements for **Permit Applications** are found in §1202.
- ☛ The **Schedule of Development Standards** in Article IV sets the minimum lot size and property line and road setback requirements.
- ☛ The **Definitions** in Article III provide the meaning for specific terms.
- ☛ Many uses are subject to specific requirements of this Ordinance.
 - ☛ Article V includes requirements for decks, garages, sheds and other **Accessory Uses, Home Occupations and Off-Street Parking**.
 - ☛ Article VI governs **Residential Uses** -- conservation design, two-family dwellings, group homes, etc.
 - ☛ Article VII includes performance standards for **Commercial and Manufacturing Uses** and **Environmental Standards**.
 - ☛ Article VIII includes standards for **Specific Uses** ranging from the keeping of animals to cell towers.
- ☛ **Signs** are governed by Article XI and a business sign will require a permit.
- ☛ Applications for **Variances** are heard by the Zoning Hearing Board. The application must document *unnecessary hardship* and meet all of the applicable criteria in §1207.3.
- ☛ A legally existing use which predates the Zoning Ordinance and which does not comply with the Ordinance is a **Nonconforming Use**. Commonly referred to as *grand-fathered*, the nonconformity runs with the land and the use can continue and be sold. Such uses can also be expanded within the limits set in Article IX. The section also limits the reuse of abandoned and damaged nonconforming structures and uses. Nonconforming lots, lots which do not meet the minimum size and dimension requirements, can also be used if they meet the setback, water supply and sewage disposal requirements in §911.
- ☛ If a project involves the creation of a new lot or lots, the change of lot lines, the erection of one or more new principal nonresidential buildings, or two or more dwellings on one lot, the **Subdivision and Land Development Ordinance** will also apply. This ordinance is separate from the Zoning Ordinance.
- ☛ **Fees** are set by Resolution of the Board of Supervisors per §1203 and are shown on the **Fee Schedule** available from the Zoning Officer.

ZONING PERMIT APPLICATION REVIEW PROCESS

APPLICANT → → → → → ZONING OFFICER makes determination from Schedule of Uses of classification as PRINCIPAL PERMITTED, ACCESSORY, CONDITIONAL, or SPECIAL EXCEPTION; or if a VARIANCE is required, and refers the application for appropriate action.

PRINCIPAL PERMITTED

and

ACCESSORY USES

Zoning Officer issues or denies permit based on ordinance standards

↓
Appeal to Zoning Hearing Board

CONDITIONAL USES

↓
Planning Commission shall be given the opportunity to review the application

↓
Required public hearing by Board of Supervisors (hearing must be held within 60 days of Applicant's request; subsequent hearings within 45 days of prior hearing; hearing shall be completed within 100 days of completion of Applicant's case in chief)

↓
Board of Supervisors action to approve, approve with conditions*, or deny (45 days after last hearing)

↓
Notify applicant of decision and any conditions in writing* (delivered to applicant personally or mailed not later than the day following its date)

↓
Appeal to Court of Common Pleas

SPECIAL EXCEPTIONS

↓
Planning Commission may be given the opportunity to review the application per zoning ordinance

↓
Required public hearing by Zoning Hearing Board (hearing must be held within 60 days of Applicant's request; subsequent hearings within 45 days of prior hearing; hearing shall be completed within 100 days of completion of Applicant's case in chief)

↓
Zoning Hearing Board action to approve, approve with conditions*, or deny (written decision within 45 days of last hearing)

↓
Notify applicant of decision and any conditions in writing* (delivered to applicant personally or mailed not later than the day following its date)

↓
Appeal to Court of Common Pleas

VARIANCES

↓
Zoning Hearing Board may request Planning Commission to review the application

↓
Zoning Hearing Board reviews application for compliance with variance requirements

↓
Required public hearing by Zoning Hearing Board (hearing must be held within 60 days of Applicant's request; subsequent hearings within 45 days of prior hearing; hearing shall be completed within 100 days of completion of Applicant's case in chief)

↓
Zoning Hearing Board action to approve, approve with conditions*, or deny (written decision within 45 days of last hearing)

↓
Notify applicant of decision and any conditions in writing* (delivered to applicant personally or mailed not later than the day following its date)

↓
Appeal to Court of Common Pleas

THIS FLOW CHART IS INTENDED TO PROVIDE AN OVERVIEW OF THE ZONING REVIEW AND ACTION PROCESS. THE ZONING ORDINANCE AND THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE MUST BE CONSULTED FOR DETAILS REGARDING NOTICES FOR PUBLIC HEARINGS, TIME FRAMES, DECISION NOTICE REQUIREMENTS, PERFORMANCE STANDARDS AND CRITERIA, AND OTHER ADMINISTRATIVE DETAILS.

*NOTE: Reasonable conditions may be attached to the approval of conditional uses, special exceptions and variances in accord with the zoning ordinance and the Pennsylvania Municipalities Planning Code (MPC). Obtain written acceptance of all conditions from Applicant. Denials must include specific reasons for denial.

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BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Franklin Township, Luzerne County, Pennsylvania by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

ARTICLE I GENERAL PROVISIONS

100 Enactment and Conflict

The Franklin Township Zoning Ordinance of December 4, 1995, as amended, is hereby amended and restated in its entirety as hereinafter set forth. is hereby enacted as hereinafter set forth. This Zoning Ordinance is not intended to and shall not be construed to affect or change any other ordinance, code or regulation of Franklin Township. If any other ordinance, code or regulation of Franklin Township is in conflict or inconsistent with the requirements of this Zoning Ordinance, the most restrictive standards and provisions shall apply.

101 Title and Short Title

101.1 Title

AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; AUTHORIZING THE APPOINTMENT OF A ZONING OFFICER; CREATING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

101.2 Short Title

This ordinance shall be known and may be cited as the *FRANKLIN TOWNSHIP ZONING ORDINANCE*.

102 Purpose

This Ordinance is adopted in accordance with an overall land use control program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures. This Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports, and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources, agricultural land and uses; the safe use of natural or artificial bodies of water, boat docks and related facilities; reliable, safe and adequate water supplies; safe and adequate sewerage disposal, schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.
- B. To prevent one or more of the following: overcrowding of land, watercourses and other bodies of water, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.
- E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

103 Applicability

103.1 Conformance

Any activity regulated by this Ordinance shall only occur or be undertaken and be continued in conformance with the requirements of this Ordinance.

103.2 Authorization

This Ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania Municipalities Planning Code, as amended.

103.3 Regulated Activities

Any of the following activities or any other activity or matter regulated by this Ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this Ordinance:

- A. Erection, construction, movement, placement or extension of a structure, building or regulated sign;
- B. Change in the type of use or expansion of the use of a structure or area of land; and/or,
- C. Creation of a lot or alteration of lot lines.

103.4 Repairs and Maintenance

Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit provided such activity does not involve 1) a change in use; 2) an expansion, construction or placement of a structure; 3) an increase in the number of dwelling units or boarding house units; and/or 4) any other activity regulated by this Ordinance.

103.5 Uniform Construction Code Coordination

The requirements of the Pennsylvania Uniform Construction Code, as amended, shall apply to building and development in the Township to the extent that the Code is more restrictive and/or supplement the requirements of this Ordinance.

103.6 Public Utilities

With the exception of storage yards, the provisions and regulations of this Ordinance shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation deemed necessary for the convenience or welfare of the public in accordance with §619 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

104 Interpretation

104.1 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Township and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Township except that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control.

104.2 Conflict

- A. Public Provisions - These regulations are not intended to interfere with or abrogate or annul any other Ordinance, rules or regulations previously adopted or previously issued by the Township which are not in conflict with any provisions of this Ordinance. Where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such Ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.
- B. Private Provisions - These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance impose a greater restriction, the requirements of this Ordinance shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or higher standards than the requirements of this Ordinance and such private provisions are not with the requirements of this Ordinance, then such private provisions shall be operative and supplemental to these

requirements.

105 Severability

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

106 Effective Date

This Zoning Ordinance shall take effect immediately upon its adoption.

ARTICLE II
COMMUNITY DEVELOPMENT OBJECTIVES AND GOALS

201 General Community Development Objectives

This statement of the Community Development Objectives is included under the authority of §606 of the Pennsylvania Municipalities Planning Code.

The primary goal for the future of Franklin Township is to maintain its rural working landscape, and encourage recreation and tourism as the mainstay of the economy.

The Community Development Objectives include, but are not limited to the following:

- A. To achieve the best use of the land within the Township, insuring that varying use of land and water bodies will complement one another and thus improve the economic, social, and aesthetic character of the community.
- B. To establish realistic population densities in order to insure health standards, privacy and open space and in order to provide utilities, police protection, and community services and facilities in the most convenient and efficient manner.
- C. To maintain and improve the road system for better internal circulation and movement of through traffic, which will facilitate the efficient and safe movement of people and goods.
- D. To guide the location of future development and establish developmental standards in such a way that negative impacts on the natural environment and natural resources are minimized, and to minimize existing and future water, air, land and noise pollution.
- E. To provide the opportunity for a wide-range and variety of housing types to meet the needs of all Township residents – newly-formed households, growing families and senior citizens – while maintaining the rural setting.
- F. To update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and changing conditions.
- G. To expand local business and strengthen the economy by encouraging well-planned agricultural, forest production, commercial, industrial, residential, and recreational growth which will provide for local employment, shopping facilities, and recreational opportunities which in turn will strengthen the local tax base.
- H. To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, community interest groups, and the general populace.

202 Comprehensive Plan Goals and Objectives

In addition to the General Community Development Objectives set forth in §201, this Zoning Ordinance is intended to implement the goals and objectives contained in the Township Comprehensive Plan and any other plan which may be adopted by the Township.

ARTICLE III - DEFINITIONS**301 Rules of Construction and Definitions**

The following rules of construction shall apply to this Ordinance:

- A. For the purpose of this Ordinance, certain terms and words are herein defined. Whenever used in this Ordinance, they shall have the meaning indicated in this Article, except where there is indicated in context different meaning.
- B. The particular shall control the general.
- C. The word *shall* and *must* are mandatory and not discretionary. The word *may* is permissive.
- D. Words used in the present sense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase *used for* includes *arranged for, designed for, intended for, and/or occupied for*.
- F. The word *person* includes *individual, profit or non-profit organization, partnership, company, unincorporated association, corporation, or other similar entities*.

302 Terms, Phrases and Words Not Defined

When terms, phrases, or words are not defined, they shall have the meaning as defined in The Latest Illustrated Book of Development Definitions (H. S. Moskowitz and C. G. Lindbloom, Rutgers, The State University of New Jersey, 2004) or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

303 Definitions

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

Abutting: An owner of land, which abuts or adjoins. The term usually implies that the relative parts actually adjoin, but is sometimes loosely used without implying more than close proximity.

Accessory Solar Collector: See *solar collector, accessory*.

Accessory Structure or Use: A use of land or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building. Playhouses, doghouse and animal pens shall be considered "accessory structures" for the purposes of this Ordinance.

Accessory Wind Turbine Generator: See *wind turbine generator, accessory*.

Adjacent: Lying near or close to; sometimes, contiguous; neighboring. Adjacent implies the two objects are not widely separated, though they may not actually touch.

Adjoining: The word in its etymological sense means touching or contiguous, as distinguished from lying near to or adjacent. To be in contact with; to abut upon.

Adult Business: Any of the following:

- A. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
- B. A use of a building or land for a business which involves the sale, lease, trade, gift or display of drug paraphernalia as a substantial or significant portion of its stock-in-trade.
- C. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of *specified anatomical areas* or by *specified sexual activities*, or films, motion pictures, video cassettes, slides, or other photographic, electronic or digital reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an

emphasis upon the depiction or description of *specified sexual activities* or *specified anatomical areas*, or where any *specified sexual activities* are conducted for economic gain or any other form of consideration.

D. Any of the following:

1. **Adult Arcade**: Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images of five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of *specified sexual activities* or *specified anatomical areas*.
2. **Adult Bookstore or Adult Video Store**: A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe *specified sexual activities* or *specified anatomical areas*; or
 - b. Instruments, devices or paraphernalia which are designed for use in connection with *specified sexual activities*.

A commercial establishment may have other business purposes that do not involve the offering for sale or rental of material depicting or describing *specified sexual activities* or *specified anatomical areas* and still be categorized as *adult bookstore* or *adult video store*. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an *adult bookstore* or *adult video store* so long as one of its business purposes is the offering for sale or rental for consideration the specified materials which depict or describe *specified sexual activities* or *specified anatomical areas*.

3. **Adult Live Entertainment Use or Facility**: A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving:
 - a. Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity; or,
 - b. Live performances which are characterized by the exposure of *specified anatomical areas* or simulated or actual *specified sexual activities*; or,
 - c. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*.
4. **Adult Motel**: A hotel, motel or similar commercial establishment which:
 - a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*; or,
 - b. Offers sleeping rooms for rent three (3) or more times in one calendar day.
5. **Adult Motion Picture Theater**: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic, electronic or digital reproductions are regularly shown which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*.
6. **Adult Theater**: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of *specified sexual activities* or *specified anatomical areas*.
7. **Escort Agency**: A person or business association or establishment which furnishes, offers to furnish, or advertises

to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An *escort agency* shall be considered an *adult business* for the purposes of this Zoning Ordinance. (An escort is a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.)

8. Massage Parlor: An establishment that meets all of the following criteria:
 - a. Massages are conducted (see definition);
 - b. The person conducting the massage is not licensed by the state as a health care professional or a therapeutic massage therapist, or is not certified by a recognized therapeutic massage organization that requires substantial professional training;
 - c. The massages are not conducted within a licensed hospital, nursing home, personal care center or office of a medical doctor, physical therapist, chiropractor, or other licensed practitioner;
 - d. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.
9. Nude Model Studio: Any place where a person who appears in a state of nudity or displays *specified anatomical areas* is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
10. Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
 - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
 - b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Definitions associated with the adult business definition:

- A. Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- B. Nudity or a State of Nudity: The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering or any portion thereof below the top of the areolae.
- C. Obscene Materials: Any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, any *specified sexual activities* and/or *specified anatomical areas*.
- D. Specified Anatomical Areas: Any of the following:
 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae.
 2. Human male genitals in a discernable turgid state, even if completely and opaquely covered.
- E. Specified Sexual Activities: Any of the following:
 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
 3. Masturbation, actual or simulated.

4. Excretory functions as part of or in connection with any of the activities set forth in §E.1, §E.2 and §E.3 of this definition.

Adult Day Care: See *day care, adult*.

Adult or Youth Camp: See *camp, adult or youth*.

Agricultural Products Processing: An industry that involves the processing of raw agricultural products; and transforming those products into a more refined, prepared or marketable state. Includes, but is not limited to, such uses as slaughterhouses, dairies and food canning and freezing operations.

Agricultural Use: The use of any parcel of land for an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes agricultural products processing operations; riding academies, livery or boarding stables and dog or other animal kennels.

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

Amusement Park: A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices.

Amusement Arcade: A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained. The use of less than five (5) such devices shall be permitted as an accessory use to any lawful principal commercial use.

Animal Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Animal Husbandry, Commercial: The raising and keeping of livestock, small animals and fowl, and/or fur bearing animals with the intent of producing capital gain or profit or with the intent of selling any livestock and/or poultry products.

Animal Husbandry, Home Use: The raising and keeping of livestock and/or small animals and fowl for personal satisfaction or consumption and with no intent of producing capital gain or profit or with no the intent of selling any livestock and/or poultry products.

Animal Shelter: A facility used to house or contain stray, homeless abandoned, or unwanted animals and that is owned operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), or other nonprofit organization devoted to the welfare protection, and humane treatment of animals.

Applicant: See *person*.

Airport: A tract of land, with or without buildings, where airplanes, jets, helicopters and/or any other type of aircraft land and take off.

Archery Range, Indoor: Any fully enclosed building used for shooting of arrows for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an indoor archery range for the purposes of this Zoning Ordinance. Considered *recreational facilities, commercial* for the purposes of this Ordinance.

Archery Range, Outdoor Commercial: Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes, including but not limited to, target shooting ranges, and target shooting courses. Any such

commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an outdoor archery range for the purposes of this Zoning Ordinance.

Art Studio: An establishment or work space for the creation, manufacture, and/or preparation of individually crafted art work, jewelry, furniture, sculpture, pottery, art photography, leather craft, hand-woven articles, and related items; it may also include the sale, loan, or display of such items.

Assisted Living Facility: Residences that provide rooms, meals, personal care, and supervision of prescribed medication and which may provide other services such as recreational activities, financial services, and transportation, and which is licensed as an assisted living facility by the Commonwealth of Pennsylvania. Considered a *nursing home* for regulation by this Ordinance.

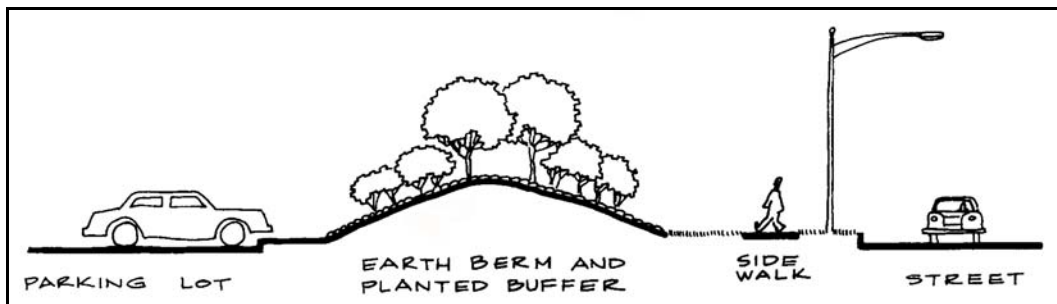
Betting or Gambling Use: A use where lawful gambling activities are conducted, including but not limited to off-track parimutual betting. This term shall not include betting under the State Lottery programs or betting under the *Small Games of Chance* provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property.

Boarding or Tourist Home: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally but not necessarily included as a part of the services rendered.

Brew Pub: A restaurant that includes as an accessory use the brewing of malt beverages of alcoholic and/or non-alcoholic content for consumption on premises and which produces less than fifteen thousand (15,000) gallons of malt beverages per year. Considered a *restaurant* for regulation by this Ordinance. (See also *micro-brewery*.)

Brewery: A facility for the production and packaging of malt beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution, on or off the premises, and which produces fifteen thousand (15,000) gallons or more of malt beverages per year. Considered *agricultural products processing* for regulation by this Ordinance. (See also *micro-brewery*.)

Buffer: A strip of land with fencing, dense vegetative planting, additional setback distances, berms or a combination thereof that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways or improvements which is used to provide separation between incompatible uses to effect a visual barrier, block physical passage between uses, and reduce noise, dust and litter.

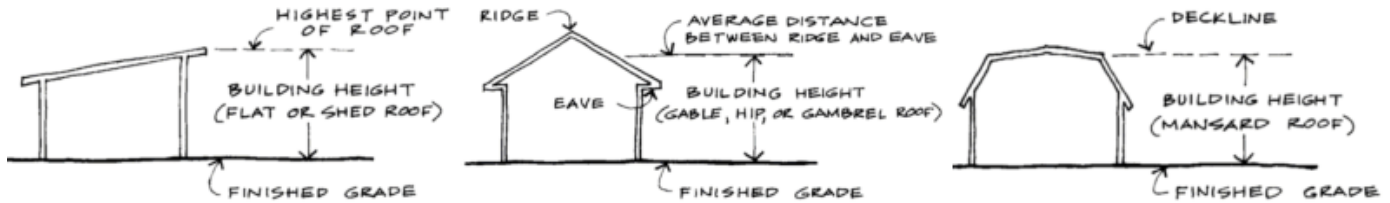


Buffer

Buffer, Water Quality: The area of land immediately adjacent to any wetland, lake, pond, vernal pond, or stream, measured perpendicular to and horizontally from the delineated edge of the wetland, lake, pond, or vernal pond, or the top-of-bank on both sides of a stream to provide separation from an intensive land use area (e.g., subdivision, farm) and minimize sediment and other pollutant loading; also referred to as filter strips, vegetated filter strips, and grassed buffers.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature and including manufactured homes and trailers to be used for human habitation.

Building Height: The average vertical distance from finished grade at the front and rear of the building to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs not including chimneys, spires, elevator shaft extensions, mechanical appurtenances, and similar projections



Building, Principal: The building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building.

Bulk Fuel Storage Facility: A facility where fuel, including, but not limited to, gasoline, oil, diesel fuel and propane, is stored in large quantities, whether in large or small tanks or containers; for distribution to both wholesale or retail customers on an area wide basis. This shall not include the dispensing of gasoline, diesel fuel, kerosene, or bottled gas at auto service stations or other retail businesses, or storage for personal use.

Bus Terminal: An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

Camp, Adult or Youth: A location away from home (i.e., not a residence), where individuals spend a defined period of time occupying tents, barracks, or dormitories, participate in organized activities, sports, and arts and crafts, and usually eat together in a central dining facility. Rooming houses, boarding houses, hotels, motels, and resorts, group homes, jails, prisons and correctional facilities, health facilities and any use specifically listed in a zoning district in Article IV shall not be considered a camp, youth or adult.

Campground or Recreational Vehicle (RV) Park: A tract of land, or any portion thereof, with approved sites for the temporary use of tents or recreational vehicles for camping purposes, with or without a charge for the leasing, renting or occupancy of such space, and which are not be used for long term residency or occupancy; but may include housing for owner/manager and staff.

Car Wash: Any building or premises or portions thereof used for washing automobiles.

Cemetery: Land or buildings used for the burial or interment of deceased humans or for the burial of any animal over fifty pounds in weight or for the burial of six or more smaller animals.

Child Day Care: See *day care, child*.

Church: See *place of worship*.

Clear Sight Triangle: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Club/Lodge, Private: An establishment operated for social, athletic, recreational or educational purposes but open only to members and not the general public.

Collection and Conveyance System: The system of pipes, tanks, pumps and other equipment used to carry sewage from individual lots or dwelling units to an off-site sewage disposal system. Septic tanks and grinder pumps serving individual lots or dwelling units connected to a off-site sewage disposal system shall be considered part of the collection and conveyance system.

Commercial Communication Device: Any device which is intended for transmitting or receiving commercial television, radio or telephone communications, excluding the following:

- A. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
- B. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.
- C. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated

by 47 CFR 97 and 47 CFR 95, respectively, and which are less than one hundred (100) feet in height.

- D. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or water craft.
- E. A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens and radio control toys.

Commercial Communication Device Support Structure: Any pole, telescoping mast, tower, tripod, or any other structure which supports a commercial communication device.

Commercial Communication Device Support Structure Height: The vertical distance measured from the base of the support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

Commercial Recreational Facility: See *recreational facility, commercial*.

Commercial Solar Power Generation: See *solar power generation, commercial*.

Commercial Solid Waste Facility: See *solid waste facility, commercial*.

Commercial Stable: See *stable, commercial*.

Commercial Wind Energy Facility: See *wind energy facility, commercial*.

Commission: The Planning Commission of Franklin Township

Comprehensive Plan: The Franklin Township Comprehensive Plan including all maps, charts and textual matter.

Common Open Space: See *open space, common*.

Community Sewage Disposal: See *sewage disposal, off-site or community*.

Community Water Supply: See *water supply, off-site or community*.

Conditional Use: A use of special concern which requires careful consideration of community impacts and only when specific conditions and factors prescribed for such cases within this Ordinance are present along with other conditions such as may be established by the Board of Supervisors to protect the public health, safety and welfare. Conditional uses are allowed or denied by the Township Board of Supervisors after recommendations by the Planning Commission.

Conservation Area, Primary: Those areas of a development tract which are identified as environmentally sensitive lands on which development is restricted by the Township Subdivision and Land Development Ordinance and this Ordinance.

Conservation Area, Secondary: Those areas, as specified by the Subdivision and Land Development Ordinance, of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community.

Conservation Design Development: A development or subdivision designed at the dwelling unit density specified in the Zoning Ordinance for the Zoning District in which the development or subdivision is located where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

Conservation Easement: A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow limited development (e.g., a residential structure) and other compatible uses such as agriculture and forestry.

Conservation Open Space: See *open space, conservation*.

Contractor's Yard: Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies.

Convenience Store: A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"), it may also include the sale of gasoline but shall not include the repair or service of vehicles.

Corral: An enclosure for confining livestock and which is typically attached to or situated in close proximity to a stable or barn; as contrasted to a pasture.

Correctional Facility: A public or private facility used to house and/or rehabilitate adults or juveniles detained, sentenced or adjudicated delinquent by the criminal justice system including, but not limited to, jails, prisons, penitentiaries, reformatories, half-way houses, transitional living facilities, juvenile detention facilities, and similar facilities.

Country Club: A recreational property owned and managed by membership organization and including recreational facilities, restaurant and meeting rooms.

Crematorium: A furnace or establishment for the incineration of human or animal corpses. This definition shall include any device or operation which is accessory to another use (e.g. the incineration of animals as part of a veterinary clinic).

Crop Production: An *agricultural use* involving the use of land for the raising of cultivated plants or agricultural produce such as grain, vegetables, silage, trees or fruit. The definition excludes "greenhouses, commercial" as defined by this Zoning Ordinance.

Day Care, Adult: A use providing supervised care and assistance to persons not in good physical health, or who are suffering from disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of sixty (60) hours per week per person.

Day Care, Child: A use involving the supervised care of children under age sixteen (16) outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a nursery school. The following three (3) types of day care are permitted without regulation by Ordinance: 1) care of children by their own relatives, 2) care of children within a place of worship during regularly scheduled weekly religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are relatives of the care giver.

- A. **Child Day Care as an Accessory Use** - A type of *day care* use that provides care for six (6) or fewer children at one time who are not relatives of the care giver.
- B. **Child Day Care Center, as a Principal Use** - A type of *day care* use that provides care for seven (7) or more children at any one time who are not relatives of the primary operator.

Deck: An elevated (more than 6 inches) attached accessory structure constructed of wood with no walls or roof. As an attached accessory structure, it must meet the required setbacks for the principal building.

Developer: See *person*.

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 and recreational vehicles; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Distribution Center: An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle. Breakdown of large orders from a single source into smaller orders and consolidation of several orders into one large one for distribution to several recipients and vice versa are often part of the function of a distribution center. Retail sales, manufacturing and assembly, or product processing, are not considered part of a *distribution center*.

Dock: Any structure placed on or over the water, which is either permanently or temporarily attached to the bottom of the water body or the shore with direct access to the shore and which is used primarily for the mooring of boats and other water based

recreational activities.

Dock Extension: Portion of a dock, which extends over land.

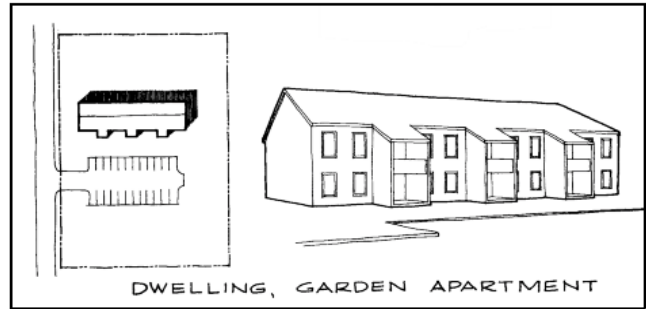
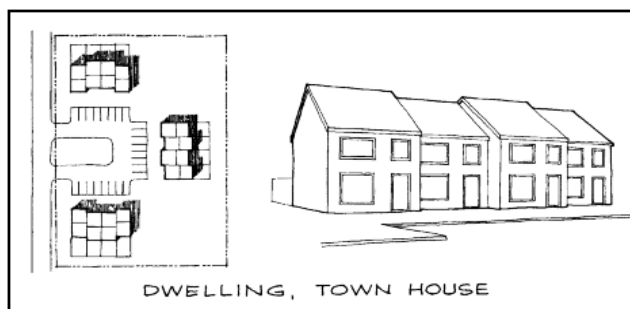
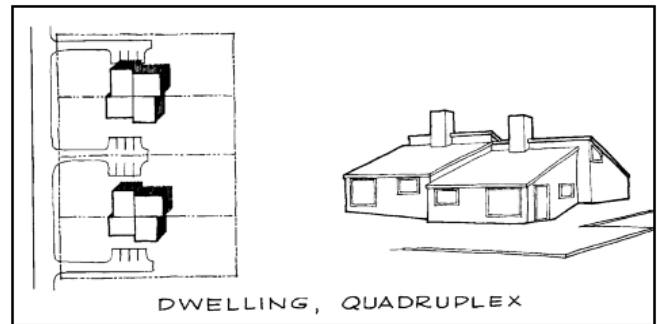
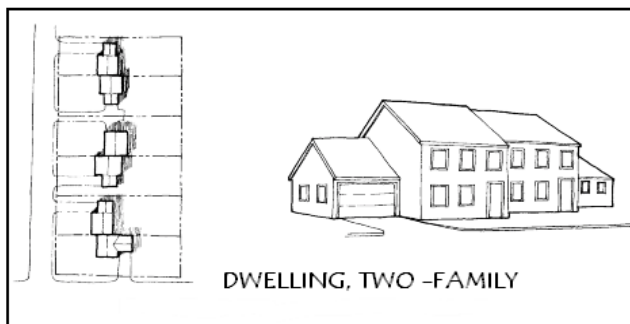
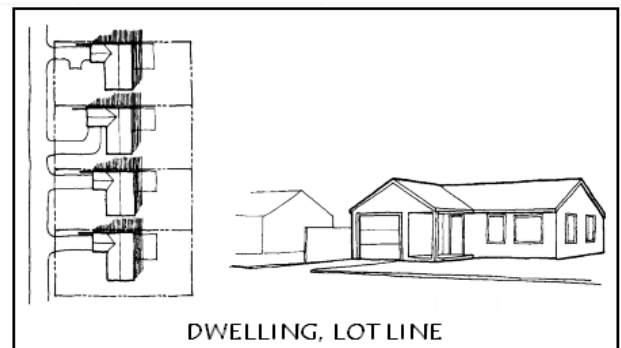
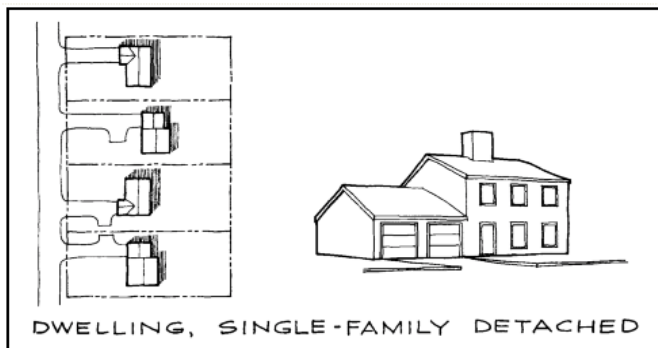
Domestic Violence Shelter: A residence providing food, shelter, medical care, legal assistance, personal guidance, or other services to persons who have been victims of domestic violence, including any children of such victims, and who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

Dormitory: A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use which is owned by and is located on the same parcel as the institution it serves.

Drip Irrigation Field: Geometric limits of an area where waste water or stormwater is distributed at or just below the ground surface in closely limited and regulated volumes and flow rates.

Drive-In Theater: See *theater, drive-in*.

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



Dwelling in Conjunction with a Nonresidential Use: A structure or portion thereof that is used exclusively for human habitation in conjunction with an approved nonresidential use.

Dwelling, Lot Line: A single-family, detached dwelling on an individual lot, with the building set on, or close to, one side property line, so that the lot essentially has only one side yard. This side yard and the rear yard constitute the primary outdoor living areas for the dwelling. Typically, no windows are placed in the building wall that is on the lot line. If the building is set on the lot line, a five (5) foot easement is provided on the adjacent property along the lot line for necessary access and maintenance of the building wall.

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

- A. **Residential Conversion to Apartments:** Conversion of an existing single-family detached dwelling into three (3) to five (5) dwelling units and not exceeding two and one-half (2 ½) stories in height.
- B. **Garden Apartment:** Multi-family dwellings originally designed as such; containing three or more dwelling units and not exceeding two and one-half (2 ½) stories in height, not including townhouses.
- C. **Townhouse:** Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.
- D. **Quadraplex:** Four attached single-family dwellings in one building in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with adjoining unit or units
- F. **Apartment Building:** Multi-family dwellings of more than two and one half (2 ½) stories but not exceeding the height limitations of this Ordinance.

Dwelling, Two-Family: A building containing two dwelling units either attached side by side through the use of a vertical party wall and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units. (See also *multi-family project* for two-family dwellings in a multi-family project.)

Dwelling Unit: One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time. Any part of a dwelling structure which is not connected to and fully accessible to other parts of the dwelling structure shall be considered a separate dwelling unit.

Essential Services: Public utility, facilities that do not require enclosure in a building, including the construction or maintenance, of gas, electrical, steam, telephone, or water distribution systems; including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

Exercise Club: A type of service establishment that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool and racquetball courts.

Family: Either an individual, or two or more persons related by blood or marriage or adoption or up to five (5) unrelated persons living together as a household in a dwelling unit.

Farm Stand: A booth or stall on a farm and from which produce and farm products which are raised or grown on said farm are sold to the general public and operated by the owner of the property.

Fast Food/Drive Through Restaurant: See *restaurant, fast food/ drive through*.

Flea Market, Indoor: Any sales activity conducted entirely in an enclosed building where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. Considered a *retail business* for regulation by this Ordinance.

Flea Market, Outdoor: Any sales activity conducted in the open air or under any pavilion or other building, tent or structure which is not fully enclosed where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are

sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Floodplain and Related Definitions: See the Township Floodplain Ordinance

Forestry: The management of forests and timberlands when practiced in accord with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development, the operation of a sawmill or the operation of any other wood manufacturing business. (NOTE: Section 603(f) of the Pennsylvania Municipalities Planning Code requires that forestry be permitted as a use by right in all zoning districts.)

Foundation, Permanent: See *permanent foundation*.

Funeral Home: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for funeral.

Fur Bearing Animal: Animals raised or trapped in the wild for their pelts such as mink, sable, and ermine.

Gaming Establishment: Any facility in which any form of gaming is conducted as authorized by the laws of the Commonwealth of Pennsylvania including, without limitation, gaming authorized by: (i) the Pennsylvania Racehorse Development and Gaming Act, P.L. 572, No. 71, 4 Pa. C.S.A. § 1101, et seq., as amended from time to time (the *Racehorse Development and Gaming Act*); and (ii) the Racehorse Industry Reform Act, P.L. 435, No. 135, 4 P.S. § 325.101, et seq., as amended from time to time (the *Racehorse Reform Act*). Notwithstanding the foregoing, for purposes of this Ordinance, the term *gaming establishments* shall not include or encompass facilities or establishments at which small games of chance are played, facilities participating in any lottery authorized by the Commonwealth of Pennsylvania, or any other games of chance permitted by Pennsylvania law as accessory to a commercial uses.

Garage: A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

Garage, Municipal: A structure owned or operated by a municipality and used primarily for the parking, storage and maintenance of municipal vehicles.

Garage, Private Customer and Employee: A structure that is accessory to an institutional, commercial, or manufacturing establishment, building, or use and is primarily for the parking and storage of vehicles operated by the customers, visitors, and employees of such building and that is not available to the general public.

Garage, Private Residential: A structure that is accessory to a single- or two-family dwelling, is used for the parking and storage of vehicles owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public.

Garage, Public Parking: A structure or portion thereof, other than a *private customer and employee garage* or *private residential garage*, used primarily for the parking and storage of vehicles and available to the general public.

Garage Sale: See *yard sale*.

Garden Center, Retail: A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping.

Gathering Pipeline - A pipeline that transports gas from a current production facility to a transmission line or main. (Reference: Code of Federal Regulations, Title 49, §192.3.)

Golf Course: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses; but does not include miniature golf courses or golf ball driving ranges.

Golf Course, Miniature: A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels. Considered a *recreational facility, commercial* for the purposes of this Ordinance.

Golf Driving Range: A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green. Considered a *recreational facility, commercial* for the purposes of this Ordinance.

Grade, Finished: The final elevation of the average ground level adjoining a building at all exterior walls after development.

Grade, Natural: The elevation of the ground level in its natural state before construction, filling, or excavation.

Greenhouse or Nursery, Wholesale: See *wholesale greenhouse or nursery*.

Gross Floor Area: The sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.

Group Home: The use of any lawful dwelling unit which meets all of the following criteria:

- A. Involves the care of the maximum number of persons permitted by the *group home* standards of §605, and meets all other standards of such section.
- B. Involves persons functioning as a common household.
- C. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental impairment or other handicap* as defined by applicable Federal law.
- D. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

*NOTE: As of 1992, the Federal Fair Housing Act defined *Handicap* as follows: 1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in §802 of Title 21.

Group Family Household: A group of not more than six individuals, including staff, not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Group Quarters: All buildings used primarily for the housing of persons non-related by blood or marriage including but not limited to dormitories, fraternities, sororities, and all other structures occupied by groups of persons sharing a dwelling. Rooming houses, boarding houses, hotels, motels, and resorts, group homes, jails, prisons and correctional facilities, health facilities, transitional living facilities, and any use specifically defined by this Ordinance shall not be considered *group quarters*.

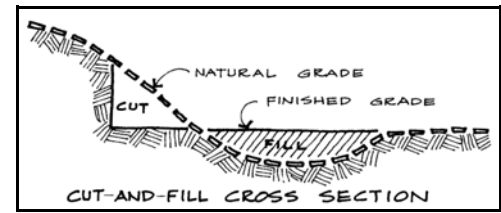
Halfway House: A transitional facility for individuals after release from an institution (as for mental disorder, drug addiction, or criminal activity) that is designed to facilitate their readjustment to private life.

Health Facility: An establishment primarily engaged in providing services for human health maintenance including hospital facilities, nursing and adult homes, personal care facilities and medical clinics and offices whether publicly or privately operated.

Height, Building: See *building height*.

Heliport: An area, either at ground level or elevated on a structure, licensed by the federal government and/or the Commonwealth for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

Home Business: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as provided herein.



Horse: Any animal of the horse family or resembling a horse including horses, mules and donkeys.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Considered a *health facility* for the purposes of this Ordinance.

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

Hub Height: The distance measured from the surface of the tower foundation to the height of the wind turbine hub to which the blade is attached.

Hunting/Fishing Club: A structure typically located on or in association with a large tract of property and which is used sporadically by members of said club for shelter during hunting and fishing outings.

Hydraulic Fracturing Water Withdrawal Facility: A facility immediately adjacent to a water body or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, and which stores water on a temporary basis that is intended to be transported by vehicle to a natural gas well for the purpose of hydraulic fracturing.

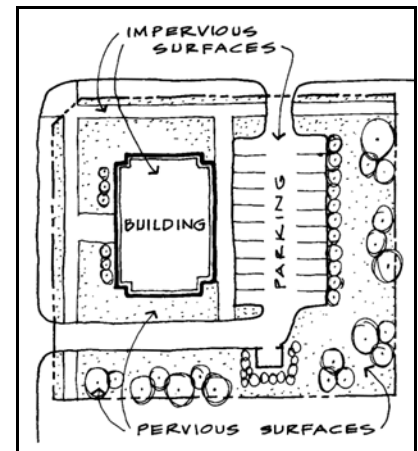
Impervious Surface: Any surface of the soil which has been covered by any building, structure, driveway, road, sidewalk, parking area or other material which inhibits the percolation of precipitation into the soil. Any such area with a coefficient of runoff of 0.7 or higher shall be considered *impervious* for regulation by this Ordinance.

Indoor Archery Range: See *archery range, indoor*.

Indoor Flea Market: See *flea market, indoor*.

Indoor Shooting Range: See *shooting range, indoor*.

Industrial Park: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.



Industrial Wastewater Treatment Facility: A facility not located on the same lot where the wastewater is generated which is used for treating and removing any harmful chemicals, compounds (including the flow back water and solutions used in the process of hydraulic fracturing for natural gas) nutrients, organics, solids, radionuclides or other materials prior to being transported off-site for reuse or discharged into a stream or into the soil. Such a facility typically includes a multi-bay truck loading/unloading station, skim ponds for oil/water separation, water clarifiers, sludge dewatering facilities, reverse osmosis units, evaporators, chemical feed equipment, pumps and other appurtenances.

Junk: Any scrap, waste, reclaimable material or debris, vehicles or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

Junkyard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machines, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The outside storage or deposit on a lot of not more than two inoperable vehicles which do not have current licenses shall be considered a junkyard. Agricultural vehicles such as tractors, mowers, etc. which are utilized as part of an active on-going farming operation and contractors construction equipment shall be exempt from this provision. Automobile sales lots managed by licensed automobile dealers and storage areas for antique autos shall be also exempt from this provision.

Kennel, Commercial: The keeping of four (4) or more dogs that are more than six (6) months of age for commercial purposes or for rescue.

Land Development: Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. The definition of land development shall not include the following:
 - 1. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
 - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
 - 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Light Manufacturing: Industries involving generally unobtrusive processes. These include but are not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, wood products industries and the like.

Livestock: Cattle, bison, sheep, goats, llamas, alpacas, swine, ostriches, emus, and similar animals.

Livestock Operation: See *animal husbandry, commercial*.

Long-Term Residency or Occupancy: Occupancy of a dwelling, generally for periods of more than one hundred and eighty (180) days, as opposed to temporary visits to bed and breakfast establishments, motels, hotels, campgrounds and recreational vehicles, and which serves as the legal address for the occupant. It also includes any dwelling or structure where children who attend school reside.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

Lot Area: The total number of square feet in the lot, less any area included in any rights-of-way affecting the lot.

Lot Corner: A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

Lot Coverage: That percentage of the lot area, which is covered by buildings; roads, driveways, walkways, and parking areas of all construction types; and impervious surfaces.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Line, Front: The line separating the lot from a street.

Lot Line, Rear: The lot line opposite to and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

Lot Width: The average of the width of a lot at the building setback (as required by the Schedule of Development Standards) line and the rear lot line.

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 habitation.

Manufacturing and Industry: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

Massage: Pressing, squeezing, stretching, or stimulating the face, scalp, neck, limbs, or other parts of the human body with or without cosmetic preparation, either by hand, or with mechanical or electrical appliances.

Massage Facility, Therapeutic: A service establishment that meets all of the following criteria:

- A. Massages (see definition) are conducted; and,
- B. The person conducting the massage is licensed by the Commonwealth of Pennsylvania as a health care professional or a therapeutic massage therapist, or is certified by the National Certification Board for Therapeutic Massage and Bodywork or other recognized therapeutic massage organization that requires substantial professional training.
- C. The establishment does not meet the definition of *massage parlor*.

Considered a *service establishment* for regulation by this ordinance.

Medical Clinic: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight. Considered a *health facility* for the purposes of this Ordinance.

Menagerie: See *zoo*.

Micro-Brewery: A facility for the production, packaging and sampling of malt beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution, on or off the premises, and which produces less than fifteen thousand (15,000) gallons of malt beverages per year.

Mineral: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mineral Extraction: The mining, removal or recovery by any means whatsoever (including, but not limited to open excavations and quarries, and subsurface mining) of minerals as defined in this Article II and including the incidental screening, washing, crushing and grading of materials originating on the site. Mineral extraction shall not include:

- A. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- B. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for public road construction undertaken by a public entity or the extraction of minerals associated with a public construction contract.
- C. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process.
- D. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. The minerals removed are incidental if the excavator demonstrates that:

1. Extraction, handling, processing or storing are conducted concurrently with construction.
2. The area mined is limited to the area necessary to construction.
3. The construction is reasonably related to the use proposed for the site.

Mineral Processing: The refinement of minerals to specifications for sale including, but not limited to, the crushing, screening, washing or grading of minerals; and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

Mobile Home Lot: Land occupied or to be occupied by a mobile home in a mobile home park; said lot being specifically designated by dimension from other lots in the mobile home park.

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.

Model Home: A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy; and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

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

Municipal Garage: See *garage, municipal*.

Multi-family Project: Any development of single parcel of property that includes one or more buildings containing two (2) or more dwelling units; and that includes common open space and facilities.

Multiple Occupant Commercial Building: A building containing two (2) or more independent, non-residential uses; such uses also being permitted in the District where the multiple occupant building is proposed.

Natural Gas Compressor Station: See §840.

Natural Gas Processing Plant: See §840.

No-Impact Home Occupation: See §503.

Nonconformities: See Article IX, §902.

Nursing Home: Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.

Office Building: A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity.

Off-Site or Community Sewage Disposal: See *sewage disposal, off-site or community*.

Off-Site or Community Water Supply : See *water supply, off-site or community*.

Oil and Gas Fluid Storage/Impoundment: See §840.

Oil and Gas Operation: See §840.

Oil or Gas Pipeline: See §840.

Oil or Gas Well: See §840.

Oil and Gas Well Development: See §840.

Oil or Gas Well Pad: See §840.

Oil or Gas Well Site: See §840.

Oil and Gas Well and Pipeline Location Assessment: See §840.

On-Site Sewage Disposal: See *sewage disposal, on-site*.

On-Site Water Supply: See *water supply, on-site*.

Open Space: An area that is intended to provide light and air, and is designed for environmental, scenic, recreational, resource protection, amenity and/or buffer purposes and which contains no development improvements which are not specifically permitted by this Ordinance or the Township Subdivision and Land Development Ordinance.

Open Space, Common: Open space that is part of a particular development tract set aside for the use and enjoyment of residents of such development.

Open Space, Conservation: Open space that is part of a particular conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas and which is permanently restricted from further development except as permitted by this Ordinance and cannot be used as a basis for density for any other development. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

Open Space, Required Public: Open space that is dedicated or reserved for the use of the general public in accord with the requirements of the Township Subdivision and Land Development Ordinance.

Outdoor Commercial Archery Range: See *archery range, outdoor commercial*.

Outdoor Entertainment: Any commercial activity or activity associated with a commercial use where concerts, theater arts, movies or any other type of entertainment is provided outside a fully enclosed building.

Outdoor Flea Market: See *flea market, outdoor*.

Parking Area, Private: An open area for the same uses as a private garage.

Parking Area, Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Permanent Foundation: A construction meeting the requirements of the applicable Building Code used to support a building or structure.

Permanent Structure: See *structure, permanent*.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit.

Pet: Domestic cats and domestic dogs, and other animals which are commonly kept primarily inside a dwelling unit for companionship or personal satisfaction (not for consumption or utilitarian use) such as parakeets, parrots and similar birds, ferrets, mice, guinea pigs, hamsters and similar rodents, nonpoisonous snakes, and fish. Pet does not include livestock, small animals and fowl, pot bellied pigs and miniature horses.

Place of Worship: Buildings, synagogues, churches, temples, cathedrals, chapels, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated by a tax-exempt organization qualifying under § 501(c)(3) of the Internal Revenue Code for nonprofit and noncommercial purposes which people regularly attend to participate in or hold religious services, meetings or functions, or religious instruction, and which may include customary incidental accessory uses such as housing for active clergy, meeting and activity rooms, and recreation facilities.

Porch: An attached roofed patio or deck. With the exception of the wall adjoining the principal structure, all walls must be open or screened with a wall no higher than four (4) feet above the floor level. A porch is considered an attached accessory structure and must meet those setback requirements for principal structures.

Portable Structure: See *structure, portable*.

Primary Conservation Area: See *conservation area, primary*.

Principal Building: See *building, principal*.

Private Club/Lodge: See *club/lodge, private*.

Private Customer and Employee Garage: See *garage, private customer and employee*.

Private Residential Garage: See *private residential garage*.

Private Stable: See *stable, private*.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession.

Public Use: Any structure, building or use owned and operated by a government body or government agency including such things as parks, civic centers, municipal buildings; but excluding solid waste disposal facilities, institutional uses, nursing homes, hospitals and other use specifically defined by this Ordinance.

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. 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 and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Parking Garage: See *public parking garage*.

Public Solid Waste Facility: See *solid waste facility, public*.

Quarrying: See *mineral extraction*.

Race Track: An area or course, either oval, circuitous or straight, where motor vehicles, including but not limited to automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies and the like, are driven for pleasure, testing or competition; or any course where animals are raced for competition.

Recreation Facility, Commercial: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which may contain entertainment and amusement devices or attractions, including but not limited to concerts, festivals, picnic groves, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, and the like, but excluding public parks and playgrounds and any other use specifically listed on the Schedule of Uses.

Recreational Facility, Public: Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, school district, state, or federal government.

Recreational Vehicle: A vehicular type of unit initially designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on, or drawn by, another vehicle; and is manufactured by an established company and bearing a vehicle identification number and/or manufacturer's identification tag. The basic types of recreational vehicles are:

- A. Camper trailer - a vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite.
- B. Motor home - a vehicular unit built on a self-propelled motor vehicle chassis.

- C. Travel trailer - a vehicular unit, mounted on wheels which is drawn by a motorized vehicle.
- D. Truck camper - a portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck.
- E. Self-contained unit - a unit which:
 - 1. can operate without connections to external sewer, water and electrical systems, and
 - 2. has a toilet and an onboard holding tank for liquid waste meeting manufacturer's specifications, and
 - 3. contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities connected to the holding tank.

Recreational Vehicle Park: See *campground and recreational vehicle park*.

Recycling Facility: A center for the collection and/or processing of recyclable materials. A recycling facility does not include municipally operated collection facilities or storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Any facility accepting or processing waste or other discarded materials which are not recyclables as defined or authorized under this Ordinance shall be considered a junkyard or solid waste facility as regulated by this Ordinance. Considered *light manufacturing* for regulation by this Ordinance.

Required Public Open Space: See *open space, required public*.

Reservoir Space: A parking place provided to accommodate a vehicle which is queued in a lane awaiting service in a drive-in facility such as a bank, fast-food restaurant or a car/truck wash.

Restaurant: An establishment where food and drink is prepared, served, and consumed primarily within the principal building.

Restaurant, Fast Food/Drive Through: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises and includes facilities that enables customers to obtain food while remaining in their vehicles.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail Garden Center: See *garden center, retail*.

Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use.

Roof-Over: Any structure over the top of any part of a recreational vehicle which was not an original part of the recreational vehicle or which restricts the mobility of the recreational vehicle.

Sawmill: A facility or operation where timber is sawed into boards.

Screened: Visibly shielded or obscured from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Township.

Screening: A method of visually shielding or obscuring a structure or use from another by fencing, walls, berms, planted vegetation or a combination of these methods.

Secondary Conservation Area: See *conservation area, secondary*.

Self-Storage Facility: A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, goods or supplies.

Semi-Public Use: Buildings or uses operated by non-profit, community-based organizations for the general use of residents, including churches, fire houses, ambulance buildings, private schools, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics and other uses specifically defined by this Ordinance. It shall also include

essential services and public utilities that require enclosure within any structure or building.

Service Establishment: Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, banks, etc.

Service Pipeline: A distribution line that transports gas from a common source of supply to an individual customer, to two adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold. A service line ends at the outlet of the customer meter or at the connection to a customer's piping, whichever is further downstream, or at the connection to customer piping if there is no meter. (Reference: Code of Federal Regulations, Title 49, §192.3.)

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

Sewage: Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances 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, or which constitutes pollution under the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, as amended.

Sewage Disposal, Central, Off-Site or Community: A sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal system or sewage treatment plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as off-site sewage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

Sewage Disposal, On-Site: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil on that lot or as may be permitted on common open space in a conservation subdivision design development. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall be considered on-site sewage and all development standards will apply the same for each dwelling or unit as any single family unit.

Sewage Facility: A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. (See sewage disposal, off-site and sewage disposal, on-site.)

Sewage Treatment Plant: Any part of a sewage facility which is used to provide mechanical, chemical or biological treatment of sewage, including, but not limited to, screens, settling tanks, aeration tanks, sedimentation tanks, digestion tanks, nitrogen and phosphorus removal tanks, treatment ponds and lagoons, filters, and disinfection equipment. This shall not include on-site sewage disposal systems, treated effluent storage lagoons, soil absorption areas, spray fields, drip irrigation fields and constructed wetlands.

Shooting Range, Indoor Commercial: Any fully enclosed building used for the discharge of any firearm for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an indoor shooting range for the purposes of this Zoning Ordinance. Considered *recreational facilities, commercial* for the purposes of this Ordinance.

Shooting Range, Outdoor Commercial: Any area not within a fully enclosed building used for the discharge of any firearm for recreational or training purposes, including but not limited to, target shooting ranges, skeet and trap shooting ranges and courses, and sporting clay shooting operations. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an outdoor shooting range for the purposes of this Zoning Ordinance.

Small Animals And Fowl: Rabbits, bees, insects, chickens, turkeys, ducks, geese, pheasants, pigeons and any other similar

animal.

Small Flow Sewage Treatment Plant: An on-site or community sewage facility designed to adequately treat sewage flows not greater than two thousand (2,000) gallons per day for final disposal using a stream discharge or other methods approved by DEP.

Solar Collector: A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

Solar Collector, Accessory: A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

Solar Energy Storage Facility: Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

Solar Power Generation, Commercial: A facility where one (1) or more solar collectors and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is sold on the open market.

Solid Waste or Waste: Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste including solid, liquid, semi-solid or containing gaseous materials resulting from industrial, mining, agricultural operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility or any other material defined by the PA DEP as solid, liquid, municipal, medical, industrial, toxic or hazardous waste.

Solid Waste Facility: Any facility operated by a private individual or firm or by a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste.

Solid Waste Staging Area: Any area where vehicles containing solid waste are parked or located prior to depositing said solid waste at a solid waste disposal facility.

Special Exception: A use allowed, with permission granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accord with this Ordinance.

Spray Field: Piping, spray heads and the ground surface to the outside edges of the wetted perimeter, used for the application of sewage effluent.

Stable, Commercial: A structure or area used for the shelter, care and/or riding of donkeys, horses, mules or other equines for hire, remuneration or sale; including but not limited to riding academies.

Stable, Private: An accessory structure or use which involves the keeping of donkeys, horses, mules or other equines not for hire, remuneration or sale; including but not limited to riding academies.

Staging Areas for Equipment/Materials: Any area where equipment, vehicles, supplies and/or other material are assembled or stored for the support of another operation or use located at a different site.

Stream: A natural watercourse. (See *watercourse*.)

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley. "Public rights-of-way" shall be those open to the general use of the public, not necessarily publicly dedicated.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, Permanent: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structure, Portable: Anything constructed that is not permanently to the ground but is designed to be moved from place to place.

Structure, Principal: A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two (2) 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 (10) acres, not involving any new road or easement of access or any residential dwelling, shall be exempted.

- A. **Major Subdivision:** Any subdivision that is not a minor subdivision or a lot line adjustment.
- B. **Minor Subdivision:** A subdivision that creates three (3) lots or less which have access, direct or indirect, to an existing public street or road and which does not require the construction or extension of any roads or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, roads or other improvements. Any proposed subdivision of a lot of record which resulted from a minor subdivision shall be classified as a major subdivision when the cumulative number of lots from the original lot of record and/or any resulting lot, exceed three (3) lots within five (5) years from date of its approval under a minor subdivision classification. Information stating the above requirement shall be included upon all deeds for lots created under a minor subdivision.

Supervisors: The Board of Supervisors of Franklin Township.

Swimming Pool: A body of water or receptacle for water having a depth at any point greater than two feet, which is used or intended to be used for swimming or bathing and constructed or maintained in or above the ground.

Temporary Use: A use accessory to another permitted principal use or of a public interest nature that operates at a fixed location for a temporary period of time which is authorized by a temporary permit issued for a period of six (6) months or less.

Theater: A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Theater, Drive-In: An area of land which may include accessory uses such as the sale of snacks and which is devoted to the showing of motion pictures which are viewed by persons in vehicles.

Therapeutic Massage Facility: See *massage facility, therapeutic*.

Tourist Recreational Facility: See *recreational facility, tourist*.

Township Facility or Use: Any building, structure, service or use under the jurisdiction of Franklin Township.

Trade School: A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age sixteen (16).

Truck Stop: Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities solely for the use of truck crews.

Truck Terminal: A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Truck Wash: Any building or premises or portion thereof used for washing trucks with a gross vehicle weight exceeding five thousand (5,000) lbs.

Turbine Height: The distance measured from the top surface of the tower foundation to the highest point of the turbine rotor plane or tower, whichever is higher.

Uniform Construction Code (UCC): 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 Pennsylvania 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 to the Commonwealth.

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

Variance: Relief granted pursuant to the provisions of 608.3 of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

Vehicle - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, snowmobiles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

Vehicle and Equipment Rental Operation: An establishment which rents vehicles and/or equipment to the general public, and which may or may not include the repair of the vehicles and equipment which is for rent. Equipment rental operations conducted entirely within an enclosed building shall be considered *retail business* for the purposes of this Zoning Ordinance.

Vehicle and Equipment Sales Operation: The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than 50% of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

Vehicle or Equipment Service Operation: An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

Veterinary Clinic: See *animal hospital*.

Walk Way: A narrow passageway, no wider than four (4) feet, extending from the entrance or patio of the principle building at or no more than six (6) inches above ground level, out to and including encroachment of the front yard but not encroaching on any road right-of-way. Construction material may consist of wood, stone, masonry, pavement, or other similar material suitable for that purpose. (Note: If constructed above six (6) inches from the ground - see deck.)

Water Body: Any natural or artificial pond, lake, reservoir or other area containing a surface area of over one thousand (1,000) square feet and which usually or intermittently contains water and has a discernible shoreline. This definition shall not include facilities constructed for the express purpose of managing stormwater volumes, flows or quality.

Water Quality Buffer: See *buffer, water quality*.

Water Supply, Central, Off-Site or Community: A drinking water supply system in which drinking water is carried to individual lots or dwelling units by a system of pipes from a central source not located on any of the served lots and which may be publicly or privately owned and operated.

Water Supply, On-Site: A single system of piping, tanks or other facilities serving only a single lot and providing drinking water from a source on the lot.

Watercourse: A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow. This definition shall not include facilities constructed for the express purpose of managing

stormwater volumes, flows or quality.

Well Pad: The area used for development and production of an oil or gas well including buildings, structures, parking and storage areas and all associated disturbed areas and all activities associated with an oil or gas well after drilling activities are complete.

Wetland: An area of land characterized by hydric (wet) soils and vegetation adapted to wet growing conditions (hydrophytes) and which is more specifically defined and regulated by the Pennsylvania Department of Environmental Resources, United States Environmental Protection Agency, United States Army Corps and United States Fish and Wildlife.

Wholesale Business: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wholesale Greenhouse or Nursery: An area of land or a structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale distribution; and including associated structures for office space and storage and accessory retail sales of products or services.

Wild or Exotic Animal: Any species of animal whose natural or usual habitat within Pennsylvania is either in the wild or in a zoo, as opposed to a domesticated environment, regardless of whether such animal poses an actual or apparent threat to persons, other animals or property.

Wind Energy Facility, Commercial: A facility where one (1) or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A wind turbine accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a *wind energy facility*.

Wind Turbine Generator, Accessory: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, and which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory.

Yard: See *setback*.

Yard Sale: Any offering for sale to the public of used and accumulated normal household and other personal items conducted on a temporary, intermittent basis, not exceeding three (3) sales per year for not more than three (3) consecutive days each, and which is accessory to a residential dwelling. Sales in excess of three (3) times for not more than three (3) consecutive days each or the buying and selling of new or used items or surplus material shall be considered commercial operations subject to the applicable standards of this Zoning Ordinance.

Zoning Officer: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

Zoo: A collection of animals which are kept in cages or enclosures, inside a building or outdoors, for exhibition or educational purposes with or without charge.

ARTICLE IV DISTRICT REGULATIONS

401 Designation of Districts

401.1 Designation

For the purposes of this Zoning Ordinance, Lehigh Township is hereby divided into the following Zoning Districts:

A-1	Agricultural District
C-1	Conservation District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-MHP	Residential Mobile Home Park District
B-1	Light Commercial District
I-1	Light Industrial District

401.2 Intent

The intent of each District and the uses permitted in each District are set forth on the District Use Schedules contained in §404 of this Ordinance or in the specific sections establishing any overlay district. Bulk and density standards for each District are set forth on the Schedule of Development Standards contained in §404 of this Ordinance.

401.3 Floodplain Overlay District

The Floodplain Overlay District is hereby created to be coterminous with the areas which are subject to the one hundred (100) year flood, as identified in the most current *Flood Insurance Study* and the accompanying *FIRM - Flood Insurance Rate Map* issued by the Federal Emergency Management Agency. In addition to all other applicable standards of this Zoning Ordinance, the Township Floodplain Ordinance shall apply in the Floodplain Overlay District.

401.4 Residential Overlay District

The Residential Overlay District is hereby created to afford protection to residential subdivisions developed in a district other than a R-1 Single-Family Residential District. Based on the request of the Developer at the time of final subdivision approval of any residential development of ten (10) or more lots (not including the parent parcel), the approved subdivision, including all lots and other lands (such as conservation open land) which are part of the subdivision, shall be incorporated into the Residential Overlay District where all standards applicable in the standard R-1 Single-Family Residential District shall apply in lieu of the underlying district standards.

402 Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of the Township; which is hereby adopted by reference and declared to be a part of this Ordinance together with all amendments thereto.

403 District Boundaries

403.1 Establishment

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the County Recorder of Deed's Office and on the County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions or otherwise as shown on the Official Zoning Map.

403.2 Interpretation

Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

403.3 Uncertainty

In the event of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer is authorized to determine the correct district boundary in accord with the guidelines of this Zoning Ordinance. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

404 District Regulations

District regulations are of two types, Use Regulations and Development Standards, which shall apply to any proposed new use, expansion of an existing use or change of use of any land or structure.

404.1 Use and Dimensional Regulations

District use regulations are provided in the following Schedule of Uses.

- A. Permits for *principal permitted uses and accessory uses* shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.
- B. *Conditional uses and special exception uses* are permitted uses which require individual consideration because of their special characteristics and are referred to the Planning Commission for review and preparation of a recommendation to the Board of Supervisors and Zoning Hearing Board, respectively. Following a public hearing, and based on its determination that the proposed use meets the standards of this Ordinance, the Board of Supervisors for *conditional uses* and the Zoning Hearing Board for *special exceptions* may approve the issuance of a zoning permit by the Zoning Officer.
- C. No land and no structure in a particular zoning district shall be used for any use which is not specifically listed on the Schedule of Uses for that particular district, and only in accord with all other requirements of this Ordinance. In other words, any use not specifically permitted by this Ordinance within a Zoning District shall be deemed to be prohibited within that Zoning District. If a use which could be included in a more general use is listed as a separate use in any District Schedule of Uses, such use shall be permitted only in the district where it is specifically listed. Larger lot sizes, greater setbacks, buffers and other more restrictive standards may be required by other provisions of this Ordinance. In cases where this Ordinance provides different requirements for the same use, the most restrictive requirement shall apply.

404.2 Uses Not Specified in Schedule of Uses

- A. Jurisdiction - Whenever a use is neither specifically permitted nor specifically denied in any zoning district established under this Ordinance and an application is made to the Zoning Officer for such use, the application shall be submitted to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception.
- B. Findings - The use may be permitted only if the Zoning Hearing Board makes all of the following findings; and, the burden of proof shall be upon the applicant:
 1. The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
 2. The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this Zoning Ordinance.
 3. The use is not permitted in any other zoning district.
- C. Planning Commission Review - At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Township Planning Commission for its recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until the comments from the Planning Commission are received or thirty (30) days have passed from the time the application was referred to the Planning Commission.
- D. Conditions - The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted for a use not specified in the Schedule of Uses, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

404.3 Dimensional Regulations

The dimensional regulations which follow establish minimum standards for lot area; lot depth, average lot width and front, side and rear yards; and maximum standards for building height and lot coverage. The standards also establish specific standards and criteria that apply to the use as may be appropriate to protect the public health, safety and welfare. Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections.

404.4 Subdividing and Developing

Any area divided into parcels or developed according to the definition of *subdivision and land development* in Article III shall also be subject to the Township Subdivision and Land Development Ordinance.

**A-1 AGRICULTURAL
DISTRICT SCHEDULE OF USES AND DIMENSIONAL REGULATIONS**

INTENT: To permit, protect and encourage the continued use of land for agriculture and forestry enterprises. The district is composed of those areas of the Township where agriculture and forestry enterprises are the predominant land uses. The regulations applicable in the district are designed to protect and stabilize the essential elements of the district’s existing character, to minimize conflicting land uses detrimental to agriculture and forestry enterprises, to limit development which requires community facilities in excess of those required for agriculture and forestry enterprises, and to maintain land in parcels of adequate size to support economically viable agricultural and forestry operations. Concurrently, a number of other non-agricultural uses are permitted to enable the owners of large parcels of land to realize reasonable income from their land, thereby forestalling its sale for development.

PRINCIPAL PERMITTED USES (Zoning Officer)

- | | | |
|--|--|--|
| - Animal husbandry (5 acres required) | - Group homes | - Retail businesses with 10,000 sq. ft. or less of first floor gross floor area* |
| - Archery ranges, indoor and outdoor commercial* | - Hunting and fishing clubs | - Retail sales of agricultural commodities in accord with PA Right to Farm Law |
| - Art studios | - Mobile homes on individual lots | - Self-storage facilities* |
| - Assisted living facilities | - Natural gas compressor stations | - Service establishments* |
| - Bed and breakfast establishments | - Nursing homes* | - Single-family detached dwellings |
| - Clubs and lodges, private* | - Office buildings* | - Stables, commercial, and horses for hire* |
| - Conservation design development | - Oil or gas fluid storage/impoundment | - Stables, private in association with a single-family detached dwelling |
| - Crop production | - Oil or gas well and pipeline location assessment | - Storage yards for forest products and minerals* |
| - Day care, adult and child* | - Oil or gas well development | - Township buildings and uses |
| - Exercise clubs* | - Professional offices* | |
| - Farm stands | - Recreational facilities, commercial* | |
| - Forestry | - Recreational facilities, public* | |
| - Funeral homes | - Restaurants* | |
| - Greenhouses and nurseries, wholesale | | |

* Considered a special exception if the proposed use is located within 300 feet of an existing residential dwelling not located on the same parcel with the proposed use and not owned by the Applicant. Measured from the physical location of the proposed use to the property line of the parcel on which the existing dwelling is located.

SPECIAL EXCEPTIONS (Planning Commission / Zoning Hearing Board)

- | | | |
|---|---------------------------------------|---|
| - Agricultural and forest products processing | - Contractor’s yards | - Race tracks |
| - Airports, private and public | - Country clubs | - Sawmills |
| - Amusement parks | - Crematoria | - Semi-public uses |
| - Animal hospitals | - Dormitories | - Shooting ranges, indoor commercial and outdoor commercial |
| - Animal shelters | - Golf courses | - Solar power generation, commercial |
| - Camps, adult or youth | - Heliports, accessory and commercial | - Staging areas for equipment/materials |
| - Campgrounds and recreational vehicle parks | - Home businesses | - Theaters, drive-in |
| - Cemeteries | - Kennels | - Trade schools |
| - Colleges and universities | - Manufacturing, light | - Warehouses |
| - Commercial communications device sites | - Micro-breweries | - Wind energy facilities |
| - Concentrated animal feeding operations | - Mineral extraction | - Wholesale businesses |
| | - Mineral processing | - Zoos and menageries |
| | - Places of worship | |
| | - Public uses | |

**A-1 AGRICULTURAL
DISTRICT SCHEDULE OF USES AND DIMENSIONAL REGULATIONS**

CONDITIONAL USES (Planning Commission / Board of Supervisors)

- Any principal permitted use or special exception involving the initial or cumulative construction, installation or placement of 15,000 or more square feet of buildings, structures and/or other impervious surface areas.
- Natural gas processing plants

ACCESSORY USES (Zoning Officer)

- | | | |
|---|--|---|
| <ul style="list-style-type: none"> - Carports - Day care, child accessory - Decks and porches - Docks - Essential services | <ul style="list-style-type: none"> - Farm stands - Garages and other off-street parking - No-impact home occupations - Signs per Article XI - Solar collectors, accessory | <ul style="list-style-type: none"> - Swimming pools - Tool or storage sheds - Wind turbine generators, accessory - Other uses customarily accessory to permitted uses |
|---|--|---|

DIMENSIONAL REGULATIONS

Minimum Lot Area:	2.0 acres
Minimum Lot Width:	200 feet
Minimum Setbacks:	Front: 50 feet measured from the front lot line Rear: 50 feet measured from the rear lot line Side: 30 feet measured from each side lot line
Maximum Lot Coverage:	20 percent of the lot area
Maximum Building Height:	2.5 stories or 35 feet. Exceptions: see §501.4.

NOTES:

- Uses not specifically listed by this schedule shall not be permitted in the A-1 District except in accord with §404.2.
- Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections.

C-1 CONSERVATION DISTRICT DISTRICT SCHEDULE OF USES AND DIMENSIONAL REGULATIONS		
INTENT: To protect the areas in the Township critical for conservation from intensive development and from development which would significantly change the natural character of the land.		
PRINCIPAL PERMITTED USES (Zoning Officer)		
<ul style="list-style-type: none"> - Animal husbandry (5 acres required) - Conservation design development - Crop production - Farm stands - Forestry - Greenhouses and nurseries, wholesale - Group homes - Hunting and fishing clubs 	<ul style="list-style-type: none"> - Mobile homes on individual lots - Oil or gas fluid storage/impoundment - Oil or gas pipelines - Oil or gas well and pipeline location assessment - Oil or gas well development - Retail sales of agricultural commodities in accord with PA Right to Farm Law 	<ul style="list-style-type: none"> - Single-family detached dwellings - Stables, commercial, and horses for hire - Stables, private in association with a single-family detached dwelling - Township buildings and uses
SPECIAL EXCEPTIONS (Planning Commission / Zoning Hearing Board)		
<ul style="list-style-type: none"> - Camps, adult or youth - Cemeteries 	<ul style="list-style-type: none"> - Commercial communications device sites 	<ul style="list-style-type: none"> - Home businesses - Recreational facilities, public
CONDITIONAL USES (Planning Commission / Board of Supervisors)		
<ul style="list-style-type: none"> - Natural gas compressor stations 		
ACCESSORY USES (Zoning Officer)		
<ul style="list-style-type: none"> - Carports - Day care, child accessory - Decks and porches - Docks - Essential services 	<ul style="list-style-type: none"> - Farm stands - Garages and other off-street parking - No-impact home occupations - Signs per Article XI - Solar collectors, accessory 	<ul style="list-style-type: none"> - Swimming pools - Tool or storage sheds - Wind turbine generators, accessory - Other uses customarily accessory to permitted uses
DIMENSIONAL REGULATIONS		
Minimum Lot Area:	3.5 acres	
Minimum Lot Width:	200 feet	
Minimum Setbacks:	Front: 50 feet measured from the front lot line Rear: 50 feet measured from the rear lot line Side: 50 feet measured from each side lot line	
Maximum Lot Coverage:	20 percent of the lot area covered by buildings; 30 percent total impervious	
Maximum Building Height:	2.5 stories or 35 feet. Exceptions: see §501.4.	
NOTES:		
<ul style="list-style-type: none"> - Uses not specifically listed by this schedule shall not be permitted in the C-1 District except in accord with §404.2. - Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections. 		

**R-1 LOW DENSITY RESIDENTIAL DISTRICT
SCHEDULE OF USES AND DIMENSIONAL REGULATIONS**

INTENT: To recognize existing low density neighborhoods and to provide land in a sufficient amount to accommodate the residential needs of expected future populations and for other uses of a generally passive nature associated with residential uses.

PRINCIPAL PERMITTED USES (Zoning Officer)

- Conservation design development
- Crop production
- Farm stands
- Forestry
- Group homes
- Mobile homes on individual lots
- Oil or gas fluid storage/impoundment
- Oil or gas pipelines
- Oil or gas well and pipeline location assessment
- Oil or gas well development
- Retail sales of agricultural commodities in accord with PA Right to Farm Law
- Single-family detached dwellings
- Stables, private in association with a single-family detached dwelling
- Township buildings and uses
- Two-family dwellings

SPECIAL EXCEPTIONS (Planning Commission / Zoning Hearing Board)

- Animal husbandry (5 acres required)
- Assisted living facilities
- Country clubs
- Day care, adult and child
- Golf courses
- Home businesses
- Multi-family dwellings
- Nursing homes
- Places of worship
- Public uses
- Recreational facilities, public
- Retail businesses with 5,000 sq. ft. or less of first floor gross floor area
- Semi-public uses
- Service establishments with 5,000 sq. ft. or less of first floor gross floor area

CONDITIONAL USES (Planning Commission / Board of Supervisors)

- Natural gas compressor stations

ACCESSORY USES (Zoning Officer)

- Carports
- Day care, child accessory
- Decks and porches
- Docks
- Essential services
- Farm stands
- Garages and other off-street parking
- No-impact home occupations
- Signs per Article XI
- Solar collectors, accessory
- Swimming pools
- Tool or storage sheds
- Wind turbine generators, accessory
- Other uses customarily accessory to permitted uses

DIMENSIONAL REGULATIONS

Minimum Lot Area:	1.5 acres; 5.0 acres for retail businesses and service establishments	
Minimum Lot Width:	150 feet	
Minimum Setbacks:	<u>All Uses Except Retail & Service</u> Front: 40 feet from the front lot line Rear: 40 feet from the rear lot line Side: 20 feet from each side lot line	<u>Retail Bus. and Service Establish.</u> Front: 40 feet from the front lot line Rear: 75 feet from the rear lot line Side: 75 feet from each side lot line
Maximum Lot Coverage:	30 percent of the lot area	
Maximum Building Height:	2.5 stories or 35 feet. Exceptions: see §501.4.	

NOTES:

- Uses not specifically listed by this schedule shall not be permitted in the R-1 District except in accord with §404.2.
- Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections.

**R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
SCHEDULE OF USES AND DIMENSIONAL REGULATIONS**

INTENT: To recognize existing medium density neighborhoods and to provide land in a sufficient amount to accommodate the residential needs of expected future populations and for other uses of a generally passive nature associated with residential uses.

PRINCIPAL PERMITTED USES (Zoning Officer)

- Conservation design development
- Crop production
- Farm stands
- Forestry
- Group homes
- Mobile homes on individual lots
- Oil or gas fluid storage/impoundment
- Oil or gas pipelines
- Oil or gas well and pipeline location assessment
- Oil or gas well development
- Retail sales of agricultural commodities in accord with PA Right to Farm Law
- Single-family detached dwellings
- Township buildings and uses
- Two-family dwellings

SPECIAL EXCEPTIONS (Planning Commission / Zoning Hearing Board)

- Assisted living facilities
- Day care, adult and child
- Domestic violence shelters
- Home businesses
- Multi-family dwellings
- Nursing homes
- Places of worship
- Public uses
- Recreational facilities, public
- Semi-public uses

CONDITIONAL USES (Planning Commission / Board of Supervisors)

- Natural gas compressor stations

ACCESSORY USES (Zoning Officer)

- Carports
- Day care, child accessory
- Decks and porches
- Docks
- Essential services
- Farm stands
- Garages and other off-street parking
- No-impact home occupations
- Signs per Article XI
- Solar collectors, accessory
- Swimming pools
- Tool or storage sheds
- Wind turbine generators, accessory
- Other uses customarily accessory to permitted uses

DIMENSIONAL REGULATIONS

Minimum Lot Area:	1.0 acres
Minimum Lot Width:	100 feet
Minimum Setbacks:	Front: 25 feet measured from the front lot line Rear: 30 feet measured from the rear lot line Side: 15 feet measured from each side lot line
Maximum Lot Coverage:	40 percent of the lot area
Maximum Building Height:	2.5 stories or 35 feet. Exceptions: see §501.4.

NOTES:

- Uses not specifically listed by this schedule shall not be permitted in the R-2 District except in accord with §404.2.
- Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections.

**R-MHP RESIDENTIAL MOBILE HOME PARK DISTRICT
SCHEDULE OF USES AND DIMENSIONAL REGULATIONS**

INTENT: To provide for higher density residential development and for other uses of a generally passive nature associated with residential uses.

PRINCIPAL PERMITTED USES (Zoning Officer)

- Crop production
- Forestry
- Group homes
- Mobile homes on individual lots
- Oil or gas fluid storage/impoundment
- Oil or gas pipelines
- Oil or gas well and pipeline location assessment
- Oil or gas well development
- Retail sales of agricultural commodities in accord with PA Right to Farm Law
- Single-family detached dwellings
- Township buildings and uses

SPECIAL EXCEPTIONS (Planning Commission / Zoning Hearing Board)

- Home businesses

CONDITIONAL USES (Planning Commission / Board of Supervisors)

- Mobile home parks and expansions and alterations of mobile home parks
- Natural gas compressor stations

ACCESSORY USES (Zoning Officer)

- Carports
- Day care, child accessory
- Decks and porches
- Docks
- Essential services
- Farm stands
- Garages and other off-street parking
- No-impact home occupations
- Signs per Article XI
- Solar collectors, accessory
- Swimming pools
- Tool or storage sheds
- Wind turbine generators, accessory
- Other uses customarily accessory to permitted uses

DIMENSIONAL REGULATIONS

Mobile Home Parks	See §607 and the Township Subdivision and Land Development Ordinance
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Other Uses

Minimum Lot Area:	2.0 acres
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Minimum Lot Width:	150 feet
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Minimum Setbacks:	Front: 40 feet measured from the front lot line Rear: 40 feet measured from the rear lot line Side: 20 feet measured from each side lot line
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Maximum Lot Coverage:	30 percent of the lot area
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Maximum Building Height:	2.5 stories or 35 feet (Exceptions: see §501.4.)
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NOTES:

- Uses not specifically listed by this schedule shall not be permitted in the R-MHP District except in accord with §404.2.
- Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections.

**B-1 LIGHT COMMERCIAL DISTRICT
SCHEDULE OF USES AND DIMENSIONAL REGULATIONS**

INTENT: To provide for the daily retail and service needs of residents and visitors by allowing a mix of residential dwelling types, public and semi-public uses, and small commercial establishments, while excluding certain commercial uses not consistent with character of the District.

PRINCIPAL PERMITTED USES (Zoning Officer)

- | | | |
|-------------------------------------|--|---|
| - Archery ranges, indoor commercial | - Greenhouses and nurseries, wholesale | - Restaurants, fast food/drive through |
| - Assisted living facilities | - Group homes | - Retail businesses |
| - Bed and breakfast establishments | - Home businesses | - Service establishments |
| - Boarding and tourist homes | - Mobile homes on individual lots | - Single-family dwellings |
| - Car and truck washes | - Nursing homes | - Township facilities and uses |
| - Clubs and lodges, private | - Office buildings | - Trade schools |
| - Convenience stores | - Oil or gas fluid storage/impoundment | - Two-family dwellings, conversion and new construction |
| - Crop production | - Oil or gas pipelines | - Vehicle and equipment sales or rental operations |
| - Day care, adult and child | - Oil or gas well and pipeline location assessment | - Vehicle and equipment service operations |
| - Domestic violence shelters | - Oil or gas well development | - Warehouses |
| - Exercise clubs | - Professional offices | - Wholesale businesses |
| - Forestry | - Recreational facilities, public | |
| - Funeral homes | - Restaurants | |
| - Garden centers, retail | | |

SPECIAL EXCEPTIONS (Planning Commission / Zoning Hearing Board)

- | | | |
|---------------------------------------|---|---------------------------------------|
| - Amusement arcades | - Group quarters | - Multi-family dwelling projects |
| - Animal hospitals | - Halfway houses | - Public uses |
| - Art studios | - Health facilities | - Recreational facilities, commercial |
| - Bus terminals | - Hotels and motels | - Semi-public uses |
| - Convenience stores | - Micro-breweries | - Theaters |
| - Dwellings above nonresidential uses | - Multi-family dwellings, conversion and new construction | - Truck stops |
| - Flea markets, outdoor | | |
| - Gaming establishments | | |

CONDITIONAL USES (Planning Commission / Board of Supervisors)

- Adult businesses
- Natural gas compressor stations

ACCESSORY USES (Zoning Officer)

- | | | |
|-----------------------------|--|--|
| - Carports | - Farm stands | - Swimming pools |
| - Day care, child accessory | - Garages and other off-street parking | - Tool or storage sheds |
| - Decks and porches | - No-impact home occupations | - Wind turbine generators, accessory |
| - Docks | - Signs per Article XI | - Other uses customarily accessory to permitted uses |
| - Essential services | - Solar collectors, accessory | |

**B-1 LIGHT COMMERCIAL DISTRICT
SCHEDULE OF USES AND DIMENSIONAL REGULATIONS**

DIMENSIONAL REGULATIONS

Minimum Lot Area:	2.0 acres
Minimum Lot Width:	100 feet
Minimum Setbacks:	<ul style="list-style-type: none"> - Front: 20 feet measured from the front lot line - Rear adjoining nonresidential use: 25 feet measured from rear lot line - Rear adjoining existing residential use or R-1 or R-2 District: 50 feet measured from rear lot line - Side adjoining nonresidential use: 25 feet measured from side lot line - Side adjoining existing residential use or A-1, R-1, R-2, R-MHP or C-1 District: 50 feet measured from side lot line
Maximum Lot Coverage:	25 percent of the lot area
Maximum Building Height:	2.5 stories or 35 feet. Exceptions: see §501.4.
<p>NOTES:</p> <ul style="list-style-type: none"> - Uses not specifically listed by this schedule shall not be permitted in the B-1 District except in accord with §404.2. - Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections. 	

**I-1 INDUSTRIAL DISTRICT
SCHEDULE OF USES AND DIMENSIONAL REGULATIONS**

INTENT: To provide for manufacturing and other industrial activities as well as for *heavy commercial* uses such as warehousing, wholesaling, and distribution operations at appropriate locations where they will not conflict with residential, commercial, and farm uses.

PRINCIPAL PERMITTED USES (Zoning Officer)

- Bus terminals
- Car and truck washes
- Contractor’s yards
- Crop production
- Day care, adult and child
- Distribution centers
- Forestry
- Home businesses
- Light manufacturing
- Natural gas compressor stations
- Natural gas processing plants
- Oil or gas fluid storage/impoundment
- Oil or gas pipelines
- Oil or gas well and pipeline location assessment
- Oil or gas well development
- Public uses
- Recycling facilities
- Retail heating fuel distributors
- Sawmills
- Self-storage facilities
- Semi-public uses
- Storage yards for forest products and minerals
- Truck terminals
- Township facilities and uses
- Truck stops
- Vehicle and equipment sales or rental operations
- Vehicle and equipment service operations
- Warehouses
- Wholesale businesses

SPECIAL EXCEPTIONS (Planning Commission / Zoning Hearing Board)

- Agricultural products processing
- Bulk fuel storage
- Correctional facilities
- Heliports, accessory and commercial
- Hydraulic fracturing water withdrawal facilities
- Industrial wastewater treatment facilities
- Manufacturing and industry
- Mineral processing
- Solar power generation, commercial
- Staging areas for equipment/materials
- Wind energy facilities, commercial

CONDITIONAL USES (Planning Commission / Board of Supervisors)

- Junkyards
- Sewage treatment plants serving I-1 uses
- Solid waste facilities and staging areas, public and private

ACCESSORY USES (Zoning Officer)

- Carports
- Day care, child accessory
- Decks and porches
- Docks
- Essential services
- Farm stands
- Garages and other off-street parking
- No-impact home occupations
- Signs per Article XI
- Solar collectors, accessory
- Swimming pools
- Tool or storage sheds
- Wind turbine generators, accessory
- Other uses customarily accessory to permitted uses

DIMENSIONAL REGULATIONS

Minimum Lot Area:	2.0 acres
Minimum Lot Width:	100 feet
Minimum Setbacks:	<ul style="list-style-type: none"> - Front: 30 feet measured from the front lot line - Rear adjoining nonresidential use: 30 feet measured from rear lot line - Rear adjoining existing residential use or R-1 or R-2 District: 50 feet measured from rear lot line - Side adjoining nonresidential use: 30 feet measured from side lot line - Side adjoining existing residential use or A-1, R-1, R-2, R-MHP or C-1 District: 50 feet measured from side lot line
Maximum Lot Coverage:	30 percent of the lot area
Maximum Building Height:	3.0 stories or 40 feet. Exceptions: see §501.4.

NOTES:

- Uses not specifically listed by this schedule shall not be permitted in the I-1 District except in accord with §404.2.
- Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections.

ZONING DISTRICT DIMENSIONAL REGULATIONS

Standard	A-1 Agricultural	C-1 Conservation	R-1 Low Density Residential	R-2 Medium Density Residential	R-MHP Residential Mobile Home Park³	B-1 Light Commercial	I-1 Light Industrial
Minimum Lot Area	2.0 acres ¹	3.5 acres ¹	1.5 acres ¹	1.0 acres	2.0 acres	2.0 acres	2.0 acres
Minimum Lot Width	200 feet	200 feet	150 feet	100 feet	150 feet	100 feet	100 feet
Minimum Setbacks							
Front	50 feet	50 feet	40 feet	25 feet	40 feet	20 feet	30 feet
Rear	50 feet	50 feet	40 feet	30 feet	40 feet	25 feet ⁴	30 feet ⁴
Each Side	30 feet	50 feet	20 feet	15 feet	20 feet	25 feet ⁵	30 feet ⁵
Maximum Lot Coverage	20%	30% ²	30%	40%	30%	25%	30%
Maximum Building Height							
Stories	2.5 stories	2.5 stories	2.5 stories	2.5 stories	2.5 stories	2.5 stories	3 stories
Feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	40 feet

Notes:

1. A minimum of 5 acres is required for animal husbandry.
2. 20 percent of the lot area covered by buildings; 30 percent total impervious.
3. For mobile home parks see §608 and the Township Subdivision and Land development Ordinance. Listed standards apply to other uses in R-MHP District.
4. Rear adjoining existing residential use or R-1 or R-2 District: 50 feet measured from rear lot line.
5. Side adjoining existing residential use or A-1, R-1, R-2, R-MHP or C-IDistrict: 50 feet measured from side lot line.

ARTICLE V
SUPPLEMENTARY REGULATIONS

500 Introduction

The standards that follow shall be applied to the specific situations indicated and are intended to supplement the standards in Article IV. Standards contained in a specific section regulating a specific use shall not exempt said use from other applicable regulations contained in this Ordinance.

501 General Provisions**501.1 Lots Divided by Zoning Boundaries**

If a Zoning District boundary line divides a lot held in single and separate ownership prior to the effective date of this Ordinance, placing eighty-five (85) percent or more of the lot area in a particular Zoning District, the location of such district boundary line may be construed to include the remaining fifteen (15) percent or less of the lot so divided, subject to the lot of record being not greater than three (3) acres.

501.2 Access Drives; Driveways

Access drives and driveways serving a permitted use shall be permitted in all yards except as may be otherwise regulated by this ordinance. For single-family dwellings and two-family dwellings a buffer of not less than five (5) feet shall be maintained from rear and side property lines. See §504.9 for multi-family dwellings and nonresidential uses. The location of access drives and driveways may also be affected by highway occupancy permit requirements.

501.3 Front Setback Exception

Where a vacant lot exists between two (2) improved lots, each of which has a building within twenty-five (25) feet of the property line separating the parcels, a building may be erected on the vacant lot with a front setback not less than the greater front setback of the two (2) adjoining buildings. However, the front setback shall not in any case be reduced to less than fifteen (15) feet.

501.4 Height Limitations

Except as otherwise regulated by this Ordinance, height regulations shall not apply to spires, belfries, cupolas, domes, not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerials, television antennae, windmills, public utility structures that are not buildings, silos, chimneys, ventilators, and parapet walls extending not more than four (4) feet above the regulated height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances. Any such structure which exceeds a height of fifty (50) feet, eighty (80) feet for agricultural structures, shall be considered a conditional use and increased setbacks may be required.

501.5 Extension of Non-Conforming Setbacks (See also Article IX and §910.3.)

A single-family detached dwelling which is nonconforming as to a setback requirement may be extended along the nonconforming setback line a distance not to exceed fifty (50) percent of the length of the nonconforming part of the structure as it existed at the effective date of this Ordinance. However, the height of any such residential extension shall not exceed the lesser of the existing height of the nonconforming structure or the applicable district maximum height.

501.6 Projections Into Setbacks

The following projections shall be permitted into required yards and shall not be considered in the determination of setback requirements or lot coverage:

- A. Terraces or Patios - Provided that such terraces or patios are unroofed, without walls or other form of enclosure and are not closer than fifteen (15) feet to any adjacent lot line.
- B. Projecting Architectural Features - Features such as bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other similar architectural features provided that any of the aforementioned features do not extend more than two (2) feet into any required yard.
- C. Handicapped Ramps - May be constructed without meeting any applicable front and/or rear yard setback requirements in any Zoning District, but shall have a minimum side yard setback of not less than five (5) feet.

501.7 Reduction of Required Area or Space

The area or dimension of any existing lot, setback, parking area or other space shall not be reduced to less than the minimum required by this Ordinance.

502 Unique Lots, Setbacks and Building Locations**502.1 Two or More Buildings and/or Uses on a Parcel**

- A. **Development Standards** - Two (2) or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building or use if each were on a separate district lot, including but not limited to setbacks, parking, lot coverage, and sewage disposal requirements.
- B. **Residential Density** - For the purposes of density of residential structures, lot size shall be increased to maintain the density required by this Ordinance. For example, the parcel size required for three (3) single-family dwellings on one parcel would be determined by multiplying the minimum lot size for one (1) dwelling by a factor of three (3). The lot size for a two-family dwelling shall be twice the lot size required for a single-family dwelling in the district of location.
- C. **Nonresidential Uses** - In the case of non-residential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied. This shall not apply to adult businesses, junkyards, mineral extraction, solid waste facilities, or other uses with a special size requirement listed in this Ordinance, in which case the parcel size shall be increased to provide for the minimum land area required for each use on the parcel.
- D. **Residential and Nonresidential on the Same Lot** - Residential dwellings shall be permitted on the same lot as a permitted non-residential use provided the lot is sufficient in size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the nonresidential use. One (1) residential dwelling unit per property shall be permitted in association with a non-residential use(s) without an increase in the minimum lot size requirement. Any additional residential dwelling units shall be permitted on the same lot as a non-residential use only if the lot is sufficient in size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
- E. **Structure Separation** - Principal structures located on the same lot shall be separated by a distance at least equal to the height of the highest adjoining structure, but in no case less than required by the Uniform Construction Code. (See §503.1 for accessory structures.)

502.2 Street Frontage / Front Setbacks

A principal building shall be permitted only upon a lot with access to a public or private road right-of-way. In the case where a lot fronts on more than one street, the required front setback shall be provided along each street frontage. The required side setback shall be provided along all other property lines.

502.3 Highway Occupancy Permit; Visibility at Street Intersections

- A. **Highway Occupancy Permit** - Zoning approval for any proposed use and/or development of a property, which includes the construction and/or relocation of a driveway onto a State Route, a County road or a Township road shall be conditioned upon the applicant securing a Highway Occupancy Permit from the applicable governing body and/or agency.
- B. **Intersection of Streets** - On any corner lot no visual obstruction between two and one-half (2.5) feet and eight (8) feet in height, excluding street signs, utility poles or traffic signs, shall be erected or maintained within the triangle formed by the intersection of center lines of intersecting street right-of-way lines adjacent to the corner lot and a line projected between points on each of those adjacent center lines for a minimum distance of twenty (20') feet from their intersection.
- C. **Private Driveways** - No visual obstruction between two and one-half (2.5) feet and eight (8) feet in height, shall be erected or maintained within the triangle formed between the intersection of center lines of a street right-of-way line and a depth of ten (10) feet along the centerline of the street right-of-way and a depth of ten (10) feet along the centerline of a private driveway.

503 Accessory Structures and Uses

503.1 Accessory Structures

Any structure, container, truck trailer body or other construction used as an accessory structure shall be considered an accessory structure subject to the requirements of this Ordinance including the requirement to obtain a permit.

- A. Attached Accessory Structures - An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal buildings.
- B. Unattached Accessory Structures
1. Nonresidential - When the principal use or structure is nonresidential, an unattached accessory structure shall comply with the front yard setback requirements applicable to the principal structure or use for the zoning district in which it is located and shall not be less than twenty (20) feet from any side yard lot line or rear yard lot line.
 2. Residential - When the principal structure is residential, unattached accessory structures shall only be erected within the rear yard or side yard areas of the lot subject to the following requirements:
 - a. The maximum height shall not exceed twenty-five (25) feet.
 - b. An accessory structure which has a floor area which equals or exceeds seven hundred and fifty (750) square feet shall not be located less than fifteen (15) feet from a side lot line or the rear lot line. An accessory structure which has an floor area which is less than seven hundred and fifty (750) square feet shall not be located less than ten (10) feet from a side lot line or the rear lot line. Excluding A-1, C-1 and R-1 zoning districts, an accessory residential structure shall not exceed 1,500 square feet of floor area.
 3. Separation - Unattached accessory structures shall be separated from principal structures and other unattached accessory structures by not less than five (5) feet or as required by the Uniform Construction Code, whichever is greater.
 4. Growing Tunnels - Growing tunnels constructed of frameworks and plastic or similar sheeting and used exclusively for agriculture as defined in Article III shall comply with setbacks and height limitations, but a permit shall not be required.
- C. Foundation Required - Accessory structures shall comply with the foundation requirements of the Pennsylvania Uniform Construction Code.
- D. Containers, Truck Trailers
1. Sea containers, storage containers, truck trailers, and similar structures used for storage shall only be permitted in A-1, C-1, B-1 and I-1 Districts and shall be considered an accessory structure.
 2. Such structures shall maintain a setback of one hundred (100) feet from public road rights-of-way and the side and rear setbacks applicable to principal structures in the District of location. Side and rear setbacks shall be twice the normal setback in cases where the structure adjoins a residential use or a R-1, R-2 or R-MHP District.
 3. All such structures shall be maintained in good condition so as not to constitute junk as defined by this Ordinance.

503.2 Fences and Walls

- A. Supports - The posts and/or structural supports of a fence shall be located within the interior yard space to be enclosed.
- B. Residential - Fences and walls to be constructed within any R-1 or R-2 zoning district or upon a lot in any other type of zoning district which contains a residential property, shall not exceed a maximum height of eight (8) feet in height above the adjacent ground level in any front, rear or side yard. All fences shall be constructed with materials recognized by the fencing industry designed to provide a enclosure to the property or portion thereof.
- C. Nonresidential - Fences to be constructed within any commercial zoning district shall not exceed eight (8) feet in height above the adjacent ground level. Fences to be constructed within any industrial zoning district shall not exceed ten (10) feet in height above the adjacent ground level. All fences shall be constructed with materials recognized by the fencing industry designed

to provide an enclosure to the property or portion thereof

D. Exemptions

1. The provisions of this §503.2 shall not be applied to prevent the construction of a chain link in excess of ten (10) feet in height, designed as an enclosure to a public park, a public playground or similar outdoor recreational facility.
2. The provisions of this Section shall not be applied to a retaining wall designed and constructed as a structural support to hold back and support the lateral pressure of an earthen embankment.

503.3 No-Impact Home Occupations and Home Occupations

It is the intent of this subsection to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the home occupation. The burden of proof shall be on the applicant to demonstrate that the standards will be met.

A. No-Impact Home Occupations - In accord with the Pennsylvania Municipalities Planning Code, , the following no-impact home occupations shall be permitted as an accessory use in all Zoning Districts. A no-impact home occupation is a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements as set forth in §107 of the Pennsylvania Municipalities Planning Code:

1. The occupation shall be compatible with the residential use of the property and surrounding residential uses.
2. The occupation shall employ no other employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The occupation may not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The occupation shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The occupation shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
8. The occupation shall not involve any illegal activity.

B. Home Occupations - If a proposed home occupation does not qualify as a no-impact home occupation the following standards shall apply:

1. The home occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence.
2. The total area used by all home occupations on the premises shall not exceed forty (40) percent of the gross floor area of the dwelling unit, including basement, and accessory structures as existed at the effective date of this Ordinance.
3. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation(s) shall be permitted.
4. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that a home business is being operated except for a sign, if permitted, and required parking area.

5. A maximum of four (4) persons other than members of the immediate family residing in the dwelling shall be employed in the home occupation . The total of all employees of all home businesses on the premises, including family members, shall not exceed six (6) persons.
6. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
7. No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
8. No goods or items for retail or wholesale sale shall be permitted except for items hand crafted on the premises or goods and items incidental to the operation of an approved home business with the total display and/or storage area limited to indoors and not more than two hundred (200) square feet.
9. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks. In R-1, R-2 and R-MHP Districts, the use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) times per day.
10. One (1) sign not more than six (6) square feet for each face shall be permitted in accord with Article XI.
11. The performance standards in §701 shall apply to home businesses.
12. The following uses shall not be permitted as home businesses: commercial stables, veterinarians, commercial kennels, motor vehicle or small engine repair shops, retail or wholesale sales, restaurants, crematoria, funeral parlors or other uses not meeting the requirements of this §503.3.B.

503.4 Private Parking Areas, Garages Accessory to Residential Uses

Accessory off-street parking areas or garages serving the residential or non-residential parking demand created by the principal building are permitted in accord with §504. Accessory garages shall conform with §503.1.

503.5 Home Gardening, Nurseries and Greenhouses

Home gardening and accessory structures used for home nurseries or as home greenhouses are permitted in all Districts. No permit shall be required except for accessory structures.

503.6 Stables, Private

Private stables are permitted in A-1, C-1 and R-1 Districts in accord with §806.2.

503.7 Helicopter Landing Areas as an Accessory Use

Helicopter landing areas as accessory uses, in addition to all other applicable Ordinance requirements, shall comply with the following standards.

- A. The applicant shall document compliance with all applicable state and federal regulations.
- B. The landing pad shall be a minimum of two hundred (200) feet from any dwelling not owned by the applicant.

503.8 Satellite Dish Antennae

All private satellite dish antennae shall be considered structures and shall maintain the setbacks required for accessory structures; however, a permit shall not be required.

503.9 Private Outdoor Swimming Pools

- A. A private in-ground or above-ground outdoor swimming pool is permitted as an accessory structure to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests.
- B. Fences for pools shall be provided in accord with the PA Uniform Construction Code.
- C. A zoning permit shall not be required for wading pools where the water does not exceed twenty-four (24) inches in depth.

All swimming pools having a surface area of thirty (30) square feet or greater and capable of containing water to a depth, at any point, of twelve (12) inches or greater, shall be governed by in accordance with the following subsections'.

503.10 Agriculture - Sale of Produce

The sale of agricultural commodities in accord with the PA Right to Farm Law shall be permitted in a roadside stand accessory to any active agricultural operation in A-1, C-1 or R-1 zoning district subject to the following:

- A. The stands and structures from which products are sold are erected in accord with the setbacks for principal structures in the District of location.
- B. Any vehicle from which products are sold is located outside the public right-of-way.
- C. At least three (3) parking spaces are provided off the public right-of-way.

503.11 Wind Turbine Generators, Accessory

An accessory wind turbine generator is a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory. Accessory wind turbine generators are permitted in all districts only in compliance with the following and other applicable standards of this Ordinance:

- A. Height - The applicant shall demonstrate that the accessory wind turbine generator and support structure is no higher than recommended by the manufacturer's standards.
- B. Setback
 - 1. No part of the wind turbine generator structure shall be located less than 1.1 times the total height of the wind turbine from property lines and public road rights-of-way as measured from the highest point of the rotor plane or support structure, whichever is higher.
 - 2. Guy wire anchors shall not extend closer than ten (10) feet to any property line or road-right-of-way.
- C. Uniform Construction Code; Manufacturer's Standards
 - 1. Applications for accessory wind turbine generators shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings, documenting compliance with the Uniform Construction Code.
 - 2. The generator and support structure shall be installed in accord with all Uniform Construction Code and manufacturer requirements.
 - 3. Prior to the issuance of a certificate of use in accord with §1202.7 the applicant shall provide certification from a Pennsylvania Registered Professional Engineer that the generator and support structure have been installed in accord with all Uniform Construction Code and manufacturer requirements. If deemed necessary by the Zoning Officer, the Zoning Officer may require certification from a registered professional engineer or a representative of the manufacturer.
- D. Climb Prevention/Locks/Fence
 - 1. Wind turbines shall not include attached ladders or other such attachments that would allow access to the first fifteen (15) feet of the turbine above ground level.
 - 2. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent access by non-authorized persons.
- E. Noise and Shadow Flicker - Audible sound from an accessory wind turbine generator shall not exceed forty-five (45) dBA as measured at the property line of the parcel on which the accessory wind turbine generator is located. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.

- F. Color and Lighting; FAA - Accessory wind turbine generators and support structures, including rotors, shall be a non-obtrusive color such as white, off-white or gray. Wind turbines shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind turbine may be artificially lighted, except as required by FAA requirements.
- G. Site Plan - A plot plan shall be provided to document all required setbacks, and a survey may be required in accord with §1202.3.D.

503.12 Solar Collectors, Accessory

An accessory solar collector is a freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

- A. Districts; Standards - Accessory solar collectors and associated energy storage facilities are permitted in all districts only in compliance with this §503.12 and other applicable standards of this Ordinance.
- B. Excess Electricity - Accessory solar collectors shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- C. Mounting and Permits - A solar energy system may be roof-mounted or freestanding. A zoning permit shall be required for freestanding systems but not for roof-mounted.
- D. Height
1. Roof Mounted - A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system whether mounted on the principal building or accessory building, shall not exceed the maximum building height or accessory building height specified for the underlying zoning district.
 2. Freestanding - A freestanding system shall not exceed the maximum building height for accessory buildings.
- E. Setback
1. Roof Mounted - In no instance shall any part of the solar energy system extend beyond the edge of the roof.
 2. Freestanding - Freestanding solar collectors shall comply with the setbacks specified for accessory structures in the underlying zoning district.
- F. Mechanical Equipment - Mechanical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district and shall be screened from any adjacent property.
- G. Power Lines - All power transmission lines from a freestanding solar energy system to any building or other structure shall be located underground.
- H. Uniform Construction Code; Manufacturer's Standards - The system shall be installed in accord with Uniform Construction Code and manufacturer's standards.
- I. Glare - Glare shall be controlled in accord with §701.6.
- I. Removal - The solar collectors and all associated equipment and facilities shall be immediately removed when it is no longer in service and failure to do so shall constitute a zoning violation.

503.13 Noncommercial Extraction of Minerals

The noncommercial extraction of topsoil, shale, peat, sand, stone and gravel for use upon the same lot from which it was extracted or upon a separate lot under the same ownership of the property owner extracting the material shall be deemed to be a permitted use which shall not require a zoning permit. It shall, however, be the owner's responsibility to secure all applicable State and/or Federal permits and/or approvals prior to the commencement of any such extraction.

504 Off-Street Parking and Loading

This §504 shall apply to all new and expanded uses and to changes of use and all such uses shall be provided with parking and loading areas adequate to meet the needs of the use.

504.1 Availability and Use of Facilities

- A. Availability - Off-street parking, loading, and unloading facilities and pedestrian access shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term *parking space* includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- B. Use - Required off-street parking, loading, and unloading facilities and access ways shall not be used for any other purpose, including, but not limited to, sales, display or storage areas, or the parking of any vehicles for which the area was not approved (e.g., parking of tractor trailers in required passenger vehicle areas).
- C. Existing Structures and Uses
 - 1. Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the off-street parking or off-street loading requirements, so long as a structure or use is not changed, altered or expanded.
 - 2. Existing off-street parking or off-street loading facilities provided prior to the adoption of this Ordinance shall not be reduced below the minimum required in this Ordinance.
- D. Changes of Structures or Uses - Whenever the existing use of a building, structure or land shall hereafter be changed to a new use, off-street parking and/or off-street loading facilities shall be provided as required for such new use. However, if said building or structure was erected or the use of the land established prior to the effective date of this Ordinance, additional off-street parking or off-street loading facilities shall be mandatory only in the amount by which the requirements for the new use would exceed those for the existing use.

504.2 Size and Design of Parking Spaces

Off-street parking areas shall be designed with sufficient space width and length, aisle widths, turning radii and maneuvering room, based upon a standard professional design guide acceptable to the Township, such as the most recent edition of the American Institute of Architects Architectural Graphic Standards, or The Subdivision and Site Plan Handbook. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

504.3 Lighting

In addition to the other applicable standards in this Zoning ordinance, all lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

504.4 Public Rights-of-Way

Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accord with municipal parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street.

504.5 Reserved**504.6 Number of Spaces To Be Provided**

- A. Parking Required - Off- street parking spaces as set forth in the following Parking Space Table shall be provided. Fractional numbers of parking spaces shall be increased to the next whole number.
- B. Multiple Uses (See also §504.12.) - For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use. In cases where the specific use of space cannot be identified, as for example, in multiple occupant commercial buildings or shopping centers, parking shall be provided at the rate of one space per two-hundred (200) square feet of gross floor area of the building. (Note: SFGFA means "square feet of gross floor area" which is the total area of a building calculated by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the areas.)

- C. Handicapped Parking - Parking for the handicapped shall count as part of the spaces required for the use by the following Parking Space Table and shall be provided in accord with federal requirements.
- D. Reserved Parking Area - In the case of parking for new uses, if the Township determines that the number of parking spaces required by this §504 is not necessarily required to meet the immediate needs of the proposed use, the Township may require the number of spaces provided to be reduced by a maximum of twenty-five (25) percent. The developer shall dedicate sufficient and suitable area to future parking to meet the normal standards in this §504 and shall agree in writing to install the parking at the direction of the Board of Supervisors. The reserve parking areas shall remain undisturbed or shall be landscaped, but shall be included in the calculations of lot coverage area and for stormwater management. The stormwater facilities shall be constructed in accord with the approved sequencing design as parking areas are constructed.
- E. Reduction - The required number of parking spaces may be reduced subject to conditional use approval by the Board of Supervisors. Any conditional use approval to permit such decrease shall be subject to the following criteria:
 - 1. Ordinance and Plan Consistency - The project design and parking space decrease shall be consistent with the purposes contained in this Ordinance and the goals and objectives of the Township Comprehensive Plan.
 - 2. Quality of Design - The applicant shall demonstrate to the Board of Supervisors that the proposed decrease will result in an adequate number of parking spaces for the use based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.
 - 3. Local Conditions - In making its determination the Board of Supervisors shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.
 - 4. Burden; Conditions - If the Board of Supervisors, in its sole discretion, determines that the applicant has met the burden of proof, it may grant a conditional use for the decrease. The Board of Supervisors may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance.
- F. Uses Not Listed - For uses not specifically provided in the Parking Space Table, the Zoning Officer shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided and any documentation provided by the applicant.

PARKING SPACE TABLE	
USE	PARKING SPACES REQUIRED
Note: SFGFA means "square feet of gross floor area" which is the total area of a building calculated by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the areas.	
A. Dwellings	2 per dwelling unit
B. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise and equipment	
1. Retail establishments	1 per 150 SFGFA open to the public
2. Wholesale establishments	1 per 300 SFGFA
E. Offices, research facilities and services not primarily related to goods	

PARKING SPACE TABLE	
USE	PARKING SPACES REQUIRED
1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 150 SFGFA
2. Drive-in banks	1 per 150 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 300 SFGFA
4. Funeral homes	1 per 100 SFGFA
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 300 SFGFA
G. Educational, cultural religious social, fraternal uses	
1. Public schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 75 SFGFA
3. Churches, synagogues and temples	1 per every 3 seats used for services
4. Libraries and museums, social, fraternal clubs and lodges; and similar uses	1 per 225 SFGFA
H. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 150 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 3 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 150 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
I. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 150 SFGFA, whichever is greater
J. Restaurants, bars, taverns and other eating establishments	1 per 75 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Vehicle related uses	
1. Sales, service, repair	1 per 150 SFGFA
2. Gas sales	1 per 150 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car wash	1 per 75 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
L. Warehousing and storage	1 per 3,000 SFGFA
M. Miscellaneous uses	

PARKING SPACE TABLE	
USE	PARKING SPACES REQUIRED
1. Veterinary	1 per 150 SFGFA
2. Open air sales	1 per 150 square feet of lot area for display or sales
3. Nursery schools and day care	1 per 150 SFGFA
4. Greenhouses	1 per 150 SFGFA
5. Emergency services	1 per 150 SFGFA
6. Junk and scrap yards	1 per 150 SFGFA
7. Post office	1 per 150 SFGFA

Note: SFGFA means "square feet of gross floor area" which is the total area of a building calculated by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the areas.

504.7 Loading and Unloading Areas

- A. Type and Size - In addition to the required off-street parking spaces all uses shall provide adequate off-street areas for loading and unloading of vehicles where necessary. The applicant shall provide details on the type and frequency of vehicles operating in connection with the proposed use to justify any necessary loading and unloading areas. Each required space shall meet the following dimensions:

Largest Type of Truck Service	Minimum Width	Minimum Length
Tractor trailer	12 feet	75 feet with 14 ft clear height
Trucks other than tractor trailers, pick-ups or vans	10 feet	35 feet
Pick-up truck or van	10 feet	20 feet

- B. Interior Travelways - The applicant shall demonstrate that travelways within the property are adequate to safely and efficiently serve vehicles which are reasonably expected to visit the property. Turning radius templates developed by the American Association of State Highway Transportation Officials (AASHTO) shall serve as the design standard.

504.8 Access To Off-Street Parking and Loading Areas

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

- A. Width - Unless otherwise required by Penn DOT for access to a state road, the width of the driveway/access way onto a public street at the right-of-way shall be as follows:

WIDTH*	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	20 feet	24 feet

*exclusive of the turning radius

- B. Controlled Access - Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
- C. Highway Occupancy Permit - All new uses shall be required to obtain a highway occupancy permit from the Township or PA DOT, as the case may be. In the case of a change in use or the expansion of an existing use, the Township shall require the applicant to obtain a highway occupancy permit or a revised highway occupancy permit. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection.

504.9 Parking and Loading Area Screening and Setbacks

- A. Screening - Properties which contain off-street parking for five (5) or more vehicles and/or any amount of off-street loading, along a side yard or rear yard which abuts an A- 1, C- 1, R- 1 or R-MHP District, shall be screened by a substantial, tight fence not less than six (6) feet in height and a planting strip not less than five (5) feet in depth, with shrubbery, plants or trees which are a minimum of three (3) feet in height at the time of planting.
- B. Parking in Yard Areas - Required parking shall be permitted within the required front or side yard setbacks, provided that the minimum setback distance to any area used for off-street parking is not less than ten (10) feet to the nearest point of a side yard property line and not less than twenty (20) feet from the front yard property line. Any off-street parking areas for a nonresidential use when abutting an A- 1, C- 1, R- 1 or R-MHP District, shall be have a minimum setback of not less than twenty-five (25) feet from the rear yard and any side yard.

504.10 Surfacing

Off-street parking areas and driveways/access ways shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface, or porous pavement or pavers.

504.11 Off-Lot Parking

Required parking may be provided on a different lot than on the lot on which the principal use is located, provided the parking is not more than four hundred (400) feet from the principal use lot. Off-lot parking areas shall be permitted only in a district where the principal use is permitted. Both parcels shall be under the same control, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

504.12 Joint Use Parking

In the case of multiple use on the same premises or where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in §504.9. The standards in §504.6 for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten (10) percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

504.13 Existing Parking Areas

No existing parking area or any off-street parking shall be eliminated, reduced in size or otherwise altered so that any use is served by less parking than is required by this Ordinance.

504.14 Pedestrian Access and Circulation

The parking and access plan shall include details of pedestrian access to the site and pedestrian circulation within the site. The intent shall be to facilitate pedestrian access and provide safe and convenient circulation from parking areas to the structure or use.

ARTICLE VI - RESIDENTIAL STANDARDS**601 Conservation Subdivision Design Development (DEVELOPER'S OPTION)****601.1 Concept**

A key concept associated with conservation subdivision design is to focus on residential density instead of minimum lot size. In a standard subdivision the land is simply cut into as many lots as possible while meeting the minimum lot size requirement. Under conservation subdivision design, which is based on unit density instead of minimum lot size, the size of individual lots sold can vary in size, provided the total number of lots does not exceed the density which is based on the underlying minimum lot size. In conservation subdivision design, the maximum lot size is the critical element, as it really defines the minimum open space that must be conserved.

601.2 Developer's Option

Conservation design development may be used in accord with this §601 at the developer's option in all zoning districts where single-family dwellings are permitted.

601.3 Purpose, Development Options, Applicability and Design Process

A. Purpose - In addition to the general community development objectives in Article II and the intents for individual zoning districts, it is the purpose of Conservation Subdivision Design Development to:

1. Conserve undeveloped land for the purpose of protecting Primary and Secondary Conservation Areas in contiguous, un-fragmented, commonly managed landscapes to:
 - a. Protect large, intact wildlife habitat areas and connect patches of wildlife habitat to support greater biodiversity, maintain ecosystem processes and allow larger, healthier populations to persist; and
 - b. Minimize edge conditions and associated colonization by invasive plant species.
2. Contribute to the creation of a community-wide Conservation Open Space system for the benefit of present and future residents;
3. Protect productive agricultural and silvicultural soils for continued or future use by conserving blocks of land large enough to allow for efficient production operations;
4. Conserve existing landscape character by minimizing views of new development from existing roads, thereby reducing perceived density;
5. Encourage innovation and promote flexibility, economy and ingenuity in development;
6. Provide multiple development options for landowners to reflect their varying circumstances and the individual characteristics of their properties;
7. Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences;
8. Provide homes with direct views of Conservation Open Space, organized around common greens;
9. Provide for the conservation and maintenance of Conservation Open Space and for active or passive recreational use by residents;
10. Provide greater efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the impervious cover required for residential development;
11. Provide a wider range of feasible locations for stormwater and wastewater facilities in order to comply with prevailing state-of-the-art designs and best management practices;

12. Protect water quality and reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes;
 13. Implement land use, natural resource conservation, open space, and community policies set forth in the Township's Comprehensive plan.
- B. Conservation Subdivision Design Development Options - In order to achieve the purposes in §601.3.A, this §601.3.B provides for flexibility in designing new residential subdivisions by permitting the following by right (permitted use) development options:
1. Option 1 - Basic Density and Basic Conservation providing for residential lots/units at the density permitted by the Density and Conservation Open Space Table in §601.6 with not less than forty (40) percent of the tract comprised of conservation open space.
 2. Option 2 - Increased Density with Increased Conservation providing residential lots/units at the density permitted by the Density Standards Table in §601.6 with not less than fifty (50) percent of the tract comprised of conservation open space.
 4. Option 3 - Greater Density with Greater Conservation providing residential lots/units at the density permitted by the Density Standards Table in §601.6 with not less than fifty-five (55) percent of the tract comprised of conservation open space.
- C. Conservation Design Process - All Conservation Subdivision Design Developments shall be designed using the Four-Step Conservation Design Process in accord with the Township Subdivision and Land Development Ordinance.

601.4 General Regulations

The design of all new Conservation Subdivision Design Developments shall be governed by the following minimum standards:

- A. Tract Size and Ownership - The development tract shall be a minimum of ten (10) acres and shall be held in single ownership.
- B. Primary Conservation Areas - The proposed design shall conserve the Primary Conservation Areas. Demonstration by the applicant that these features are conserved by the proposed design shall be prerequisite to all preliminary and final plan approvals under the Subdivision and Land Development Ordinance. Primary Conservation Areas include:
 1. Delineated wetlands.
 2. Floodplain (including the floodway) as shown on the Township Flood Insurance Rate Map.
 3. Slopes of twenty-five (25) percent or more.
- C. Secondary Conservation Areas - The protection of Secondary Conservation Areas shall be addressed through the Four-Step Design Process detailed in the Township Subdivision and Land Development Ordinance.

601.5 Use Regulations

The following uses shall be permitted in Option 1, Option 2 and Option 3 Conservation Subdivision Design Developments:

- A. Single-family detached dwellings.
- B. Two-family dwelling units or townhouses.
- C. Conservation Open Space with the uses permitted by §601.9.
- D. Home occupations in accord with this Ordinance
- E. Accessory uses on the same lot with and in accord with applicable district regulations.

601.6 Maximum Dwelling Units and Minimum Conservation Open Space

- A. Dwelling Units - The maximum number of dwelling units shall be determined by using one of two approaches: a calculation using the density factor in the Density and Conservation Open Space Table and the Adjusted Tract Area formulas in §601.6.D or by a Yield Plan detailed in §601.6.E. The applicant shall determine which approach is most suitable.
- B. Conservation Open Space - The minimum Conservation Open Space shall be as set forth in the Density and Conservation Open Space Table, regardless of which method is used to determine the maximum number of dwelling units.

1. Delineation - Conservation Open Space shall be delineated to include all Primary Conservation Areas and, in addition, sufficient Secondary Conservation Areas that, when added to the Primary Conservation Areas, shall not be less than the minimum required Conservation Open Space.
2. Common Greens - Part of the required (or provided, if not required) Conservation Open Space may be in the form of common greens. If provided, the percentage of open space in common greens shall be as follows:
 - a. A minimum of two (2) percent of the required Conservation Open Space when the average lot size is fifteen thousand (15,000) square feet or more.
 - b. A minimum of three (3) percent of the required Conservation Open Space when the average lot size is less than fifteen thousand (15,000) square feet.
 - c. A maximum of five (5) percent of the required Conservation Open Space.

DENSITY AND CONSERVATION OPEN SPACE					
OPTION 1 Basic Density and Basic Conservation <u>neutral density</u>		OPTION 2 Increased Density with Increased Conservation <u>20% density bonus</u> (ATA/unit reduced by 20%)		OPTION 3 Greater Density with Greater Conservation <u>30% density bonus</u> (ATA/unit reduced by 30%)	
Density Factor (SF ATA / DU ¹)	Minimum Conservation Open Space Required ²	Density Factor (SF ATA / DU ¹)	Minimum Conservation Open Space Required ²	Density Factor (SF ATA / DU ¹)	Minimum Conservation Open Space Required ²
A-1 Agricultural District					
87,120 (2.0 acres)	40% ATA	69,700 (1.6 acres)	50% ATA	60,980 (1.4 acres)	55% ATA
C-1 Conservation District					
152,460 (3.5 acres)	40% ATA	121,970 (2.8 acres)	50% ATA	106,720 (2.5 acres)	55% ATA
R-1 Low Density Residential District					
65,340 (1.5 acres)	40% ATA	52,270 (1.2 acres)	50% ATA	45,740 (1.1 acres)	55% ATA
R-2 Medium Density Residential District					
43,560 (1.0 acre)	40% ATA	34,850 (0.8 acre)	50% ATA	30,490 (0.7 acre)	55% ATA
¹ SF ATA = square feet of Adjusted Tract Area in §601.6.D.3. ² Plus Constrained Land calculated in §601.6.D.2. ³ Minimum conservation open space is permitted but not required.					

C. Reserved

D. Adjusted Tract Area Approach - Determination of the maximum number of dwelling units shall be based upon the following calculations:

1. Determine Gross Tract Area - Gross tract area shall equal the acreage within the legally described parcel minus existing public or private road rights-of-way.
2. Determine Constrained Land - Constrained land consists of the resources listed in the Constrained Land Table multiplied by a protection factor and totalled. If two (2) or more resources overlap, only the resource with the highest protection

factor shall be used.

CONSTRAINED LAND				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
A	existing utility rights-of-way		x 1.00	=
B	that portion of lands under conservation easement that are restricted from further development		x 1.00	=
C	floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)		x 1.00	=
D	100-year floodplain (if not mapped by FEMA area is included in floodway above)		x 0.25	=
E	wetlands as determined by a delineation		x 0.95	=
F	prohibitive steep slopes (25% or greater)		x 0.85	=
G	precautionary steep slopes (15% to less than 25%)		x 0.25	=
H	ponds, lakes and streams to the high water mark		x 1.00	=
I	CONSTRAINED LAND = SUM OF A through H =			

3. Determine Adjusted Tract Area (ATA) - Adjusted Tract Area equals the gross tract area minus the constrained land.

ADJUSTED TRACT AREA		
A	gross tract area	_____ acres
B	minus Constrained Land from Constrained Land Table in §601.6.D.2.	- _____ acres
C	equals Adjusted Tract Area	= _____ acres ATA

4. Maximum Number of Dwelling Units - In Options 1, 2 and 3, the maximum number of dwelling units equals the Adjusted Tract Area (ATA) divided by the applicable density factor set forth in the Density and Conservation Open Space Table. Where calculations result in fractional numbers, the fraction shall be rounded down to the next whole number.

MAXIMUM NUMBER OF DWELLING UNITS		
A	Adjusted Tract Area (from the Adjusted Tract Area Table in §601.6.D.3 converted to square feet)	_____ SF
B	divided by density factor (from the Density and Conservation Open Space Table in §601.6)	÷ _____
C	equals maximum number of dwelling units	= _____ DU

E. Yield Plan Approach (applicable to Options 1, 2 and 3)

1. Number of Units Permitted

- a. Option 1 - For Option 1, the maximum number of dwelling units shall be determined by a layout with conventional lotting using the standards in the schedule of Development Standards in Article IV. The number of units permitted in the Conservation Subdivision Design Development shall equal the number of units on the Yield Plan, provided it meets the requirements of this section and the Subdivision and Land Development Ordinance applicable to conventional subdivisions.
- b. Option 2 - For Option 2, the maximum number of units permitted shall equal the number of units on an Option 1

Yield Plan, multiplied by a factor of 1.25.¹

- c. Option 3 - For Option 3, the maximum number of units permitted shall equal the number of units on an Option 1 Yield Plan, multiplied by a factor of 1.43.²
2. Constrained Lands - For the purposes of meeting the minimum lot size requirement in the Option 1 Yield Plan the constrained land as calculated in the Constrained Land Table in §601.6.D.2 shall not be included.
 3. Plan Requirements
 - a. SALDO Requirements - Yield Plans must be prepared in accord with the standards of the Subdivision and Land Development Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplain, steep slopes, existing easements or encumbrances and, if un-sewered, the suitability of soils for subsurface sewage disposal.
 - b. Resource Identification - The Yield Plan must identify the site's primary and secondary conservation areas, as identified in the Existing Resources/Site Analysis, and demonstrate that the primary conservation areas could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single-family dwelling lots which conform to the required dimensional standards. The Yield Plan shall be based upon accurate mapping of wetlands, 100 year floodplain and land with slopes greater than fifteen (15) percent.
 - c. Individual Sewage Disposal Systems - On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by soils-based individual on-lot sewage disposal systems. For the purposes of determining density under this Section, this standard shall exclude holding tanks, individual stream discharge systems and evapotranspiration systems.

Based on the Existing Resources/Site Analysis and observations made during an on-site visit of the property, the Township shall select a ten (10) percent sample of the lots considered to be marginal for on-lot sewage disposal. The applicant shall provide evidence that these lots meet the standards for an individual on-lot sewage disposal system and system replacement area before the applicant shall be granted the full density determined by the Yield Plan. Should any of the lots in a sample fail to meet the standard for individual septic system, those lots shall be deducted from the yield plan and a second ten (10) percent sample shall be selected by the Township and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual soils-based on-lot sewage disposal system.

- F. Total Number of Dwelling Units - The total number of dwelling units permitted on a development site equals the maximum number of dwelling units permitted in §601.6.D (Adjusted Tract Area) or §601.6.F (Yield Plan), as selected by the applicant.
- G. Preservation of Historic Dwellings - To encourage the preservation of historic dwellings, such preserved dwellings shall not count toward the permitted maximum number of dwelling units, provided:
 - A. Such dwellings are at least seventy-five (75) years old;
 - B. The dwelling is preserved in accord with the National Park Service historic preservation standards; and
 - C. The dwelling is placed in a landscape context that respects its historical status and appearance, as determined by the Board of Supervisors.

601.7 Dimensional and Design Standards for Option 1, Option 2 and Option 3

¹The 1.25 multiplication factor was determined by dividing the Option 1 density factor by the Option 2 density factor (43,560 ÷ 34,850 = 1.25).

²The 1.43 multiplication factor was determined by dividing the Option 1 density factor by the Option 3 density factor (43,560 ÷ 30,490 = 1.43).

- A. Option 1, Option 2 and Option 3 - The standards in the following Dimensional Standards for Single-Family Dwellings Option 1, 2 and 3 Table shall apply to Option 1, Option 2 and Option 3.

DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS				
Option 1, Option 2 and Option 3				
Type of water supply and sewage disposal → →	central water & central sewage	on-lot water & central sewage	central water & on-lot sewage	on-lot water & on-lot sewage
Minimum Individual Lot Area	5,000 square feet	21,780 square feet	32,670 square feet	43,560 square feet
Maximum Depth to Width Ratio	5 to 1			
Flag Lots	permitted in accord with provisions of the Subdivision and Land Development Ordinance			
Setback Regulations				
- minimum front	20 feet			
- minimum rear	30 feet 20 feet where the rear setback adjoins conservation open space			
- minimum side	5 feet 30 feet aggregate	15 feet		

- B. Maximum Lot Coverage - Maximum lot coverage for single-family dwellings in Options 1 through 4 shall be limited in accord with the following Maximum Lot Coverage table.

MAXIMUM LOT COVERAGE FOR SINGLE-FAMILY DWELLINGS	
Option 1, Option 2, and Option 3	
Lot Area	Maximum Lot Coverage
less than 10,000 SF	50%
10,000 - 19,999 SF	40%
20,000 - 43,560 SF	30%
more than 43,560 SF	reduce limit by 1.5% for each additional acre or fraction thereof but not reduced to less than 10%

- C. Dimensional Standards for Two-Family Dwellings and Townhouses - The standards in the Dimensional Standards for Two-family Dwellings and Townhouses Table shall apply:

DIMENSIONAL STANDARDS FOR TWO-FAMILY DWELLINGS AND TOWNHOUSES	
Option 1, Option 2 and Option 3	
minimum individual lot area	none
separation of principal buildings	35 feet
if individual lots are provided: minimum lot width	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)
setback from any adjoining internal street, street right-of-way, common parking area or sidewalk	20 feet

- D. Water Supply and Sewage Disposal for Two-Family and Townhouses - Two-family dwellings and townhouses shall be served by a water supply system and a community sewage disposal system.

- E. Dwelling Lots / Conservation Open Space - No part of any dwelling lot shall encroach upon Conservation Open Space.
- F. Setbacks - All new dwelling units shall meet the setback requirements in the following Dwelling Setbacks Table:

DWELLING SETBACKS		
from:	Single-Family	Two-Family & Townhouses
external Township or State road rights-of-way	100 feet	150 feet
other perimeter boundaries of the development tract	50 feet	100 feet
crop land or pasture land not on the development parcel	100 feet	100 feet
buildings or barnyards housing livestock not on the development parcel	300 feet	300 feet
active recreation areas such as courts and play fields not on the development parcel (not including tot lots)	150 feet	150 feet

601.8 Reserved

601.9 Uses Permitted on Conservation Open Space

The following uses are permitted in Conservation Open Space areas:

- A. Open Land - Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
- B. Agriculture and Horticulture - Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings. Specifically excluded are dwellings, commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
- C. Horses - Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than fifty (50) percent of the minimum required Conservation Open Space.
- D. Forestry - Forestry in keeping with established best management practices for selective harvesting and sustained yield forestry as published by the Pennsylvania Bureau of Forestry.
- E. Neighborhood Open Space - Uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational.
- F. Recreation - Active non-commercial recreation areas, such as playing fields, playgrounds and bikeways, not requiring supporting structures. Such recreational uses shall meet the following standards:
 1. Such areas shall not consume more than fifty (50) percent of the minimum required Conservation Open Space or five (5) acres, whichever is less. The 5-acre limit may be increased to ten (10) acres on development parcels two hundred (200) acres or larger.
 2. Playing fields and playgrounds shall not be located within one hundred (100) feet of the tract boundary or a dwelling unit within the development parcel.
 3. Minimum parking facilities for the same, as determined by the Board of Supervisors, may also be permitted. Such lots may be paved with gravel and shall be unlighted, properly drained and provide safe ingress and egress.
- G. Golf Courses - Audubon International Signature Golf Courses and their accessory facilities and parking areas, when permitted by the underlying zoning district, may comprise up to fifty (50) percent of the minimum ATA of the required Conservation Open Space. This use shall not include driving ranges or miniature golf. The gross floor area devoted to sales of golf equipment, clothing, food and other similar items shall not exceed 1,200 square feet. Accessory facilities and parking areas shall not count toward the minimum Conservation Open Space requirement.
- H. Water/Sewer - Water supply systems, sewage disposal systems, stormwater management systems and associated easements

provided the total area does not exceed twenty (20) percent of the minimum ATA required in the Conservation Open Space. The following standards shall apply:

1. Water Supply Systems

- a. Drainage easements for water lines may be counted toward the minimum Conservation Open Space requirement.
- b. Land used for ground-level well structures and associated parking exceeding five thousand (5,000) square feet shall not count toward the minimum Conservation Open Space requirement.

2. Sewage Disposal Systems

- a. Sewage treatment lagoons, structures, structure access areas and parking lots shall not count toward the Conservation Open Space requirement.
- b. Soil absorption areas shall be appropriate for active or passive recreation.
- c. Sewage disposal areas in Conservation Open Space shall be appropriate for active or passive recreation or shall be managed as meadows or forests; and may be counted toward the minimum Conservation Open Space requirements.
- d. Absorption fields serving individual dwelling units may be located in the Conservation Open Space, but individual treatment tanks shall be located within the lots they serve.
- e. Each proposed absorption field area located in the Conservation Open Space shall be situated in the closest proximity to the lot served.
- f. The responsibility for the maintenance of any individual absorption system shall be clearly defined including adequate surety, and an easement for the installation and maintenance of any such system shall be provided.
- g. Drainage easements for sewer lines may be counted toward the minimum Conservation Open Space requirement.

3. Stormwater Management Systems - The following stormwater management practices may be counted toward the minimum Conservation Open Space requirement, provided they meet the guidelines in the Pennsylvania Stormwater Best Management Practices Manual:

- a. Infiltration basin, provided the berms do not exceed 36 inches in height;
- b. Subsurface infiltration bed;
- c. Infiltration trench;
- d. Rain garden;
- e. Vegetated swale;
- f. Infiltration berm, provided the berms do not exceed 24 inches in height.

I. Easements - Easements for drainage, access, sewer or water lines, or other public purposes.

J. Utility Rights-of-Way - Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required Conservation Open Space.

601.10 Conservation Open Space Design and Other Standards

A. Four-Step Design - Conservation Open Space in all options shall be identified and laid out in accord with the Four-Step Design Process and Conservation Open Spaces Design Standards in the Subdivision and Land Development Ordinance, which begins with the identification of primary and secondary conservation areas.

B. Map of Potential Conservation Lands - Conservation Open Space shall be laid out in accordance with the Township's Map of Potential Conservation Lands to ensure that, over time, an interconnected network of Conservation Open Space will be created.

C. Layout - The Conservation Open Space shall be in the largest blocks possible and shall be laid out to ensure that an

interconnected network of open space will be provided.

- D. Permanence, Ownership and Maintenance - The required Conservation Open Space shall be subject to permanent conservation easements prohibiting future development, prohibiting its use to meet open space requirements for any other development, and defining the range of permitted activities. The Conservation Open Space shall be owned and maintained in accord with the Township Subdivision and Land Development Ordinance.
- E. Use by Development Residents - In no case shall the amount of land available for the common use and enjoyment of the subdivision residents be less than twenty (20) percent of the Adjusted Tract Area. Not less than fifteen (15) percent of the Conservation Open Space shall be free of wetlands, floodway, and slopes over fifteen (15) percent; and, this minimum percentage shall be included in the Conservation Open Space set aside for the common use and enjoyment of the subdivision residents.
- F. Trails - When the Board of Supervisors determines a benefit to residents of the development in the form of trails or open space links, the applicant shall provide such linkages. In establishing the need for such linkages, the Board of Supervisors may consider:
1. Implementation of the Township Comprehensive Plan, Open Space Plan, trail map or official map;
 2. Trails integral to children's access to schools and parks;
 3. Impact on woodland and stream corridors.
- G. Buffers for Adjacent Public Park Land - Where the proposed development adjoins public park, state forest or state game land, a natural Conservation Open Space buffer at least one-hundred-fifty (150) feet in width shall be provided within the development along its common boundary with such public land, within which no new structures or other improvements shall be constructed, nor shall any clearing of trees or under story growth be permitted, except as may be necessary for street or trail construction or for the removal of invasive plant species.
1. Where existing vegetation provides an adequate buffer, as determined by the Board of Supervisors, the depth may be reduced to seventy-five (75) feet.
 2. Where the buffer is unwooded, the Board of Supervisors may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through restricted mowing policies and the periodic removal of invasive plant species.
- H. Building lots - No portion of any building lot may be used for meeting the minimum Conservation Open Space requirement.
- I. Access - Pedestrian and maintenance access shall be provided to Conservation Open Space in accord with the following requirements:
1. No more than fifteen (15) lots shall be contiguous to each other without a centrally located access point meeting the following standards:
 - a. The width of the access strip shall not be less than twenty (20) feet.
 - b. The access strip shall extend the full depth of the adjacent lots.
 2. Access to Conservation Open Space used for agriculture or horticulture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.
- J. Landscaping - Conservation Open Space that is not wooded or farmed shall be landscaped in accord with the landscaping requirements and Conservation Open Space management plan standards.
- K. Exterior Views - Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the this Ordinance and the Township Subdivision and Land Development Ordinance.

602 Two Family Dwellings

Where permitted by the Schedule of Uses, two-family dwellings shall comply with the requirements of this §602 and other applicable standards in this Ordinance.

602.1 Common Wall

In cases where a two-family dwelling is a duplex involving a common (i.e. party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. The area of each lot shall not be less than the minimum lot size required per unit in the Schedule of Development Standards in Article IV of this Zoning Ordinance and minimum lot dimensions shall comply with the Schedule of Development Standards.

602.3 Over/Under Units

In cases where the two-family dwelling is located on a single parcel and consists of two (2) dwelling units constructed with one(1) unit located on the second floor above a first floor dwelling unit or is a duplex involving a common (i.e. party) wall, the lot size shall twice the minimum required per unit in the Schedule of Development Standards in Article IV of this Zoning Ordinance and minimum lot dimensions shall comply with the Schedule of Development Standards. If such a two-family dwelling is proposed on two (2) or more separate lots of record, said lots shall be combined into one (1) lot prior to the issuance of a Zoning Permit.

602.5 Conversions -- See §604 of this Ordinance.

603 Multi-Family Dwellings

Multi-family projects are permitted in certain districts in accord with the Schedule of Uses in order to provide the opportunity for the development of a variety of housing types in the Township.

603.1 Project Design Process and Procedure

- A. Subdivision and Land Development - Multi-family projects shall be considered major subdivisions and land developments also subject to the Township Subdivision and Land Development Ordinance. This *major subdivision* classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision.
- B. Design Process and Procedure - All multi-family projects shall be designed and processed in accord with the Adjusted Tract Area Approach requirements for Conservation Design Developments contained in §601.6.D of this Ordinance and the Township Subdivision and Land Development Ordinance.
- C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- D. Open Space
 1. Minimum Requirement - The development shall include as conservation open space at least thirty (30) percent of the adjusted tract acreage plus all of the primary conservation areas in §601.4.B.
 2. Standards - Open space areas shall meet the standards of §601.9 and §601.10 and shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in accord with Article X of this Ordinance.

603.2 Bulk and Density Standards; Parcel Configuration

The bulk and density factors listed in the Multi-Family Dwelling Standards Table shall apply to multi-family dwellings and projects without the application of any density bonuses. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

MULTI-FAMILY DWELLING STANDARDS			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	2	2	2
Density -- number of dwelling units per acre of useable land area (See §601.6.D for Adjusted Tract Area)	4	4	6
Maximum number of dwelling units per building	6	8	12
Maximum building height (feet)	lesser of 3 stories or 40 feet		
Maximum lot coverage (percent)	see §603.1.D.1		

603.3 Design Criteria

The following design criteria shall apply to multi-family projects:

- A. Setbacks - No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums, however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet. A setback of fifty (50) feet for any structure shall be maintained from all existing or proposed public or private road rights-of-way and the boundary line of the entire project parcel.
- B. Road Standards - Access roads through the development shall comply with the street requirements of the Township Subdivision Ordinance for local access roads. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.
- C. Building Separation - All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.
- D. Landscaped Buffers - Buffers, not less than fifteen (15) feet in width shall be provided in accord with §701.1 of this Ordinance where multi-family structures adjoin existing one-family dwellings, two-family dwellings or any R-1 District. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township.
- E. Pedestrian Access - Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision Ordinance.
- F. Trash Storage - Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
- G. Architectural Renderings - Preliminary architectural renderings, models or photos for multi-family dwelling projects shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
- H. Townhouses: Facade Changes - A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.
- I. Parking - Parking for multi-family dwelling projects shall comply with §504 of this Ordinance.

603.4 Non-Residential Use

Non-residential uses and home occupations which employ other than unit residents shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents

of the project shall be permitted.

603.5 Conversions of Existing Structures

Conversions of any existing structures to multi-family dwelling use, regardless of whether such conversions involve structural alteration, shall be subject to the provisions of this §603, including but not limited to §603.2. (See also §604).

603.6 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township in accord with Article X of this Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

603.7 Water Supply and Sewage Disposal

All multi-family dwelling projects shall be served by a central water supply and a central sewage disposal system.

604 Conversion to Dwellings

Any conversion of any building to a residential use or the conversion of any dwelling to accommodate additional dwelling units shall comply with the standards in this §604 and the other requirements applicable to the dwelling type to which conversion is proposed. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units, or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to dwelling unit, applicable building code living space, lot coverage, dimensions of setbacks and other open spaces, off-street parking, and other applicable standards.

605 Group Homes

Group homes shall be permitted in any lawful single-family dwelling unit in accord with the Schedule of Uses, this §605 and other applicable standards of this Zoning Ordinance.

605.1 Definition

See definition in Article III.

605.2 Supervision

There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.

605.3 Certification

The use shall be licensed or certified under an applicable State, County or Federal program for group housing. A copy of any such license or certification shall be filed with the Township, and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Township within fourteen (14) days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.

605.4 Parking

One off-street parking space shall be provided for each employee on duty at any one time, and every two (2) residents of a type reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than five (5) spaces shall be buffered from adjacent existing single family dwellings by a planting screen meeting the requirements of §701.1 of this Zoning Ordinance.

605.5 Appearance

If the group home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.

605.6 Bulk and Density

The construction of new group homes shall comply with the minimum lot size and other bulk and density requirements applicable to single-family residential dwellings.

605.7 Number of Residents

Not more than eight (8) persons shall reside in a group home, excluding staff.

606 Minimum Residential Habitable Floor Area

Any new housing unit (dwelling unit) hereafter established or utilized shall maintain an average floor area in compliance with the applicable construction code.

607 Mobile Home Parks

Mobile home parks are permitted in certain districts in accord with the Schedule of Uses in order to provide the opportunity for the development of a variety of housing types in the Township. Mobile home parks shall comply with the requirements of the Township Subdivision and Land Development Ordinance.

608 Mobile Homes on Individual Lots

It is the intent of this §608 to provide for the placement of mobile homes on individual building sites not located in a mobile home park, while at the same time preserving the character of the Township and protecting adjoining property values.

- A. Bulk Requirements - Mobile homes not located in a mobile home park shall comply with lot areas, setback, height, and other requirements established by this Ordinance applicable to single-family dwellings.
- B. Foundation - Mobile homes not located in a mobile home park shall be placed upon and be permanently attached to a foundation meeting the specifications of the PA Uniform Construction Code for a standard single-family dwelling.

**ARTICLE VII
PERFORMANCE STANDARDS AND ENVIRONMENTAL PROTECTION**

700 Design of Commercial Establishments and Nonresidential Uses

It is the intent of this §700 to provide standards for the design of commercial establishments and nonresidential uses (referred to as *commercial establishments*) to assure the compatibility of the nonresidential development with the surrounding character of the Township. This shall be accomplished by:

- A. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
- B. Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- C. Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons;
- D. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- E. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,
- F. Being consistent with any design guidelines adopted by the Township.

700.1 Land Development

Any proposed commercial establishment shall be considered a *land development* as defined by the Pennsylvania Municipalities Planning Code and the Township Subdivision and Land Development Ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Township may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Township Ordinances.

- A. Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and zoning and municipal boundary lines, within five hundred (500) feet of the tract;
- B. A traffic and pedestrian flow chart showing circulation patterns from the public right-of-way and within the confines of the shipping center.
- C. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
- D. Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
- E. Location, arrangement, and dimensions of truck loading and unloading spaces and docks;
- F. Location and dimensions of pedestrian entrances, exits, walks;
- G. Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
- H. Preliminary drawings for all buildings;
- I. Location, size, height, and orientation of all signs other than signs flat on building facades;

700.2 Site Design Process

The applicant shall demonstrate to the Township by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:

- A. Mapping of Primary and Secondary Conservation Areas to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance.
- B. Locating the building site.
- C. Locating required buffers.
- D. Laying out street access, parking/loading areas, and other required or proposed improvements.

700.3 Ownership

The site proposed for any multiple occupant commercial establishment shall be held in single ownership or in unified control; and the applicant shall provide to the Township evidence of said ownership and/or control.

701 Performance Standards

The intent of this §701 is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare. No land or building shall be used or occupied in such manner which creates any dangerous, injurious, noxious, or otherwise objectionable condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this Ordinance may be undertaken and maintained if it conforms to all applicable requirements of this Ordinance, including the standards in this §701 which are intended to limit nuisance elements. The following performance standards shall apply to all proposed new or expanded nonresidential uses, and residential uses explicitly referenced by a specific section. The standards in this §701 shall not apply to normal agricultural uses unless explicitly referenced by a specific section.

The intent of this §701 is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare. The following performance standards shall apply to all proposed new or expanded commercial, manufacturing and other non-residential uses. (Note - This section shall not apply to agricultural uses.) The Zoning Officer shall determine that the standards in this §701 are satisfied prior to issuing a Certificate of use for the subject use.

701.1 Setbacks and Buffers

- A. Residential Buffer - Where a commercial, manufacturing or industrial use is contiguous to an existing residential use a buffer consisting of a solid fence of wood and/or a dense evergreen planting not less than six (6) feet high shall be provided and maintained and larger setbacks may be required for particular uses in order to provide an adequate buffer from adjoining uses.
- B. Conditional Uses and Special Exceptions - Larger setbacks and additional buffer areas or fencing may be required for conditional uses and special exceptions if the nature of the proposed use, as determined by the Township, so requires. Landscaped buffers may be required in any setback area to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and to otherwise maintain and protect the rural character of the District.
 - 1. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 - 2. The width of the required buffer, as determined by the Township, shall not be less than five (5) feet.
 - 3. A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
 - 4. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. All clear sight triangles shall be maintained.
 - 5. Special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Township shall determine that the proposed use and adjoining use(s) are compatible.

6. Design details of buffers shall be included on the site plan, and buffers shall be considered *improvements* for the purposes of guaranteeing installation in accord with the requirements for *land developments* in the Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

701.2 Fire and Explosion Hazards

All activities involving, any manufacturing, production or storage transfer or disposal of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). All buildings shall comply with the most current code standards as required by the Township. Minimum front, side and rear setbacks shall be increased to two-hundred and fifty (250) feet.

Additional buffer areas or fencing may be required by the Township if the nature of the proposed use, as determined by the Township, so requires.

701.3 Radioactivity or Electric Disturbance

No activities shall be permitted which exceed federal standards for radioactivity emissions, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable state and federal regulations shall apply.

701.4 Noise

A. Definitions:

1. A-weighted Noise Level (dBA) - A measure of sound pressure in decibels with the sound pressure scale adjusted to conform with the frequency response of the human ear. A sound level meter that measures A-weighted decibels, designated as dBA, has an electrical circuit that allows the meter to have the same sensitivity to sound at different frequencies as the average human ear (2007, Australian Academy of Science).
2. Equivalent Noise Level (Leq) - The dBA level of a steady state sound which has the same dBA weighted sound energy as that contained in the actual time-varying sound being measured over a specific time period (2003, Eilar Associates, Encinitas, CA).
3. Ambient Noise Level - The average A-weighted Noise Level (Leq) at any specified point which is representative of the noise level of that environment over an extended period of time. It is a composite of all sounds from sources, both near and far.
4. Noise Source - A single piece of equipment, or a collection of equipment under the control and operation of a single entity (e.g., a wind farm), that produces noise as a consequence of its operation. A collection of equipment may not necessarily be connected or related, if they may be operated simultaneously.
5. Suspect Source - A Noise Source that may be in violation of this chapter, identified by the nature of sounds or a correlation with the times of operation and the alleged violation.

B. Limits

1. Ambient Noise Level Threshold

- a. No Noise Source shall produce an A-Weighted Noise Level at any point in the Township outside the boundaries of the property on which the Noise Source is located (or in the case of a project considered a single Noise Source, the boundaries of the collective project area) at a level in excess of ten (10) dBA above the Ambient Noise Level.
- b. An increase in excess of ten (10) dBA shall be permitted provided the owner/operator of the Noise Source acquires a noise easement in form and content approved by the Township (solely with respect to the noise easement) from the affected property owner which establishes the maximum increase. However no increase shall be permitted for properties separated by any public road right of way and in no case shall the maximum noise level exceed the level

established by §701.4.B.3.

2. Ambient Noise Level - For projects being developed, the Ambient Noise Level for the entire project may be established prior to construction of such project for the duration of construction and operation of such project by measuring the noise level near the boundaries of the property on which the project is to be constructed in accordance with §701.4.C below for a continuous two (2)-week period no more than two (2) years prior to the start of construction of such project.
3. Maximum Noise Level - Notwithstanding any of the foregoing provisions of this §701.4.B, in no event shall a Noise Source produce an A-Weighted Noise Level outside the boundaries of the property on which the Noise Source is located (or in the case of a project considered a single Noise Source, the boundaries of the collective project area) at a level in excess of the limits established in the following Maximum Sound Levels Table:

Maximum Sound Levels					
Period	Receiving Land Limits (dBA)				
	Existing Dwelling	Zoning District			
		R	RA	C	I
Monday-Saturday, 7:00 a.m. - 9:00 p.m.	60	60	60	65	70
Saturday, 9:00 p.m.- Monday, 7:00 a.m. Monday-Friday, 9:00 p.m.-7:00 a.m.	50	50	55	60	70

C. Measurements

1. Type and Certification - All noise level measurements shall be made using a sound level meter meeting American National Standard Specification for Sound Level Meters (ANSI S1.4-1983 (R2001)/ANSI S1.4A-1985 or the current revision of that standard) for Type 1 instruments. The instrument shall have been laboratory re-certified according to the manufacturer’s directions within the periodicity required by the manufacturer (usually 1- or 2-year interval) prior to the measurements.
2. Methods - All measurements shall be taken using the FAST response time and A-weighting.
3. Field Calibration - A field calibration check, using a certified field calibrator, shall be performed at the beginning and end of the measurement period and reported with the other data.
4. Proposed Projects
 - a. For projects establishing an Ambient Noise Level for the project prior to the approval of such project, the average A-weighted Noise Level (Leq) shall be measured at multiple points near the outside boundaries of the property on which the project is to be constructed for a continuous two-week period no more than one (1) year to the start of construction of such project.
 - b. Measurements should be attempted to be performed near outside boundaries which are closest in proximity to where the Noise Source will be located and/or where noise is reasonably expected to be the loudest.
 - c. The measurements must be made by an independent professional using the commonly-accepted measurement procedures specified in ANSI/ASA S1.13-2005 (R2010) standard “American National Standard Methods for the Measurement of Sound Pressure Levels In Air” or the current revision of that standard.

D. Investigation of Complaints

1. Initial Determination
 - a. In the event a complaint is received regarding a Suspect Source, the Zoning Officer shall first determine that the complaint is valid by visiting the site of the complaint and the site of the Suspect Source.

- b. If the nature of the sound at the site of the complaint is not similar to the nature of the sound produced by the Suspect Source, and if the subjective noise levels do not correlate with the operation of the Suspect Source, then the Zoning Officer shall file a report noting those observations, and shall notify the complainant and the owner/operator of the Suspect Source that the complaint has not been validated.

2. Test Date

- a. If, by the nature of the sound, or correlation with the operation of the Suspect Source, the Zoning Officer determines a complaint to potentially be valid, the Zoning Officer shall arrange a date and time with the complainant and the owner/operator of the Suspect Source to conduct a test.
- b. The test should be close to the time of day and day of week of the complaint, but shall not represent an unreasonable burden on the complainant or the owner/operator of the Suspect Source.

3. Background Noise Level

- a. The Zoning Officer shall conduct an average background A-weighted Noise Level measurement before and after the operation of the Suspect Source using commonly-accepted measurement equipment and standards; provided that at the election of the owner/operator, the owner/operator may engage an independent professional to conduct such measurements mutually agreed to by the Township, at the cost of the owner/operator.
- b. At the direction of the Zoning Officer, the owner/operator of the Suspect Source shall operate the equipment according to normal operating procedures according to design limits, or the maximum approved limits of the conditional use approval, whichever is lower, for the duration of the test.
- c. The owner/operator may be required to operate the equipment in any mode or for any use that the equipment is normally or occasionally used. The owner/operator shall not be required to operate the equipment in any manner inconsistent with the design or normal use, nor in any unsafe manner.

4. Average Background A-weighted Noise Level

- a. An average background A-weighted Noise Level shall be measured without the Suspect Source in operation. The atmospheric conditions at the time of measurement shall be as near the atmospheric conditions reported at the time of the complaint (wind direction and speed, temperature, temperature gradient, etc.).
- b. Background activities shall be representative of those expected in the environment for the time of day and day of the week.
- c. Measurements of the average background A-weighted Noise Level shall be made for the length of time the Suspect Source will be in operation, but need not be any longer than fifteen (15) minutes. If manual measurements are being taken, the measurements shall be recorded every fifteen (15) seconds. If an automatic recording device is being used, the recording interval shall be one second, or the closest fixed or variable interval allowed by the meter and recording equipment.

5. Measurements

- a. Measurements of the average A-weighted Noise Level (Leq) with the Suspect Source in operation shall be conducted as soon as possible after obtaining the background noise level measurements without the Suspect Source in operation and shall be made for the length of time the source will normally be in operation, but in any case shall not be less than five (5) minutes and need not be any longer than 15 minutes.
- b. If manual measurements are being taken, the measurements shall be recorded every fifteen (15) seconds. If an automatic recording device is being used, the recording interval shall be one (1) second, or the closest fixed or variable interval allowed by the meter and recording equipment.
- c. The equation for deducing the A-weighted Noise Level (Leq) being produced by the Suspect Source (Ls) shall be as set forth below where L1 equals the measured average A-weighted Noise Level (Leq) of the background without the Suspect Source in operation and L2 equals the measured average A-weighted Noise Level (Leq) of the

background with the Suspect Source in operation. Basically, L_s equals L_2 minus L_1 as shown in log notation below which is the basis for decibel calculations.

$$L_s = 10 \log_{10} \left(10^{\frac{L_2}{10}} - 10^{\frac{L_1}{10}} \right)$$

- E. Report - After completion of the background noise level measurements before and after the operation of the Suspect Source, the report of the Zoning Officer (or the independent professional, if engaged by the owner/operator of the Suspect Source) shall include:
1. The instrument manufacturer, model, type, serial number, and laboratory re-certification date of the sound level meter and the field calibrator.
 2. The level of the field calibration after making any adjustment of the sound level meter.
 3. The location of the noise level measurements, by latitude and longitude or by other descriptive terms that would allow someone unfamiliar with the complaint to locate, unambiguously, the measurement point on the ground, or on a map.
 4. The location of the Suspect Source by latitude and longitude or by other descriptive terms that would allow someone unfamiliar with the complaint to locate, unambiguously, the measurement point on the ground, or on a map.
 5. A description of the Suspect Source in operation, sufficient to allow someone to recreate the conditions of the test.
 6. The weather conditions at the time of measurement, including temperature, relative humidity, wind speed and direction, cloud cover, and an impression of the temperature gradient.
 7. The time at which noise level measurements were started and stopped.
 8. The time at which the operation of the Suspect Source was started and stopped, and when measurements were started and stopped.
 9. For manual measurements:
 - a. a table of lines and sound levels as reported on the meter
 - b. the calculated A-weighted Noise Level for each set of measurements
 10. For automatic measurements:
 - a. a notation of the time the instrument was started and the time stopped
 - b. the reported A-weighted Noise Level
 - c. if the instrument can report each data point, an electronic form of the data, including each measurement time and level, and a description of the data format shall be retained as a supplement to the report
 - d. a calibration mark using the field calibrator
 11. A list of witnesses or other persons present during the measurements.
 12. Any additional comments from the complainant, witnesses or the operator/owner of the suspect equipment or sources.
- F. Studies for Proposed Use - Applicants for a specific proposed use shall be required to demonstrate that the proposed use will not violate the standards in this §701.4 by providing reasonable documentary evidence, which may include:
1. Engineering studies which estimate the environmental noise levels from the proposed equipment operations and the impact of mitigation measures applied to the equipment and/or site; and/or
 2. Environmental noise measurements from similar operations and sites (same number and types of equipment, comparable topography and prevailing weather conditions).

Given the inherent vagaries of acoustic predictions and the variability of acoustic measurements, the Board of Supervisors may apply conditions which are more conservative than would be indicated by the studies. In any case, the acceptance of proposed control or mitigation measures does not relieve the applicant from complying with the standards provided in this chapter and/or a conditional use approval.

G. Exceptions - The standards in this §701.4 do not apply to:

1. Radiated noise levels for vehicles or other operations subject to state or federal preemption; however, the operators of violating sources may offer modifications to radiated noise levels of equipment as a curative means.
2. The operation of lawn mowers, leaf blowers, string trimmers, chain saws, and other small yard maintenance equipment between 8 AM and 6 PM local time.
3. Emergency equipment and signals.
4. Emergency operations of any kind, including, but not limited to, road repairs, utility repairs, response to accidents, injuries, fires, flooding, or hazardous material spills.
5. Short duration activities, such as construction or repair of facilities or infrastructure.

701.5 Vibration

No vibration shall be permitted which is detectable without instruments at or beyond the property line; and no use shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment, or structural soundness. This requirement shall not apply to occasional blasting conducted in accord with applicable regulations that may be necessary during construction of streets, structure and utilities.

701.6 Lighting and Glare

The standards of this §701.6 shall apply to all uses including residential and agricultural. Lighting shall be controlled in both height and intensity; and lighting design should be an inherent part of the project design. The standards of the Illuminating Engineering Society of North America shall be used as a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

- A. Exemption - This §701.6 shall not apply to street lighting that is owned, financed or maintained by the Township or State.
- B. Areas to be Lighted - All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.
- C. Shielding - No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
- D. Glare - No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted.
- E. Nuisances - The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of the Township.
- F. Height - The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for air safety.
- G. Flashing - Flashing, flickering or strobe lights are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

701.7 Smoke

No emission of smoke shall be permitted from any chimney or otherwise except in full compliance with PA Department of Environmental Protection requirements.

701.8 Odors

The standards of this §701.8 shall apply to all nonresidential uses, concentrated animal feeding operations and any agricultural use which is considered a land development under the Subdivision and Land Development Ordinance. No emission shall be permitted of odorous gases or other odorous matter except in full compliance with PA Department of Environmental Protection requirements. Because the Township is a rural/agricultural area with many farms, the spreading of manure, shall not be considered an offensive odor and shall be exempt from this §701.8; however, this exemption shall not apply to sewage sludge and concentrated animal feeding operations.

701.9 Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted except in full compliance with PA Department of Environmental Protection requirements. No waste materials or by-products shall be burned or incinerated on any property except at a PA DEP approved solid waste disposal facility.

701.10 Surface and Ground Water Protection

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer.

The Township may require a plan to be submitted for review and approval and may require financial security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township. In cases where the use is of such a nature that large volumes of ground water are required, the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within a minimum of two-thousand, five-hundred (2,500) feet of any portion of the property where the proposed use will be located, or at such distance deemed appropriate by the Board of Supervisors based upon the amount of water to be used by the proposed use.

701.11 Landscaping for Conditional Uses and Special Exceptions

In the case of conditional uses and special exceptions, a landscaping plan may be required for review and approval by the Township. Where the project involves landscaping of more than one (1) acre of disturbed area, the plan shall be prepared by a qualified registered landscape architect, professional planner or registered professional engineer. Landscaping shall be considered an improvement for the purposes of regulation by the Township Subdivision and Land Development Ordinance. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards.

- A. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
- B. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of five (5) feet in width.
- C. Plants shall be species native to Pennsylvania and of a type which are proven successful in the Township's climate.
- D. Where landscaping is required to serve as a buffer (e.g., between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within three (3) years of project approval or in accord with the time frame as may be established as a condition of approval for conditional uses, special exceptions or variances. In the case of permitted uses, the buffer plan shall be reviewed by the Zoning Officer and if required or requested by the Zoning Officer, by the Planning Commission. Where in the opinion of the Planning Commission the proposed screening does not effectively buffer the adjacent uses the Commission may require additional screening to comply with the objectives of this Ordinance.
- E. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- F. All areas in and around parking areas shall be landscaped.
- G. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.

- H. Artificial landscape materials shall not be used in place of live trees, shrubs and vegetative ground cover.
- I. All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.
- J. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.
- K. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- L. All landscaping shall be maintained in good growing condition by the property owner and free of weeds, debris and brush. Failure to maintain landscaping shall be a violation of the zoning permit.

701.12 Building Colors

This §701.12 shall apply to all non-residential structures, but shall not apply to agricultural structures. Building exteriors should be of low-intensity, earth-tone colors to complement the landscaping plan and blend with the natural vegetative surroundings of the proposed site. The applicant shall submit samples of the color(s) proposed for the building(s) exterior with the application.

701.13 Storm Water Management and Soil Erosion Control

- A. Stormwater Management - Stormwater management shall be provided in accord with the Township Subdivision and Land Development Ordinance and any applicable storm water management ordinance.
- B. Soil Erosion and Sedimentation Control
 - 1. All soil erosion and sedimentation control plans shall meet the specifications of the Luzerne County Conservation District and PA DEP, and shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control.
 - 2. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Luzerne County Conservation District. Failure to install and maintain the controls shall constitute a violation of this Ordinance.

701.14 Waste Materials

The standards of this §701.14 shall apply to all nonresidential uses, concentrated animal feeding operations and any agricultural use which is considered a land development under the Subdivision and Land Development Ordinance. No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or storm water disposal system, stream, open body of water or onto the ground. All waste materials shall be disposed of only in accord with all applicable state and federal regulations and applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.

701.15 Handicapped Access

Access for handicapped persons to all uses shall be provided in accord with all applicable state and federal requirements.

701.16 Settling and/or Storage Ponds and Reservoirs

All ponds, reservoirs or other such storage facilities which are associated with any manufacturing or industrial process, or any sewage or waste disposal process shall be fenced or shall otherwise be physically controlled to prevent access by the public. Said fence shall be not less than four (4) feet high and of a design to restrict access to the area to be controlled. Any such facility which contains any material which is poisonous, toxic or caustic, shall be considered a conditional use, and the Board of Supervisors shall, at a minimum, require that such structure be enclosed by a chain link fence not less than eight (8) feet high.

701.17 Security

In cases where deemed necessary by the Township, the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall include a description of the specific services to be offered, type of patients and/or residents, to be served, and the staff to be employed for this purpose. The

plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

701.18 Operations and Storage

All facilities and operations of any principal use (with the exception of nurseries, agriculture and the display for sales purposes of new or used cars, motorcycles, trucks, trailers, vehicles, or farm equipment, in operative condition or other similar uses) including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and conducted within a building except as follows:

- A. Sales Area - One(1) outdoor sales area meeting the required setbacks for the district shall be permitted not to exceed the lesser of ten (10) percent of the interior retail sales space or five hundred (500) square feet.
- B. Conditional Use/Special Exception
 - 1. Outdoor storage for other uses may be approved as a conditional use for a use listed as conditional use by the Schedule of Uses and as a special exception for a use listed as a special exception.
 - 2. In the case of a use listed as a principal permitted use by the Schedule of Uses, outdoor storage shall be considered a conditional use.
 - 3. Larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way may be required.
- C. Minimum Setback - Unenclosed uses and activities shall, in any case, be a minimum of fifty (50) feet from any existing residential structure not located on the development parcel or any R-1, R-2, or R-MHP District, unless a greater setback is required under this Ordinance.
- D. Storage in Setback and Parking Areas - Storage of equipment, supplies, products or any other materials shall not be permitted in any required setback or parking areas.

701.19 Other Regulations

The Zoning Officer, Planning Commission, Board of Supervisors or the Zoning Hearing Board, as the case may be may require documentation from the Applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including, but not limited to, the PA Department of Transportation, the PA Department of Environmental Protection the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

702 Water Supply and Sewage Disposal

702.1 Water Supply

All uses shall be provided with an adequate and safe water supply, as demonstrated by evidence to be provided by the applicant, documenting that the siting, density, and design of all proposed residential, commercial, industrial and other developments or uses will assure the availability of reliable, safe and adequate water supplies to support the proposed land use(s) within the capacity of available water resources, and in compliance with the Township Water Well Ordinance.

702.2 Sewage Disposal

- A. System Required - All uses shall be provided with a sewage disposal system meeting the needs of the proposed use and meeting the requirements of the Township Sewage Facilities Plan and Ordinance and the Pennsylvania Department of Environmental Protection. Discharge to such system shall be limited to normal, domestic and human bodily wastes unless the treatment system has been specifically designed to handle other wastes or the wastes are pre-treated in accord with Pennsylvania Department of Environmental Protection or local sewer authority requirements. No discharge of wastes, by-products or materials in any way associated with a production process, health care or veterinary facility medical wastes, funeral home wastes, or other commercial wastes shall be permitted to any subsurface, land application or other soil based sewage disposal system.

- B. Standards - All sewage facilities shall comply with the design, location and setback requirements of the PA DEP unless a specific standard is included in this §702.2. In addition, the following standards shall apply.
1. Community On-lot Sewage Systems
 - a. The berm of any community on-lot sewage system absorption area (as defined by Title 25, PA Code, Chapter 73) shall not be closer than ten (10) feet to any exterior property line of the project parcel or any public or private road right-of-way.
 - b. No part of a community on-lot sewage system shall be placed on any individual building lot.
 2. Sewage Treatment Plants - All parts of a sewage treatment plant which is not a small flow sewage treatment plant shall maintain a setback of not less than:
 - a. One hundred (100) feet from any property line or public road right-of-way.
 - b. Four hundred (400) feet from any dwelling not located on the project parcel and which was existing at the time the application for the project is accepted for review by the Township.
- C. Holding Tanks - The use of a holding tank shall be expressly prohibited to service any use and/or development.
- D. Community Impacts - Any off-site sewage disposal system or any sewage treatment plant serving a nonresidential use shall be considered a conditional use and shall document that the level of treatment, flow management, odor control and other design and operating parameters will minimize community impacts.

703 Environmental Assessment

The intent of this §703 is to provide the identification of environmental and community impacts and means of mitigation of impacts of development projects in the Township, and to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Board of Supervisors or Zoning Hearing Board, as the case may be, may, based upon the nature of a project and potential impacts on the Township, require the developer to prepare and submit to the Township an environmental assessment (EA) for the types of developments and uses listed below. The requirements of this §703 may also be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Township, warrants the application of the study required contained herein. The Board of Supervisors or Zoning Hearing Board, as the case may be, may waive certain components of the EA should such components be deemed unnecessary for certain uses.

1. Industrial parks
2. Manufacturing or manufacturing or industrial uses
3. Junkyards
4. Mineral extraction
5. Mineral processing
6. Agricultural products processing
7. Solid waste facilities and staging areas
8. Warehouses and trucking terminals
9. Airports
10. Any use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas
11. Any use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas
12. Any use involving development in any flood plain area

703.1 Purpose of EA

The purpose of this EA is to disclose the environmental consequences of a proposed action for consideration by the Township for the determination of approval or denial of the project, and, if the project is approved, for the establishment of conditions of approval. This requirement is made in order to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of all kinds, flooding and waste disposal and to preserve trees and vegetation, to protect water courses, air resources and aquifers.

703.2 Contents of EA

An Environmental Assessment shall include a description of the proposed use including location relationship to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact. The EA shall also include a comprehensive description of the existing environment and the probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships.

At a minimum, the EA shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts; and said proposal shall comply with all other standards included in this Ordinance and other Township Ordinances:

A. Soil Types

1. U.S.D.A. Soil Types (show on map)
2. Permeability of soil on the site.
3. Rate of percolation of water through the soil for each five acres.

B. Surface Waters

1. Distance of site from nearest surface water and head waters of streams.
2. Sources of runoff water.
3. Rate of runoff from the site.
4. Destination of runoff water and method of controlling down stream effects.
5. Chemical additives to runoff water on the site.
6. Submission of an erosion and sediment control plan meeting the requirements of the PA DEP and the County Conservation District.
7. Said information shall be set forth in a storm water management plan meeting the requirements of the Township Subdivision Ordinance.

C. Ground Cover Including Vegetation and Animal Life

1. Extent of existing impervious ground cover on the site.
2. Extent of proposed impervious ground cover on the site.
3. Type and extent of existing vegetative cover on the site.
4. Extent of proposed vegetative cover on the site.
5. Type of animal life and effect on habitat.

D. Topographic and Geologic

1. Maximum existing elevation of site.
2. Minimum existing elevation of site.
3. Maximum proposed elevation of site.
4. Minimum proposed elevation of site.
5. Description of the topography of the site and any special topographic features, and any proposed changes in topography.
6. Surface and subsurface geology

E. Ground Water

1. Average depth to seasonal high water table.
2. Minimum depth to water table on site.
3. Maximum depth to water table on site.
4. Quality

F. Water Supply

1. The source and adequacy of water to be provided to the site.
2. The expected water requirements (g.p.d.) for the site.
3. The uses to which water will be put.

G. Sewage Disposal

1. Sewage disposal system (description and location on the site, of system).
2. Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemical).
3. Expected daily volumes of sewage.
4. Affected sewage treatment plant's present capacity and authorized capacity.

H. Solid Waste

1. Estimated quantity of solid waste to be developed on the site during and after construction.
2. Method of disposal solid waste during and after construction.
3. Plans for recycling of solid waste during and after construction.

I. Air Quality

1. Expected changes in air quality due to activities at the site during and after construction.
2. Plans for control of emissions affecting air quality.

J. Noise

1. Noise levels, above existing levels, expected to be generated at the site, (source and magnitude), during and after construction.
2. Proposed method for control of additional noise on site during and after construction.

K. Land Use

1. Past and present use of the site with particular attention to storage or disposal of toxic or hazardous waste.
2. Adjoining land uses and character of the area.

L. Impact of Proposed Use - A description of the impacts on the environment and mitigating factors shall be provided for the following:

1. Existing plant species, (upland and aquatic), and effects thereon.
2. Existing animal species and effects thereon.
3. Existing wildfowl and other birds and effects thereon.
4. Effects on drainage and runoff.
5. Effects on ground water quality.
6. Effects on surface water quality.
7. Effects on air quality.
8. Alternatives to proposed development, consistent with the zoning of the tract.
9. The social structure and community character of the Township.
10. Effects on sites of historic significance.

M. Critical Impact Areas - In addition to the above, plans should include any area, condition, or feature which is environmentally sensitive or which if disturbed during construction would adversely affect the environment.

1. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes greater than fifteen (15) percent, highly acid or highly erodible soils, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
2. A statement of impact upon critical areas and of adverse impacts which cannot be avoided.
3. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.
4. A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each.
5. A listing of steps proposed to minimize environmental damage to the site and region during and after construction.

- N. Transportation Network - Existing network traffic volumes and capacities and need for improvements required by the project. In the case of PennDOT roads a copy of the traffic study required by PennDOT shall be submitted and in the case of Township roads, the study shall be conducted in accord with PennDOT requirements.
- O. Law Enforcement - Existing law enforcement capabilities of the Township and State; and assess the impact of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development.
- P. Community Facilities and Services - Existing community facilities and services and how the proposed use will effect those facilities and services, including projected needs for additional facilities and services.
- Q. Additional Requirements - In addition to the above requirements the Board of Supervisors or the Zoning Hearing Board may require such other information as may be reasonably necessary for the Township to evaluate the proposed use for its effect on the community.

703.3 Additional Considerations

The following shall also be addressed:

- A. A description of alternatives to the proposed use.
- B. A statement of any adverse impacts which cannot be avoided.
- C. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.
- D. A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each.
- E. A listing of steps proposed to minimize environmental damage to the site and region during and after construction.

703.4 Qualifications

The EA shall be prepared by a professional architect, landscape architect, planner, engineer or other qualified individual whose qualifications have been previously approved by the Board of Supervisors or the Zoning Hearing Board as the case may be.

703.5 Procedures for Evaluating the Environmental Assessment Shall be as Follows

- A. Upon receipt of the application the Township shall forward the EA to the Township Engineer and any other Agency or firm which the Township may desire for consultation.
- B. The above mentioned Agencies shall review the applicant's EA and shall report its comments to the Planning Commission and Board of Supervisors or Zoning Hearing Board.
- C. The Board of Supervisors or Zoning Hearing Board may require the opinion of experts in their review of the EA.
- D. Fees for the costs of such consultation as described in Subsection A and Subsection C above shall be paid by the applicant.
- E. Copies of the EA shall be on file and available for inspection in the Township office.
- F. The Planning Commission shall evaluate the proposed project and the EA and recommend action on same to the Board of Supervisors or Zoning Hearing Board.

704 Steep Slope Areas

Steep slopes shall be defined as slopes in excess of twenty-five (25) percent. Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed. Any nonresidential use or nonresidential development of such steep slope areas shall be considered a conditional use, and in reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Board of Supervisors shall be satisfied that the following performance standards have been or will be met: (This shall not apply to agricultural and forestry enterprise uses.)

- A. An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at two (2) foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.
- B. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.
- C. The total amount of impervious surface that may be installed or maintained on steep slopes shall not exceed fifty (50) percent of the maximum amount of impervious surface permitted for such use on any lot in the underlying zoning district. Provision shall be made and approved by the Township Engineer for control of runoff from impervious surfaces to prevent erosion and stormwater damage to downstream properties.
- D. No finished grade where fill is used shall exceed a fifty (50) percent slope.
- E. Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.
- F. At least fifty (50) percent of the area to be used for any building or construction purposes shall be less than fifteen (15) percent slope.
- G. Soils listed by the Natural Resource Conservation Service as highly susceptible to erosion shall be avoided.
- H. Roads and utilities shall be installed along existing contours to the greatest extent possible.
- I. Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- J. Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, erosion potential, transpiration and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. Mitigation measures may be required by the Board as it deems appropriate.
- K. In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).

**ARTICLE VIII
STANDARDS FOR SPECIFIC USES**

800 General

In addition to all other applicable standards in this Ordinance, the standards in this Article VIII shall apply to the uses as provided in the following sections. The omission from a section of a reference to other applicable requirements shall not exempt compliance with such requirements.

801 Adult Businesses801.1 Findings

In adopting these standards which apply to adult businesses, the Township has made the following findings in regard to the secondary effects on the health, safety and welfare of the citizens of The Township. The findings are based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Township, and on findings incorporated in the cases of City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), Young v. American Mini Theaters, 427 U.S. 50 (1976), and Northend Cinema, Inc., v. Seattle, 585 P. 2d 1153 (Wash. 1978), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Saint Paul, Minnesota; Manatee County, Florida; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Los Angeles, California; Austin Texas; Seattle, Washington; Oklahoma City, Oklahoma; Beaumont, Texas; and New York City, New York; and also on findings found in the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, June 6, 1989, State of Minnesota.

- A. Health Concerns - The concern over sexually transmitted diseases is a legitimate health concern which demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- B. Behavior - Certain employees of sexually oriented business regulated by this Ordinance as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
- C. Sexual Acts - Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
- D. Unhealthy Conditions - Offering and providing such space, encourages such activities, which create unhealthy conditions.
- E. Sexual Activities - Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- F. Communicable Diseases - At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
- G. Unhealthy Conditions - Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- H. Bodily Fluids - Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view *adult* oriented films.
- I. Accountability - Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- J. Externalities - There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.

- K. Operational Characteristics - It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- L. Reason for Control - The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime; preserve the quality of life, preserve property values and the character of the surrounding community.

801.2 Intent

It is the intent of this §801 to:

- A. Secondary Effects - Regulate adult business in order to promote the public health, safety and welfare by minimizing the secondary effects on the community which are associated with such businesses, and which include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.
- B. Zoning District - Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- C. Content - Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials.
- D. First Amendment - Not totally restrict or deny access by adults to sexually oriented materials or adult materials protected by the First Amendment of the Bill of Rights of the U.S. Constitution.
- E. Intended Market - Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- F. PA Code - Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

801.3 Conditional Use

Adult businesses are classified as conditional uses in the District specified in the Schedule of Uses.

801.4 Standards

In addition to the other applicable general standards and the conditional use criteria contained in this Ordinance, the following standards shall apply to adult businesses:

- A. Setback - Adult businesses shall not be located less than five hundred (500) feet from any:
1. Dwelling.
 2. Place of worship.
 3. Public or private school or college.
 4. Public park or public recreation facility.
 5. Public library.
 6. Public museum.
 7. Child day care center.
 8. Commercial enterprises catering primarily to persons under eighteen (18) years of age.
 9. Gaming establishment.
- B. Similar Businesses - Adult businesses shall not be located within five hundred (500) feet of any other adult business.
- C. Measurement - The setback distances established in this §801 shall be as measured from the nearest edge of the building used for the subject use, measured in a straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which the required setback applies.

- D. Enlargement - An existing, lawful nonconforming adult business may be expanded as a conditional use once in total floor area beyond the floor area that lawfully existed in such use at the time of adoption of this provision of the Zoning Ordinance, but only in accord with Article IX of this Ordinance.
- E. Limit of One (1) Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.
- F. Nonconformity - Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this §801 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except: as permitted in §801.4.D. The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined and regulated by this Ordinance be changed to any type of adult business.
- G. Location of New Neighboring Uses -An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a conditional use permit, a use from which an adult business is required to provide a setback under §801.4.A is developed within the required setback distance.
- H. Lighting - Overhead lighting shall be provided to illuminate all improved areas of the property; and said lighting shall be in compliance with all requirements of this Ordinance.
- I. Visibility and Signs: - No sexually explicit material, signs, display, silhouette or word shall be visible at any time from outside of the building. Exterior signs shall comply with the provisions of Article XI of this Ordinance; however, business identification signs shall be limited to a maximum of twenty (20) square feet and signs attached to the building facade shall be limited to a maximum total of ten (10) square feet. Content of such signs shall be limited to only the text of the name of the business and the hours of operation.
- J. Exemption for Modeling Class: Any modeling class which involves a person appearing in a state of nudity and which is operated by or involves any of the following shall be exempt from the provisions of this §801:
1. By a proprietary school, licensed by the State, or an academically accredited college or university;
 2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;
 3. In a structure -
 - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - c. where no more than one (1) nude model is on the premises at any one time; or
 4. By an organization which qualifies under §501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

802 Reserved

803 Agricultural Uses - Crop Production and Animal Husbandry

In addition to the other applicable standards of this Zoning Ordinance, agricultural uses shall be subject to the following requirements:

803.1 Crop Production

Crop production shall be permitted in any district on any size of parcel of land.

803.2 Animal Husbandry, Commercial and Home Use

In addition to the other applicable standards of this Zoning Ordinance, animal husbandry uses shall be subject to the following requirements:

A. Animal Husbandry, Commercial

1. A minimum parcel size of five (5) acres shall be required in the A-1 and C-1 Districts and ten (10) acres in all other Districts.
2. The minimum front, side and rear setback distances shall be one hundred (100) feet for any pens (but not pasture areas), stables, barns, coops or other animal housing structures and for the indoor or outside storage of manure, by-products or waste in all Districts.
3. The operation shall comply with PA DEP Chapter 102 rules and regulations.

B. Animal Husbandry, Home Use

1. The following minimum parcel sizes shall be required (including the dwelling unit):
 - a. Livestock - two (2) acres.
 - b. Small animals and fowl – no minimum.
2. The following minimum front, side and rear setback distances shall be maintained for any pens (but not pasture areas), stables, barns, coops or other animal housing structures and for the indoor or outside storage of manure, by-products or waste:
 - a. Swine - one hundred (100) feet.
 - b. Other livestock - seventy-five (75) feet.
 - c. Small animals and fowl - twenty-five (25) feet.
3. The maximum number of animals shall not exceed the following:
 - a. Cattle, bison, swine and similar animals - one (1) per acre with a maximum total of three (3).
 - b. Sheep, goats, llamas, alpacas, ostriches, emus, and similar animals - four (4) per acre with a maximum total of twelve (12).
 - c. Small animals and fowl - ten (10) per acre with a maximum total of thirty (30).
4. The raising of fur bearing animal(s) shall be prohibited.
5. All animals shall be confined to the property of the animals' owner.
6. Notwithstanding compliance with this §803.2.B, the keeping of any livestock or small animals and fowl which constitutes a public nuisance shall be prohibited.

803.3 State Protected Agricultural Operations

Nothing in this Zoning Ordinance is intended to preclude the rights and protections of bona fide agricultural operations afforded by the Pennsylvania Right To Farm Law, as amended; the Pennsylvania Agricultural Securities Area Law, as amended; and other applicable state statutes. Such rights and protections, in terms of limiting the application of the standards in this Zoning Law, shall be afforded to such uses of land which meet the minimum definition of agricultural use as established by the applicable state statute.

803.4 Natural Features

Existing natural features, drainage and vegetation shall not be removed, changed or destroyed except where necessary and essential to the development, construction and operation of the agricultural operation.

803.5 Farm Stands

See §503.10 for accessory farm stands.

804 Airports and Heliports (See §503.7 for accessory heliports.)

The standards in this §804, in addition to other applicable standards in this Zoning Ordinance, shall apply to all existing and proposed airports. For the purposes of this §804 airports shall include heliports.

804.1 Conditional Use

The development of a new airport and any change to an existing airport which would effect the location of airport surface zones, approach zones, or hazard zones, shall be considered conditional uses. In addition to the other requirements of this Ordinance, the requirements of this §804 shall apply to any airport conditional use application.

The following shall constitute changes at an airport requiring conditional use approval:

- A. Any extension of a runway's length;
- B. Any change in the height of a runway;
- C. The paving of any previously unpaved portions of a runway, if such paving results in any change in airport rating category under 67 Pa. Code §471.5 as amended, effecting or altering the location or extent of any airport hazard zone;
- D. Any change of runway direction or alignment;
- E. Any change in the status of taxiways or holding areas effecting the location areas of airport hazard zones;
- F. Any change in airport rating category under 67 Pa. Code §471.5 as amended, effecting or altering the location or extent of any airport hazard zone.
- G. Any other physical, legal or rating change, or change in methods of operation, flight paths or change in instrumentation or technology resulting in a change in the location or extent of any airport hazard zone.

804.2 Application Contents

The application for conditional use shall contain the following documents and information:

- A. A full narrative description of the airport and any changes proposed.
- B. Plans and maps prepared by a registered professional engineer showing the airport and any changes proposed to the airport.
- C. Plans and maps prepared by a registered professional engineer showing existing and proposed locations of the airport hazard zones.
- D. Copies of all applications, correspondence, documents, maps or plans submitted to FAA and the Bureau of Aviation relating to the proposed change or construction, rating change, or other rating, legal or physical change.
- E. A plan showing of how the lands or air rights negatively affected shall be acquired.
- F. A list of the names and addresses of all landowners negatively affected by the proposed airport or change within a height of seventy-five (75) feet from the surface of said lands by the change in airport hazard zones.
- G. A list of the names and addresses of all landowners adjoining lands owned or leased by the airport owner.

804.3 Engineering Review

The Township Engineer shall review the application and report whether the application to the Planning Commission complies with all applicable ordinances, laws and regulations relating to airport hazard zones. The Township Engineer shall also report how the proposed airport or change will affect neighboring landowners and landowners in airport hazard zones. The Township Engineer shall also review and report on expected obstructions to aircraft resulting from the airport or change, and upon the adequacy, feasibility and practicality of the applicant's plan to acquire the necessary air rights.

804.4 Costs

Any airport or change to an airport resulting in a change of airport hazard zones shall be considered a land development, and in accord with §503(1) of the Pennsylvania Municipalities Planning Code the applicant shall be responsible for paying all reasonable and necessary charges of the Township's professional consultants or engineer relating to application review and report under the

terms of the Township Subdivision and Land Development Ordinance.

804.5 Notice to FAA, the Bureau of Aviation, and the County

The Zoning Officer shall send a copy of the completed application to the Bureau of Aviation, FAA and the County Planning Department by certified mail, at least fourteen (14) days before the date of the hearing.

804.6 Criteria to Review

In granting or denying a conditional use, the Supervisors shall consider:

- A. The effect upon reasonable use of properties affected by the proposal.
- B. How the applicant plans to acquire any necessary air rights.
- C. The character of the flying operations expected to be conducted at the airport;
- D. The nature of the terrain within the airport hazard zone area;
- E. The character of the community which is affected by the proposal.
- F. The effect upon roads, development, transportation routes, and other aspects of the Comprehensive Plan;
- G. The provision of hazard lighting and marking;
- H. The importance of aircraft safety.

804.7 Standards

- A. The applicant shall document compliance with all applicable state and federal regulations.
- B. The runway and/or landing pad shall be a minimum of five hundred (500) feet from any property line but greater setbacks may be required based on specific site characteristics, surrounding uses and state and federal regulations.

805 Amusement Parks

Amusement parks, in addition to all other applicable standards, shall be subject to the following standards:

805.1 Structure Height

No ride, structure or other amusement attraction shall be located closer to any setback line than the height of said ride, structure or amusement, but in no case less than fifty (50) feet.

805.2 Hours of Operation

Hours of operation shall be limited to the period between 9:00 a.m. and midnight on Fridays, Saturdays and holidays, and between 9:00 a.m. and 11:00 p.m. on other days.

806 Animals, Keeping of

806.1 Kennels and Animal Shelters

Kennels, in addition to all other applicable standards, shall be subject to the following standards.:

- A. Setbacks - Any structure, outdoor kennels, or animal exercise areas used for the keeping of dogs shall not be located closer than three hundred (300) feet to any property line and to any public road right-of-way, and five hundred (500) feet from any R-1, R-2 or R-MHP District.
- B. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each non-resident employee and one space per four animals kept on the premises.
- C. Noise Barrier - A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas or animal exercise areas not enclosed in a building.

- D. Hours Outdoors - All animals shall be restricted from using kennel areas not fully enclosed in a building from sunset to 8:00 A.M.
- E. Retail Sales - Minor retail sales incidental to the kennel/animal shelter shall be permitted.

806.2 Stables, Private

Private stables are permitted as an accessory use to a single-family residence subject to the following conditions:

- A. Parcel Size - A minimum parcel of two (2) acres shall be required for the residence and stable.
- B. Number of Horses - No more than one (1) horse shall be kept except that one (1) additional horse may be kept for each additional one-half (0.5) acre of land.
- C. Setbacks - No stable building, corral or manure storage area shall be located within fifty (50) feet or an adjoining property line or any public or private road right-of-way.
- D. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, which structure does not meet the required setbacks may be permitted as a conditional use provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.
- E. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means.
- F. Uses Permitted - The types of uses permitted shall be breeding, raising, boarding, keeping and sale of horses, and necessary buildings and structures.

806.3 Stables, Commercial and Horses for Hire

Commercial stables, including horses for hire, shall, in addition to all other applicable requirements of this Ordinance, comply with the following requirements:

- A. Parcel Size - A minimum parcel of ten (10) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other sections of this Ordinance and other applicable standards are met.
- B. Number of Horses - No more than twenty (20) horses are kept with the exception that one (1) additional horse may be kept for each additional one-half (0.5) acre of land
- C. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means.
- D. Parking - Adequate off-street parking shall be provided pursuant to §504 of this Ordinance with one (1) space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises.
- E. Setbacks - No stable building, corral or manure storage area shall be located within two hundred (200) feet of an adjoining property line and any public or private road right-of-way.
- F. Uses Permitted - The following types of uses shall be permitted as part of the horse farm operation:
1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 2. Training of horses, and necessary buildings and structures, including facilities for training only.
 3. Boarding of horses, and necessary buildings and structures.
 4. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
 5. Sale of horses other than the horses raised or boarded on the premises.
 6. Retail sales of any goods or merchandise which are incidental and accessory to the stable use.

806.4 Animals on Residential Lots

See §803.2 for animal husbandry and §806.2 for private stables.

806.5 Zoos, Menageries, and Wild and Exotic Animals

Menageries and zoos and the keeping of wild and exotic animals shall, in addition to all other applicable Township, state and federal requirements, comply with the following:

- A. **Minimum Parcel** - A minimum parcel size of five (5) acres shall be required.
- B. **Sanitary Condition** - All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- C. **Treatment of Animals** - The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
- D. **Incompatible Animals** - Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
- E. **Offensive Odors and Noise** - The permit holder shall maintain the premises so as to eliminate offense odors or excessive noise.
- F. **Peace and Quiet** - The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
- G. **Animal Escape** - Animals shall be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
- H. **Other Regulations** - The operation shall conform to all applicable local, state and federal laws and regulations.
- I. **Pen Setback** - Any building, pen, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within two hundred (200) feet of any adjoining property line and one hundred fifty (150) feet from any public or private road right-of-way.
- J. **Waste Material** - All waste materials generated on the premises shall be disposed of at a PA DEP-approved facility, and a detailed plan for the same shall be included with the zoning application. In any case, all animal wastes shall be stored in water-tight containers in an area meeting the setbacks in §806.5.I until disposed of and proof of such disposal shall be provided to the Township.

806.5 Veterinary Clinics

Veterinary clinics with outdoor facilities shall, in addition to all other applicable Township, state and federal requirements, comply with the following:

- A. **Large Animals** - The building and paddocks shall be located at least two hundred (200) feet from all property lines. All other open pens at any veterinary clinic shall comply with the setbacks for kennels in §806.1.
- B. **Pets** - Clinics for pets shall be located in either a soundproof building with no objectionable odors produced outside the building, in which case all regular district regulations shall apply; or an enclosed building with open pens, in which case the building and pens shall comply with the requirements for kennels in §806.1.

807 Reserved**808 Bed and Breakfast Establishments**

Bed and breakfast establishments shall comply with the following standards in addition to all other applicable standards in this Zoning Ordinance.

- A. Adequate off-street parking is provided in accord with this Ordinance with the minimum number of parking spaces provided as follows: one (1) space for each rentable room; one (1) space for each non-resident employee, and two (2) spaces for the

dwelling unit.

- B. Not more than five (5) rentable rooms are provided in the establishment.
- C. The owner or manager of the bed and breakfast must reside on the premises.
- D. Bed and breakfast establishments shall not be permitted on lots which are nonconforming in minimum area.

809 Bulk Fuel Storage Facilities; Retail Heating Fuel Distributors

809.1 Bulk Fuel Storage Facilities

In addition to all other applicable standards, bulk fuel storage facilities shall be subject to the specific regulations and requirements in this section and shall be permitted only in those districts as specified in the Schedule of Uses. The Township shall establish, as part of the conditional use process, such other conditions such as increased setbacks and construction of dikes as necessary to protect the public health safety and welfare.

- A. Setbacks - Storage tanks shall be located not less than one hundred fifty (150) feet from any property line or any road or street right-of-way line. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located not less than two hundred (200) feet from any property line and not less than one hundred fifty (150) feet from any road or street right-of-way line, wetland, watercourse or water body.
- B. Fence; Berm - The total tank storage area shall be entirely fenced with an eight (8) foot high industrial type security fence or have an equivalent protection barrier approved by the Township. Bulk storage tanks shall be encircled by a moat or earthen berm to contain all potential spillage.
- C. Other Regulations - Bulk fuel storage facilities shall be developed in complete compliance with all applicable local, state, federal and insurance regulations and requirements and the applicant shall provide documentation confirming compliance.

809.2 Retail Heating Fuel Distributors

- A. Use Regulations - Retail heating fuel distributors shall be limited to the storage and delivery of kerosene, heating oil, and propane to individual dwellings or commercial establishments for use on that premises and not for resale. NOTE: Any operation 1) involving the bulk storage of gasoline for distribution by delivery truck, or 2) any operation involving the bulk storage of any kerosene, heating oil, diesel fuel, gasoline, or propane for distribution to retail or wholesale establishments shall be considered a *bulk fuel storage facility* as defined in Article III.
- B. Setbacks - Storage tanks shall be located not less than seventy-five (75) feet from any property line or public road right-of-way, and shall not be less than two hundred (200) feet from any dwelling, school, church or other principal structure not located on the same parcel as the tank. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located not less than seventy-five (75) feet from any property line or public road right-of-way.
- C. Screening - If natural vegetation and/or topography does not provide adequate screening, the Township may require vegetative plantings, berms, fencing or other measures to screen any tank or other part of the operation from public view.
- D. Fence - A perimeter security fence of such height and design deemed adequate by the Township may be required by the Township.
- E. Fuel Spill Containment - A fuel spill containment system adequate to contain the total volume of each storage tank shall be provided to prevent soil and water contamination.
- F. Other Regulations - All tanks and operations shall comply with all applicable state, federal and insurance requirements, and proof of such compliance shall be provided by the applicant.

810 Bus Shelters

In addition to all other applicable requirements, the following standards shall apply to bus shelters.

- A. Street Setback - A bus shelters shall not be located less than ten (10) feet from the edge of any street shoulder within a street cartway.

- B. Considered Structures - A bus shelter shall be considered a structure.
- C. Size - A bus shelter shall not exceed ten (10) feet in height, sixteen (16) feet in width or eight (8) feet in depth.
- D. Signs - Signs on a bus shelter shall not be permitted except for official school district or bus company/authority signs not exceeding a total surface area of four (4) square feet.

811 Campgrounds and Recreational Vehicle Parks

Campgrounds and recreational vehicle parks shall comply with the Township Subdivision and Land Development Ordinance.

812 Reserved**813 Cemeteries, Human and Pet**

Human and pet cemeteries shall, in addition to all other applicable Township, state and federal requirements, comply with the following:

- A. Tract Size - The minimum size of the tract shall be one (1) acre.
- B. Setbacks - A grave or place of permanent burial shall be set back from the property line of the tract and public road at least ten (10) feet. Buildings and accessory structures shall comply with the setbacks required for the district.
- C. Access roads shall be at least fifteen (15) feet wide and well-maintained with either gravel or paving.

814 Clubs/Lodges, Private

In addition to all other applicable requirements, the following standards shall apply to private clubs and lodges.

- A. Statement of Use - A statement setting forth full particulars on the operation of the use, a copy of the Articles of Incorporation, if a corporation, or trade-name certificate, if any, shall be filed with the Zoning Hearing Board. In addition, the Board may, in any case, require that names and addresses of all charter members be furnished.
- B. Type of Use - The proposed use shall be a bona fide not-for-profit organization operated solely for the recreation and enjoyment of the members of said organization and their guests.

815 Commercial Communication Devices

The following regulations shall apply to commercial communication devices (CCD) including but not limited to, cellular phone antennae, antennae for communication service regulated by the PA Public Utility Commission, and other commercial antennae and associated facilities. Such CCD and support structure and associated facilities shall be permitted only in the districts as provided in this §815 and the Schedule of Uses.

815.1 Purposes

- A. To accommodate the need for communication devices while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- B. To minimize the adverse visual effects of communication devices and support structures through proper design, siting and vegetative screening.
- C. To avoid potential damage to adjacent properties from communication device support structure failure and falling ice, through engineering and proper siting of support structures.
- D. To encourage the joint use of any commercial communication device support structures and to reduce the number of such structures needed in the future.

815.2 Permits; Use Regulations

A permit shall be required for every CCD and support structure installed at any location and the following use regulations shall apply:

- A. Existing Tall Structures - A CCD site with a CCD that is attached to an existing communications tower, smoke stack, water

tower, or other tall structure where the height of the CCD does not exceed the height of the existing structure by more than fifteen (15) feet shall be permitted in all districts as an accessory use and conditional use approval shall not be required. The applicant shall provide the following information:

1. Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
 2. Detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township for compliance with the applicable requirements.
 3. Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.
- B. New Structures and CCD Exceeding Fifteen Feet on Existing Structures - A CCD site with a CCD that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structure on which it is mounted shall be permitted only in those districts specified in the schedule of Uses and shall require conditional use approval in accord with this §815.
- C. Associated Use - All other uses ancillary to the CCD (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted in the zoning district in which the CCD site is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.
- D. CCD as a Second Principal Use - A telecommunications facility shall be permitted on a property with an existing use subject to the following land development standards:
1. The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 2. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the CCD and support structure shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 3. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 4. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

815.3 Standards

- A. Location Requirement and Number - The applicant shall demonstrate to the satisfaction of the Township, using technological evidence, that the CCD and support structure must go where it is proposed, in order to satisfy its function in the company's grid system. The number of CCD to be installed at a site by an applicant may not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant must document the need for the additional CCD to ensure the adequacy of current service and shall provide information on the general location of other towers/sites planned for the region.
- B. Co-location; New Tower - If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Township may require the applicant to demonstrate that it contacted in writing the owners of tall structures within a one (1) mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the CCD on an existing structure thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good faith effort shall demonstrate that one (1) or more of the following reasons apply to a particular structure:

1. The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 2. The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the federal communications commission governing human exposure to electromagnetic radiation.
 5. A commercially reasonable agreement could not be reached with the owners of such structures.
- C. CCD Height - The applicant shall demonstrate that the CCD is at the minimum height required to function satisfactorily and provide adequate height for eight (8) service providers. The Township may require the tower to be designed and constructed to be *stackable* (structurally capable of being increased in height) so that additional antennae arrays can be accommodated in addition to the arrays on the original tower to facilitate future collocation. CD equipment buildings shall comply with the accessory structure height limitations of the applicable zoning district. The Township may require *stealth* design (typically resembling a common tree) to ensure that the CCD is compatible with the surrounding landscape.
- D. Parcel Size; Setbacks - If a new CCD support structure is constructed (as opposed to mounting the CCD on an existing structure) or if the CCD height exceeds the height of the existing structure on which it is mounted by more than fifteen (15) feet, the minimum parcel size and setbacks in this §815.3. D shall apply.
1. Separate Parcel - If the CCD is manned and/or the parcel on which the CCD and support structure is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet. The distance between the base of the support structure and any adjoining property line (not lease, license or easement line) shall be the largest of the following:
 - a. One and one-tenth (1.1) times the height of the support structure and CCD.
 - b. The minimum setback in the underlying zoning district.
 - c. Forty (40) feet.
 2. Lease, License or Easement - If the CCD is unmanned and the land on which the CCD and support structure is leased, or is used by license or easement, the setback for any part of the CCD, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. The setbacks in §815.3.D.1 shall apply to the parent parcel property lines.
- E. CCD Support Structure Safety - The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed CCD and support structure will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of any applicable building code. Within forty-five (45) days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania registered professional engineer that the CCD and support structure comply with all applicable regulations.
- F. Fencing - A fence shall be required around the CCD support structure and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height.
- G. Landscaping - Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the CCD and support structure site from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the

required landscaping. If the CCD is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

- H. Co-location; Other Uses - In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including but not limited to other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall provide evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities. The proposed structure, if evidenced by need as determined by the Township, shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.
- I. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the CCD; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.
- J. Access; Required Parking - Access to the CCD and support structure shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length. If the CCD site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- K. Color and Lighting; FAA and PA DOT Notice - CCD support structures under two hundred (200) feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, those near airports, or those which are otherwise subject to Federal Aviation Administration (FAA) regulations shall comply with the said regulations. No CCD support structure may be artificially lighted except in accord with Federal Aviation Administration requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation, and the CCD and support structure shall comply with all FAA and PA DOT requirements.
- L. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
- M. Historic Structures - A CCD shall not be located on a building or structure that is listed on a historic register or within five-hundred (500) feet of such a structure.
- N. Discontinued Use - Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.
- O. Site Plan - A full site plan shall be required for all CCD and support structure sites, showing the CCD, CCD support structure, building, fencing, buffering, access, and all other items required in the Township Subdivision and Land Development Ordinance. The site plan shall not be required if the CCD is to be mounted on an existing structure and the CCD does not exceed the height of the existing structure by more than fifteen (15) feet.
- P. Recording of Plan - Recording of a plat of subdivision or land development shall not be required for a lease, license or easement parcel on which a CCD and support structure is proposed to be constructed, provided the CCD is unmanned.

816 Concentrated Animal Feeding Operations (CAFO)

This section is intended to provide standards for industrial-like agricultural operations with animal densities which are likely to create effects on the environment and community which exceed those effects normally associated with typical farming. It is not intended to supercede the Pennsylvania Nutrient Management Act in terms of regulation of the storage, handling or land application of animal manure or nutrients or the construction, location or operation of facilities used for the storage of animal

manure or nutrients or practices otherwise regulated by the Act. The definitions and calculations in this section are intended to be consistent with the Nutrient Management Act, and all information and studies required by this section shall, at a minimum include the information required by the Act and its regulations.

816.1 Definition of CAFO

Any livestock operation which is defined as a concentrated animal feeding operation by the regulations adopted by the Commonwealth of Pennsylvania.

816.2 Conditional Use

CAFO's shall be considered conditional uses and only in those districts specified by the Schedule of Uses.

816.3 Standards

The following standards shall be applied to all CAFO's and no conditional use approval shall be granted until all required information and plans have been submitted by the applicant and have been approved by the Township. Failure of the applicant to implement any of the required plans shall constitute a zoning violation subject to the penalties and remedies contained in this Zoning Ordinance.

- A. Parcel Size - The minimum parcel size (contiguous owned or rented acres) for a CAFO shall be one hundred (100) acres.
- B. Location - The applicant shall conduct a traffic study in accord with generally accepted engineering practices to demonstrate the roads serving the location are adequate to carry the volume and weight of the anticipated traffic. Such final determination shall be made by the Township based on the traffic study. The traffic study and plan shall establish the most direct proposed route or routes for vehicles serving the facility. This route shall minimize impacts on any residence, commercial or retail establishment, public school or religious institution.
- C. Setbacks - CAFO buildings used for housing of animals and structures for the storage of manure shall not be less than five hundred (500) feet from any property line and not less than two thousand five hundred (2,500) feet from any existing dwelling not located on the land with the CAFO. Manure storage facilities shall meet the setbacks established by the Nutrient Management Act and its regulations.
- D. Buffer - A buffers shall be provided in accord with a plan to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property.
- E. Nutrient Management Plan - A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
- F. Stormwater Management - A stormwater management plan shall be prepared meeting the requirements of the applicable Subdivision and Land Development Ordinance.
- G. Conservation Plan - A conservation plan shall be prepared meeting the requirements of the Luzerne County Conservation District.
- H. Ground Water Protection - The applicant shall submit a groundwater and hydrogeological report from a qualified engineer or geologist detailing the groundwater characteristics of the area and identifying the probable impacts on groundwater supply and quality. Details of the potential hazards and details of planned safety devices and contamination response actions shall be provided. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township. The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within one-thousand (1,000) feet of any portion of the property where the proposed use will be located.
- I. Waste Disposal or Discharge - Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan which shall be prepared. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state and/or federal regulatory agencies.

- J. Odor Control - The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare.
- K. Facility Operation and Management - The applicant shall demonstrate that the facility will meet the operational and management standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity. The operation and day-to-day maintenance of the facility shall comply with all applicable local, state and federal statutes, rules, regulations and ordinances as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance. The applicant shall obtain all required local, state and federal as a condition of Township approval. A copy of all written applications, filings, plans and materials that are filed before any local, state and federal agency or which relate to other ordinances of the Township shall be concurrently submitted to the Zoning Officer.
- L. Flood Plain - No CAFO buildings or manure storage facilities shall be erected in the one hundred-year flood plain.

816.4 Manure from CAFO Outside Township

This section applies to application of manure on lands in the Township from CAFO's located outside the Township. It is intended to ensure compliance with all applicable state and federal regulations.

- A. Conditional Use - The application of manure on lands in the Township from a CAFO located outside the Township shall be considered a conditional use.
- B. Nutrient Management Plan - A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
- C. Conservation Plan - A conservation plan shall be prepared meeting the requirements of the Luzerne County Conservation District.
- D. Setbacks - Manure application shall meet the setbacks established by the Nutrient Management Act and its regulations.
- E. Odor Control - The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare.
- F. Regulation Compliance - The applicant shall provide documentation to demonstrate compliance with all applicable state and federal regulations. This shall also include the source and content of the manure and documentation of compliance with the source operation with all applicable state and federal regulations.

817 Reserved

818 Day Care, Child

- A. State Regulations - The applicant or owner shall provide evidence of certification of compliance with all applicable state regulations.
- B. Outside Play Area - All outdoor child day care play areas shall be completely surrounded by a secure fence not less than six (6) feet high meeting district setback requirements for accessory structures. Outdoor play activities shall be limited to the hours between 10:00 A.M. to 4:00 P.M., local time.
- C. Nuisances - Noise and all other possible disturbing aspects connected with such use shall be controlled to the extent that the operation of such use shall not unduly interfere with the use and enjoyment of properties in the surrounding area.
- D. Traffic Control - The applicant shall provide evidence that vehicular traffic congestion will be avoided in pick-up and drop-off points used in transporting children to and from the facility. Such pick-up and drop-off points shall not be located on any public right-of-way or be located in such a manner to impede the flow of traffic or otherwise cause congestion in the

public right-

819 Reserved

820 Distribution Centers and Truck Terminals

In addition to all other applicable requirements, the following standards shall apply to distribution centers and truck terminals.

820.1 Access

Access to various components of the facility shall be from interior streets or driveways.

820.2 Setback Requirements

- A. R-1, R-2 and R-MHP Districts - The minimum setback adjoining any R-1, R-2 and R-MHP District or adjoining any residential use shall not be less than two hundred (200) feet. Otherwise, district setback requirements shall apply.
- B. Use of Setback Areas - The required setback areas shall not be used for any buildings, loading areas, storage areas or any interior streets, drives or ramps, except:
 - 1. Any setback area not adjoining any R-1, R-2 and R-MHP District or adjoining any residential use may be used for automobile, truck or trailer parking areas.
 - 2. Any setback area may be crossed by such access roads or drives as are necessary to provide proper ingress and egress.

821 Reserved

822 Flea Markets, Outdoor

In addition to all other applicable requirements, the following standards shall apply to outdoor flea markets.

- A. District Standards - The use shall comply with the lot area, setback, lot coverage, building height and other standards applicable to the district.
- B. Design - The proposed use and related structures shall be arranged and/or constructed in accord with an overall plan and shall be designed as a single architectural style with appropriate landscaping and buffering in accord with Township requirements.
- C. Water Supply and Sewage Disposal - Provision shall be made for water supply and sewerage disposal in accord with applicable state, and Township requirements.
- D. Outdoor Storage - There shall be no outdoor storage of supplies, goods or waste.
- E. Signs - Signs advertising a flea market shall comply with Article XI.
- F. Hours of Operation - Flea market operation shall be limited to the hours between 8:00 a.m. and sunset.

823 - 824 Reserved

825 Gaming Establishments

In addition to all other applicable requirements, the following standards shall apply to gaming establishments and resorts.

- A. Location - Gaming establishments shall not be located less than five hundred (500) feet from any parcel of land containing any of the following:
 - 1. Dwelling.
 - 2. Place of worship.
 - 3. Public or private school or college.
 - 4. Public park or public recreation facility.
 - 5. Public library.
 - 6. Public museum.
 - 7. Child day care center.

8. Commercial enterprises catering primarily to persons under eighteen (18) years of age.
 9. Adult business.
- B. Similar Establishments - Gaming establishments shall not be located within five hundred (500) feet of any other gaming establishment.
 - C. Measurement - The setback distances established in this §825 shall be as measured from the nearest edge of the building used for the subject use, measured in a straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which the required setback applies.
 - D. Other Uses - Any gaming establishment offering other service such as a restaurant, lounge, etc., shall comply with all standards applicable to such other use.
 - E. Accessory Games of Chance - Small games of chance conducted by nonprofit organizations in accord with the Pennsylvania Local Option Small Games of Chance Act (10 P.S. §§ 311-327), as amended, and other games of chance permitted by Pennsylvania law as accessory to commercial uses shall be permitted as an accessory.

826 Hotels, Motels, and Lodging Facilities

This section is intended to provide specific standards for the development of hotels, motels and other lodging facilities at unit densities that allow full use of the project parcel while at the same time recognizing the limitation of the proposed site. In addition to the other applicable requirements of this Ordinance, the following specific performance standards are provided to allow for flexibility of design and to insure the protection of adjoining properties and the public health, safety and general welfare.

826.1 Density

Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this §826 and this Ordinance, and other applicable Township regulations. However, in no case shall the project parcel be less than two (2) acres in size.

826.2 Design Criteria

- A. Setback, building height, lot width and depth, and lot coverage ratios applicable to the District shall be maintained.
- B. All facilities in a hotel, motel or lodging facility project shall be on the same parcel of property and shall not contain any commercial facility unless such commercial facility is otherwise permitted in the District where the subject property is located.

827 Industrial Wastewater Treatment Facilities and Hydraulic Fracturing Water Withdrawal Facilities

Industrial wastewater treatment facilities and hydraulic fracturing water withdrawal facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to the performance standards in §701 and all other applicable standards of this Ordinance, the requirements of this §827 shall apply.

827.1 Requirements for Industrial Wastewater Treatment Facilities

Industrial wastewater treatment facilities shall comply with the following requirements:

- A. Setbacks - The following setbacks shall be maintained for the industrial wastewater treatment facilities and any truck parking or staging areas. Ancillary facilities such as offices, employee parking, and accessory structures shall comply with the buffer requirements in §827.1.B.
 1. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
 2. Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
 3. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland. This shall not apply to any required discharge or intake structures or facilities at the receiving stream or water supply.
- B. Buffer
 1. An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-

of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

2. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
 3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
 4. It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- C. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

827.2 Requirements for Industrial Wastewater Treatment and Hydraulic Fracturing Water Withdrawal Facilities

- A. Parking and Staging Areas - Adequate vehicle parking and staging areas for all facilities shall be provided on site to prevent parking or staging on any public road right-of-way.
- B. Local, State and Federal Regulations - The facilities shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.
- C. Informational Requirements
 1. Application Information - The applicant and/or operator for all facilities shall provide the information required by this §827.2, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance with this Ordinance.
 2. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection (DEP) Rules and Regulations.
 3. Conditions - In the case of industrial wastewater treatment facilities, the findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1208.5 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code.
- D. Reporting Requirements - For any facility approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

827.3 Review Fees

The Applicant shall pay all professional costs incurred by the Township for review of technical aspects of the proposal, and shall deposit with the Township an amount deemed adequate by the Township to cover the anticipated costs. Should the review costs exceed the deposit, an additional assessment shall be made. If the deposit exceeds the cost, the balance shall be returned to the Applicant. No approval shall become effective until all costs have been paid by the Applicant.

828 - 829 Reserved

830 Junk Yards

Junk yards shall, in addition to the Township Nuisance Ordinance all other applicable regulations, comply with the following requirements:

830.1 Parcel Size and Setbacks

- A. Parcel Size - Junk yards shall not be less than two (2) acres in area.
- B. Setbacks - All junk yards shall maintain a setback of not less than one hundred (100) feet from any public road right-of-way unless state or federal regulations require a greater setback, one hundred (100) feet from property lines.
- C. Body of Water, Stream, Wetland, or Well Setback - No junk yard shall be located closer than two hundred (200) feet to any body of water, stream, wetland, or well.

830.2 Access

There shall be a minimum of two exterior points of entry to the junk yard, one specifically limited to the use of emergency vehicles.

830.3 Fence

All junk yards shall be completely enclosed by a chain link fence not less than ten (10) feet in height not less than two (2) feet from any public road right-of-way and property lines. Evergreen trees five (5) to six (6) feet in height shall be placed on 12-foot centers immediately outside the fence. The fence and gate shall be maintained in such a manner as not become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion or land is not being used for the storage of junk as defined in this Ordinance.

830.4 Buffer

All junk yards shall be screened from view from all adjoining properties and any public right-of-way and natural vegetative cover shall be maintained in all required setbacks. Vegetative plantings of sufficient density or fencing of such design to effect the required screening may be used. In any case, a buffer not less than twenty (20) feet wide shall be required in accord with §701.1.

830.5 Dumping Prohibited

The area used for a junk yard shall not be used as a dump area for trash or garbage.

830.6 Burning Prohibited

No burning whatsoever shall be permitted on the premises.

830.7 Hazardous Materials

To further protect ground water and surface water all batteries, coolants, gasoline diesel fuel, engine oil, freon any other petroleum products and any other inflammable, noxious or potentially contaminating materials shall be removed from all junk within two (2) working days after arrival to the premises and shall be disposed in a manner meeting all state and federal requirements. Such liquids and materials while stored on the premises shall be kept separately in leakproof containers at a central location on the premises.

830.8 Water Monitoring

The owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two (2) samples shall be collected; one (1) sample shall be taken from upstream of the junk yard drainage area and one (1) sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and if said samples exceed the limits established by the Board of Supervisors, and if said samples exceeding the limits established by the Pennsylvania Department of Environmental Resources, the junk yard shall cease operation until such time as the source of the contamination has been identified and corrected. Tests results shall be submitted to the Township by the certified laboratory.

830.9 Fire Lanes

There shall be a roadway fourteen (14) feet in width provided for every forty (40) linear feet of junk. The roadway shall be kept open and unobstructed for proper access for fire fighting equipment and safety purposes.

830.10 Noise

The junk yard shall comply with the noise standards in §701.4.

830.11 Reserved

830.12 Vehicle; Height

Junk shall not be piled higher than the lesser of the height of the surrounding fence or fifteen (15) feet.

830.13 Arrangement; Storage

The manner of storage and arrangement of junk and the drainage facilities on the site shall be such as to prevent the accumulation of stagnant water upon the premises. A storm water drainage plan shall be required. Paper, rags, plastic materials, garbage, organic waste and other rubbish shall not be stored outside and shall not be accumulated or remain on any premises for more than two (2) weeks.

830.14 Tires

Tires shall not be stored or stockpiled in any junkyard in an amount represent more than two (2) weeks accumulation.

830.15 Public Nuisance

All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin, and shall not constitute a nuisance due to hours of operation, noise, light or litter, the generation of dust, smoke or other pollutants, or the accumulation of stagnant water.

830.16 Lock and Door Removal

Locks shall be removed from junk or abandoned vehicles and doors shall be removed from freezers and similar items to prevent entrapment of children.

830.17 Subdivision and Land Development Ordinance

Applications for permits for junk yards, in addition to meeting the requirements of this Ordinance for permits, shall follow the place submission and approval process established by the Township Subdivision and Land Development Ordinance for land developments and major subdivisions.

830.18 Financial Guarantees

Certain financial guarantees may be required from the owner/operator to insure the proper operation, maintenance and/or dissolution of the junk yard.

831 - 834 Reserved

835 Mineral Extraction (See §840 for Oil and Gas Operations.)

In addition to other applicable standards of this Ordinance, this §835 shall apply to mineral extraction operations.

835.1 Findings

The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. Planning Code §603(I) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas*. The Code, at §603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act.

835.2 Intent and Exemption

The intent of this section is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and, in the case of conditional uses, to establish the foundation for any conditions required to protect the public health, safety and general welfare.

835.3 Use Classification; Mineral Processing a Separate Use

- A. Use Classification - Mineral extraction shall be allowed only in those districts as listed in the Schedule of Uses.
- B. Mineral Processing (See also §836.)
 - 1. Separate and Distinct Use; Conditional Use in Specified District - Any use which involves the refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products, shall be considered *mineral processing*, a separate and distinct use regulated by this Zoning Ordinance.
 - 2. Incidental with Extraction Operation - This shall not preclude the incidental screening, washing, crushing and grading of materials originating on the site as part of a mineral extraction operation.

835.4 Standards

In addition to the performance standards in §701 and all other applicable standards of this Ordinance which are not preempted by state statute, mineral extraction shall comply with the following:

- A. Setback - A setback of one hundred (100) feet shall be maintained between any disturbed area associated with any mineral extraction operation and adjoining properties and public road rights-of-way.
- B. Undisturbed Buffer - The required setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other purpose associated with the operation except landscaping and crossing of access roads.
- C. Conditional Use Buffers - In determining the type and extent of the buffer required for conditional uses, the Township shall take into consideration the design of any project activities and/or structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 - 1. If required, the landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty (20) feet wide.
 - 2. Buffers shall be designed in accord with §701.1 of this Ordinance and the design details shall be included on the site plan. Buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Township Subdivision and Land Development Ordinance.
 - 3. It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- D. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.
- E. Conditions of Approval - If the Township determines that the standards in §701 which are not pre-empted are not adequate for a conditional use, the Board of Supervisors shall attach such other conditions deemed necessary to protect the public health, safety and welfare, provided the conditions do not include requirements which are preempted by state statute. Such conditions imposed by the Board of Supervisors may be related to hours of operation, more stringent noise control, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

835.5 Local, State and Federal Regulations

Mineral extraction operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations. Applicable laws and rules and regulations include, but are not limited to the Noncoal Surface Mining Conservation and Reclamation Act and the Clean Streams Law.

835.6 Informational Requirements

The applicant shall provide:

- A. Township Application Information - The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Subdivision and Land Development Ordinance. In addition the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code.
- B. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules (DEP) Rules and Regulations.
- C. Emergency Response - The Applicant shall develop a Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan for review and comment by the Township.

835.7 Reporting Requirements

For any mineral extraction operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

835.8 Expansion of Nonconforming Mineral Extraction Operations

Mineral extraction operations which are nonconforming by location in a zoning district where such operations are not allowed by the Schedule of Uses may expand to the limits of the DEP permit in effect at the time the operation became nonconforming. Any such expansion shall comply with the requirements of this §835.

836 Mineral Processing

Mineral processing is considered a conditional use. In addition to the performance standards in §701 and all other applicable standards of this Ordinance, the requirements of this §836 shall apply.

836.1 Location Requirements

Mineral processing operations shall comply with the following location requirements:

- A. Setbacks - The following setbacks shall be maintained for any mineral processing operation:
1. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
 2. Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
 3. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.
- B. Buffer
1. An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 2. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty (20) feet wide.
 3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
 4. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

836.2 Local, State and Federal Regulations

All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall

be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

836.3 Informational Requirements

The applicant shall provide the information required by this §836.3 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1208.5 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

- A. Application Information - The information required by this §836, §1208.1,C, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

836.4 Reporting Requirements

For any mineral processing operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

837 **Model Homes, Development Sales Offices and Sample Homes**

837.1 Model Homes

In addition to all other applicable requirements, model homes shall conform to the following requirements:

- A. Conformance - The lot and structures shall conform with all requirements as set forth in Article IV.
- B. Commercial Activity - Commercial activity conducted within the model house and upon the lot shall be limited to the promotion and conduct of the builder's residential construction business.
- C. Indoor Storage Only - No construction materials, products or equipment may be displayed or stored except within any principal or accessory building.
- D. Occupancy Permit - The occupancy permit for the limited commercial activity shall be valid for a period of five (5) years from the date of issuance and may be renewed, upon application, for an additional two (2) years; thereafter, the limited commercial activity shall cease and the use shall revert to a single-family residence. Only one (1) such occupancy permit for the limited commercial activity may be issued to each builder and/or developer in any single development or separately approved phase.

837.2 Development Sales Offices

In addition to all other applicable requirements, development sales offices shall conform to the following requirements:

- A. Commercial Activity - Commercial activities conducted within the sales office and upon the development shall be limited to offerings within the development only.
- B. Conformance - The lot and structure shall conform with all requirements as set forth in Article IV.
- C. Indoor Storage Only - No construction materials, products or equipment may be displayed or stored except within any principal or accessory building.
- D. Use Permit - The use permit for the limited commercial activity shall be valid for a period of five (5) years from the date of issuance and may be renewed, upon application, for a successive five (5) year period; thereafter, the limited commercial activity shall cease and the use shall revert either to a single-family residence or to a development amenity. Only one (1) such use permit for the limited commercial activity may be issued to any developer in any single development or separately approved phase.

837.3 Sample Homes

In addition to all other applicable requirements, sample homes shall conform to the following requirements:

- A. Procedures - The placement of a sample home in association with a principal permitted commercial use shall be considered a Land Development and shall comply with the requirements of the Township Subdivision and Land Development Ordinance.
- B. Zoning Permit - A zoning permit is required for the placement of a sample home. The permit shall be issued only upon the completion of the land development approval process and an inspection by the Zoning Officer to confirm compliance with all required standards. If the sample home is found to be in violation of any required standards the license shall be revoked until compliance is achieved. The zoning permit shall be valid for one year and shall not be renewed more than three (3) times.
- C. Certificate of Occupancy; Sewage Permits - No certificate of occupancy or sewage permits shall be issued for a sample home.
- D. Standards
1. Sample homes shall be permitted only on the same lot with a permitted principal commercial use.
 2. Sample homes shall not be placed upon permanent foundations.
 3. Sample homes shall comply with the setback and height requirement for principal structures and shall be included in the maximum to converge calculations.
 4. Sample homes shall not be served by any water supply or sewage disposal facilities.

839 Reserved

§840 Oil and Gas Operations

Oil and gas operations, as defined in §840.1, shall be allowed only in those districts as specified in the Schedule of Uses. In addition to the performance standards in §701 and all other applicable standards of this Ordinance which are not preempted by Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, the requirements of this §840 shall apply.

840.1 Definitions

Words and phrases used in this §840 shall have the meanings set forth below. Words and phrases not defined in this §840.1, but defined in Article III, shall be given the meanings set forth in said Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Building: An occupied structure with walls and a roof within which individuals live or customarily work.

Natural Gas Compressor Station: A facility at which a petroleum product passing through a pipeline is pressurized by a turbine, motor, or engine, the volume of flow is measured or permanent facilities are installed for pipeline operation/maintenance and which compress, decompress, process, heat, alter or transform the pipeline product.

Natural Gas Processing Plant: Any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both. (Reference: Code of Federal Regulations, Title 40, §60.631)

Oil and Gas Operations: The term includes the following:

- A. Oil and Gas Well Development: Well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth;
- B. Oil and Gas Well and Pipeline Location Assessment: Includes seismic operations and related activities conducted in accordance with all applicable Federal and State laws and regulations relating to the storage and use of explosives.
- C. Oil and Gas Fluid Storage/Impoundment: Water and other fluid storage or impoundment areas used exclusively for oil and gas operations;
- D. Construction, installation, use, maintenance and repair of:
 1. oil and gas pipelines;

2. natural gas compressor stations; and
 3. natural gas processing plants or facilities performing equivalent functions; and
- E. Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in Subsections A, C and D above, to the extent that:
1. the equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and
 2. the activities are authorized and permitted under the authority of a Federal or Commonwealth agency.

Oil or Gas Pipeline: All parts of those facilities through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. (Reference: Code of Federal Regulations, Title 49, §192.3 and §195.2.)

Oil or Gas Well: A type of major mineral extraction involving a bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such. The term well does not include a bore hole drilled or being drilled for the purpose of or to be used for systems of monitoring, producing or extracting gas from solid waste disposal facilities, as long as the wells are subject to the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act, and do not penetrate a workable coal seam. (Reference: PA Oil and Gas Act.)

Oil or Gas Well Pad: The area used for development and production of an oil or gas well including buildings, structures, parking and storage areas and all associated disturbed areas and all activities associated with an oil or gas well after drilling activities are complete.

Oil or Gas Well Site: Areas occupied by all equipment or facilities necessary for or incidental to drilling, production or plugging an oil or gas well.

§840.2 Review Period

The review period for complete submissions shall not exceed thirty (30) days for principal permitted uses and one hundred twenty (120) days for conditional uses.

§840.3 Oil and Gas Well and Pipeline Location Assessment

Oil and gas well and pipeline location assessment shall be a principal permitted use in all Districts.

§840.4 Oil or Gas Well Development

- A. Nonresidential Districts - Oil and gas well development shall be principal permitted uses in all Districts.
- B. Residential Districts - In R-1, R-2 and R-MHP Districts oil and gas well development shall not be permitted where the well head is less than five hundred (500) feet from an existing building. Where permitted in R-1, R-2 and R-MHP Districts:
1. Well development shall not be located so that the outer edge of the well pad is less than three hundred (300) feet from an existing building.
 2. The required setback of three hundred (300) feet shall not apply to the placement, use and repair of oil and gas pipelines, water pipelines, access roads or security facilities.

§840.5 Oil and Gas Pipelines

Oil and gas pipelines shall be principal permitted uses in all Districts.

§840.6 Oil and Gas Fluid Storage/Impoundment

Oil and gas fluid storage/impoundment shall be a principal permitted use in all Districts. However, in no case shall the edge of any fluid storage/impoundment area be less than three hundred (300) feet from an existing building.

§840.7 Natural Gas Compressor Stations

Natural gas compressor stations shall be considered principal permitted uses in A-1 and I-1 Districts and conditional uses in all other Districts and the following shall apply:

- A. **Setback** - The natural gas compressor building shall be located not less than seven hundred and fifty (750) feet from the nearest existing building or two hundred (200) feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot; and
- B. **Noise** - The noise level of the natural gas compressor station does not exceed a noise standard of sixty (60) dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less.

§840.8 Natural Gas Processing Plant

Natural gas processing plants shall be considered principal permitted uses in I-1 Districts and conditional uses in A-1 Districts and the following shall apply:

- A. **Setback** - All facilities of the natural gas processing plant shall be located not less than seven hundred and fifty (750) feet from the nearest existing building or two hundred (200) feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot; and
- B. **Noise** - The noise of the natural gas processing plant level does not exceed a noise standard of sixty (60) dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less.

841 Park and Ride Facilities

In addition to all other applicable requirements, the following standards shall apply to park and ride facilities.

- A. **Setback Requirements**
 - 1. The minimum setback adjoining any R-1, R-2 and R-MHP District or adjoining any residential use shall be not less than fifty (50) feet.
 - 2. The required setback areas shall not be used for any buildings, loading areas, storage areas or any interior streets, drives or ramps, except crossings by such access roads or drives as are necessary to provide proper ingress and egress.
- B. **Refuse** - Refuse and solid waste disposal areas should be adequately provided for, fenced and screened.

842 - 850 Reserved**851 Self-Storage Facilities**

Self-storage facilities shall comply with the following standards in addition to all other applicable standards:

851.1 District Requirements

The facility shall comply with the normal setback, lot coverage and building height standards for the district.

851.2 Use

A self-storage facility shall be used only for storage and shall not be used for, including, but not limited to:

- A. Any other commercial, light manufacturing, or industrial use.
- B. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
- C. Human habitation.
- D. The keeping or kenneling of animals.
- E. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or similar equipment.
- F. The storage of flammable or hazardous chemicals, perishable food stuffs, living organisms, explosives or similar substances.

851.3 Outdoor Storage

No material, supplies, equipment or goods of any kind shall be stored outside of the self-storage facility structures, with the exception of the vehicles required for the operation of the self-storage facility or the storage of boats or vehicles as shown on an approved plan.

851.4 Storage in Setback Areas

No storage shall be permitted in any required setback area.

852 - 853 Reserved

854 Shooting Ranges and Archery Ranges -- Outdoor Commercial

This §854 is intended to provide minimum standards to regulate commercial outdoor shooting ranges and commercial outdoor archery ranges (hereinafter referred to as *ranges*) in order to protect neighboring property owners and the public at large from dangers of wild or ricocheting projectiles and from excessive noise and other nuisances.

854.1 Setbacks

- A. Outdoor Shooting Ranges - All outdoor shooting ranges shall be situated not less than five hundred (500) feet from any property line and not less than one thousand five hundred (1,500) feet from any principal residential or principal nonresidential building existing on the effective date of this §854. This shall not apply to structures on the same parcel as the shooting range.
- B. Outdoor Archery Ranges - All outdoor archery ranges shall be situated not less than two hundred (200) feet from any property line and not less than three hundred (300) feet from any principal residential or principal nonresidential building existing on the effective date of this §854. This shall not apply to structures on the same parcel as the shooting range.

854.2 Safety Design

All ranges shall be designed and constructed with safety facilities to prevent accidental, wild or ricocheting projectiles and stray arrows from leaving the shooting range property, and the Township may require such additional safety features deemed necessary to meet the intent of this §854. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

854.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of §701.4 of this Ordinance unless more restrictive standards are required by the Township as a condition of approval.

854.4 Hours of Operation

No firearm shall be discharged outdoors between sunset and 8:00 a.m. However, the Township may establish more restrictive time limits as a condition of approval.

854.5 Fence

Security fencing may be required by the Township of such extent and design to restrict accidental access to any range.

854.6 Posting

A three hundred (300) foot perimeter around any outdoor range shall be posted with warning signs to adequately inform anyone entering the area.

854.7 NRA, State and Federal Regulations/Guidelines

The applicant shall provide evidence of compliance with any applicable National Rifle Association guidelines and state and federal regulations and best management practices.

855 - 856 Reserved

857 Solar Power Generation, Commercial

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to commercial solar power generation facilities which shall be permitted only in the districts as provided by the Schedule of Uses.

857.1 Purposes

To accommodate the need for solar power facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.

857.2 Permits; Use Regulations

- A. Permits - A permit shall be required for every solar power facility installed in the Township.
- B. Associated Use - All other uses ancillary to the solar power facility (including a business office, maintenance depot, etc., greater than one thousand (1,000) sq. ft.) are prohibited from the solar power facility, unless otherwise permitted in the zoning district in which the solar power facility is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the solar power facility.
- C. Solar Power Facility as a Second Principal Use - A solar power facility shall be permitted on a property with an existing use subject to the following land development standards:
1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the solar power facility shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 3. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed solar power facility and that vehicular access is provided to the solar power facility.

857.3 Standards and Design

- A. Height - Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.
- B. Parcel Size; Setbacks - Separate Parcel - If the parcel on which the solar power facility is a separate and distinct parcel or if the parcel is leased, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied to the property line and/or lease line. The setback solar collectors, all structures, equipment containers and any associated mechanical facilities shall comply with setback requirements for principal structures of the underlying zoning district.
- C. Fencing - A fence may be required around the facility or portions of the facility for safety reasons.
- D. Landscaping - Landscaping may be required to screen as much of the solar power facility ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the solar power facility ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- E. Licenses; Other Regulations; Insurance - The applicant shall demonstrate that it has obtained the required licenses from governing state and federal agencies, and agreement from the local electric utility. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar power facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the solar power facility.
- F. Access; Required Parking - Access to the solar power facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a gravel or better surface for its entire length. If the solar power facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

- G. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties shall not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the solar power facility developer.
- H. Glare - The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year and direction of peak glare periods and document how potential nuisances to area properties and on public roads shall be controlled.
- I. Historic Structures - A solar power facility shall not be located within five hundred (500) feet of any structure listed on any public historic register.
- J. Standards; Certification - The design of the solar power facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories or other similar certifying organizations. The operator shall repair, maintain and replace the solar collectors and associated equipment in like manner as needed to keep the facility in good repair and operating condition.
- K. Uniform Construction Code - To the extent applicable, the solar power facility shall comply with the Pennsylvania Uniform Construction Code.
- L. Electrical Components - All electrical components of the solar power facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- M. Warnings - A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- N. Signs - No advertising material or signs other than warning, manufacturer and equipment information or indication of ownership shall be allowed on any equipment of structures.
- O. Transmission and Power Lines - On-site transmission and power lines shall, to the greatest extent possible, be placed underground.
- P. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
- Q. Emergency Services - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the solar power facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar power facility.
- R. Site Plan - A full site plan shall be required for all solar power facility sites, showing the solar power facility, fencing, screening, buffers, access, and all other items required by this Ordinance.

857.4 Public Inquiries and Complaints

The solar power facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the solar power facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

857.5 Decommissioning

- A. Time Limit - The solar power facility owner and operator shall, at its own expense, complete decommissioning of the solar power facility, or individual components, within twelve (12) months after the end of the useful life of the solar power facility or individual components. The solar power facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- B. Depth Requirement - Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.

- C. Disturbed Earth - Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. Professional Engineer - An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (*decommissioning costs*) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (*net decommissioning costs*). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- E. Financial Security Bond - The solar power facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Board of Supervisors, but not less than \$50,000, from a company and in a form and content acceptable to the Board of Supervisors, to insure the decommissioning within one hundred eighty (180) days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.
- F. Funds - Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- G. Landowner Responsibility - If the solar power facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have one hundred eighty (180) days to complete decommissioning.
- H. Township Intervention - If neither the solar power facility owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- I. Release of Decommissioning Funds - The escrow agent shall release the decommissioning funds when the solar power facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

857.6 Review Fees

Fees for applications submitted under this §857 shall be established by resolution of the Board of Supervisors.

858 Solid Waste Facilities

Solid waste facilities, including transfer stations, and staging areas, herein referred to as solid waste facilities shall, in addition to the other applicable standards in this Ordinance, be subject to all applicable state and federal regulations and the requirements of this §858.

858.1 Soil and Groundwater

The applicant shall provide a comprehensive soil analysis and groundwater report which shall conclusively demonstrate that the proposed design, construction and operation of the solid waste facility shall not pollute surface or groundwater, nor otherwise cause any potential health or environmental hazard. Said report shall be Jointly signed and certified by the applicant and the consultant, who prepares the report, attesting to the accuracy of information and the validity of said report.

858.2 Conditional Use Agreement

The applicant shall sign an agreement prepared by the Township Solicitor, prior to final approval of the application for a Conditional Use Permit which shall specify all the terms and conditions of approval, including the Township's authority to revoke the Permit for the violation of any terms and/or conditions under which the application was approved. Prior to formal action to revoke the Conditional Use Permit, the Board of Supervisors shall convene a public hearing, pursuant to public notice, to consider testimony and evidence relative to the alleged violations. Based upon the testimony and evidence provided, the Board of Supervisors shall render a decision.

858.3 Parcel Size

The land area and/or parcel of land on which the solid waste facility is located shall not exceed twenty (20) acres, whether developed initially or cumulatively.

858.4 Subsurface Conditions

The applicant of a proposed solid waste facility shall provide conclusive evidence, based upon a mining report, soil analysis, test

borings and any other appropriate technical data which conclusively demonstrates that the subsurface conditions beneath any area to be utilized as a landfill is capable of sustaining the bearing load of projected and/or planned quantity of material to be deposited and/or disposed of upon the site. The applicant and the person, party or firm providing such evidence shall Jointly sign and certify the accuracy and validity of the information and data which is provided as conclusive evidence.

858.5 Re-Use of Land

Any application for a Conditional Use Permit for a solid waste facility, which includes the operation of a landfill, shall include a proposed reuse of the property and/or area utilized as a landfill upon the cessation of landfill activities. The proposed reuse of the property shall not be inconsistent with the Community Development Objectives provided for in Article II of this Ordinance and land uses, existing and planned, on property which adjoins the site of the facility.

858.6 Escrow Fund

The applicant shall be required to create an escrow fund to finance the proposed and planned reuse and development of any area utilized as a landfill based upon the projected life expectancy of any area within the solid waste facility which is utilized as a landfill. Such fund shall be funded while the property is still being used for a landfill with annual increment payments. The annual increment payment shall be based upon the estimated cost of the proposed reuse of the site divided by the number of years which the landfill is expected to operate. Such fund shall be separate and distinct from any funding and/or bonding requirement pursuant to closure activities.

858.7 Hours of Operation

A solid waste facility may conduct and operate all approved functional aspects within the Facility from the hours of 7:00 A.M. to 3:00 P.M. from Monday through Friday. Said Facility shall not conduct and/or operate any approved functional aspects associated with the Facility on Saturdays, Sundays and all legally recognized holidays by the federal government and/or the Commonwealth of Pennsylvania.

858.8 Fence

The entire site of a solid waste facility shall be enclosed with industrial type gauge fencing which shall be ten (10) feet in height. All gates shall be closed and locked at the end of business hours. There shall be no advertising of any kind displayed upon the fence.

858.9 Setbacks

No operations and/or activities permitted within a solid waste facility shall be permitted within one thousand (1,000) feet of any property line boundary.

858.10 Storage

All solid waste facilities and staging areas which store the solid waste at any stage prior to disposal at an approved facility shall maintain the aforesaid solid waste within a completely enclosed building. Storage of materials, supplies or solid waste in motor vehicles, trucks, trailers or other containers normally used to transport the materials shall not be permitted unless the aforesaid motor vehicles, trucks, trailers or other containers shall be stored within a completely enclosed building.

858.11 Effluent Treatment

A solid waste facility shall provide for treatment and disposal of all liquid effluent and discharges generated by the facility due to the storage, washing or other process used in treating and/or processing the solid waste. Any water discharge from the facility after being treated by the waste water treatment system shall meet all applicable regulations and requirements of the Pennsylvania Department of Environmental Resources.

858.12 Stormwater

All storm water collected on the site shall be treated by the facility's waste water treatment system. Parking of motor vehicles containing solid waste or motor vehicles which have not been properly cleaned and washed shall only be permitted in completely enclosed buildings, handling areas or parking areas in which containment of spillage, leakage or other contaminants is provided.

858.13 Water Quality Monitoring

The owner and/or operator of any solid waste facility shall be required to reimburse Franklin Township for monitoring the ground and surface water in the vicinity of the facility. Water testing by Franklin Township shall be conducted every three (3) months on any stream within 500 feet of any areas used for the storage or disposal of solid waste, if water drainage from the facility is discharged into said stream. For each testing period two (2) testing samples shall be collected: one sample shall be taken from the stream at a point upstream of the facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area. In addition, the well location, if applicable, located on the premises shall also be sampled every three (3)

months, All water samples shall be collected and analyzed by an independent party which is a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Township Supervisors, and the results shall be provided to the owner and/or operator of the subject solid waste facility. If said samples exceed the limits established by the Pennsylvania Department of Environmental Resources, the facility shall immediately cease operation until such time as the source of the contamination has been identified and totally corrected.

858.14 Screening

The area or areas upon which any permitted operations and/or activities within a solid waste facility are conducted shall be entirely screened. Such screening shall consist of a variety of evergreen trees, approved by the Board of Supervisors, planted not more than six (6) feet apart and being not less than eight (8') feet in height at the time of planting. Said screening shall be located not greater than three hundred (300') feet from the operations and/or activities which are subject to being screened- The applicant and/or operator of the Facility shall be responsible to maintain such screening, including the replacement of any trees which are damaged, die or otherwise fail to grow.

858.15 Narrative

The applicant shall provide a detailed narrative which fully describes the daily operations of all permitted functions and activities within the proposed solid waste facility, including the projected daily volume and tonnage of refuse being accepted for processing and/or disposal.

858.16 Liability Insurance

The applicant shall submit to the Board of Supervisors, a copy of their commercial policy of liability insurance covering third party claims for property damage and personal injury.

858.17 Vehicular Access

Vehicular access for ingress, egress and regress to a solid waste facility shall be solely limited to private access roads, constructed in accordance to the design standards of a collector street as required by the Franklin Township Subdivision and Land Development Ordinance. Such private access roads shall only have access to a state legislative route with no permitted access to or from any local streets and/or roads.

858.18 Emergency response Plan

The owner and or operator of a solid waste facility shall provide an emergency response plan to address potential hazards associated with its operations. Said plan shall be submitted for review and comment to the local fire companies which serve Franklin Township.

858.19 Sludge

Any solid waste facility which processes sludge, prior to its final disposal, shall be designed to include a liner in accord with the applicable standards of the Department of Environmental Resources for the liner within a proposed landfill.

858.20 Incineration

Any solid waste facility which includes incineration shall be designed and operated in a manner to limit emissions by not less than ten (10) percent below the applicable allowable emission standards of the Department of Environmental Resources or the Environmental Protection Agency, based upon the more restrictive regulations for reducing and/or limiting air pollution. Any emissions stack or similar structure shall not exceed one hundred (100) feet in height.

858.21 Impact Analysis

- A. Information Required - The applicant shall, in addition to other required information and data, provide an Impact Analysis which address the impact of the proposed operation and activities of a solid waste facility in relationship to the provisions of §703 and following items:
1. All streets and roads which shall and/or are likely to be utilized for means of access to and from the site, including projected truck traffic which shall be generated in relationship to the projected daily volume of waste being transported to the solid waste facility.
 2. The suitability of the site for the proposed operations and activities of the solid waste facility in relationship to the soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features which are located both on-site and off-site of the Facility.

3. The impact, both on-site and off-site, of the proposed operations and activities of the solid waste facility on the soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features regarding the degree to which these are protected or destroyed, the tolerance of these resources to the proposed development and any adverse environmental impacts.
 4. The impact of the proposed operations and activities of the solid waste facility upon any locations and/or structures of historical and/or cultural significance within 3,000 feet to any property boundary line of the Facility.
 5. The impact of the proposed operations and activities of the solid waste facility upon the preservation of agriculture and other land uses which are essential to the public health and welfare.
- B. Mitigation of Adverse Impacts - In the event that any information, data, and/or Impact Analysis indicates a projected and/or potential adverse impact, the applicant shall fully mitigate such impact. A determination of a potential adverse impact which may result, based upon the Impact Statement or the Board of Supervisors' review of the same shall constitute sufficient basis for the denial of a conditional use permit.

858.22 Host Municipality Fee

A host municipality fee shall be executed between Franklin Township and applicant, owner and/or operator of a solid waste facility prior to the commencement of construction of said facility.

859 - 865 **Reserved**

866 Vehicle and Equipment Related Uses

Vehicle related uses shall, in addition to all other applicable standards, shall comply with the standards in this §866.

866.1 Car and Truck Wash Facilities

In addition to all other applicable standards, all car and truck wash facilities shall be subject to the following specific regulations and requirements:

- A. Water Handling - Appropriate facilities for the handling of waste water from the washing activities shall be provided, including, but not limited to, the prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
- B. Queuing Area - The site shall be sufficiently large to accommodate vehicles awaiting washing during peak period.
 1. Five (5) reservoir spaces for queuing vehicles shall be provided for each automatic wash lane (not including the wash lane or loading area).
 2. Two (2) reservoir spaces for queuing vehicles shall be provided for each self-service wash stall (not including the wash stall).

866.2 Vehicle or Equipment Repair Operations and Vehicle or Equipment Sales or Rental Operations

In addition to all other applicable standards, all vehicle or equipment repair operations and all vehicle or equipment sales or rental operations of new and used automobiles, trucks, motorcycles, mobile homes, recreation vehicles, boats, and travel trailers and other vehicles and equipment shall be subject to the following specific regulations and requirements:

- A. Repair and Service - All repair, service or similar activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes and glare.
- B. Exterior Storage
 1. Parts and Other Materials - Exterior storage of dismantled vehicles, tires, auto parts and similar materials shall not be permitted except in a designated storage area in accord with §866.2.B.3. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.
 2. Vehicles
 - a. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked

up by the vehicle owner may be stored in any unscreened exterior area. Any vehicle stored for more than thirty (30) days shall be stored in a designated area in accord with §866.2.B.3.

- b. Not more than four (4) vehicles per service stall may be stored outside a fully enclosed building.
- c. Proof of current license and current registration or ownership of any vehicle shall be required upon demand by the Zoning Officer.

3. Designated Storage Area

- a. All operations storing parts, materials or vehicles outdoors shall establish a designated storage area meeting principal structure setback requirements.
- b. A secure and durable fence, six (6) to ten (10) feet in height, shall be erected around the perimeter of the storage area and the area shall be screened.
- c. The area shall be stabilized with paving or other suitable material to prevent mud and minimize dust.

C. Hazardous Materials

- 1. Exterior storage of flammable materials such as oil, kerosene, gasoline, etc., shall be prohibited at all times.
- 2. Small propane bulk filling tanks are permitted if fully in compliance with all existing local, state and federal regulations and requirements.
- 3. Hazardous materials removed from vehicles shall not be stored on the premises in excess of two (2) weeks of accumulation.

D. Accessory Goods - Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products shall be permitted on the respective islands or provided for in a suitable and safe stand or rack that does not encroach upon the required aisles or parking areas.

E. Bulk Storage - The storage of gasoline and flammable oils in bulk shall be in compliance with state and federal regulations..

F. Pumps - Gasoline pumps and other service appliances may be located in the required front setback but shall not be situated closer than thirty (35) feet from the road right-of-way line and property lines.

G. Canopy - Any canopy structure over the pumping area shall not be less than twenty (20) feet from any highway right-of-way or lot line and shall not exceed a height of twenty (20) feet.

H. Floor Drainage - Floor drainage basins shall be plugged or flow into a holding tank and be disposed of periodically in accord with applicable regulations. Verification of proper disposal may be requested at any time by the Township Zoning Officer or any authorized local, state, or federal agency.

I. Vehicle and Equipment Display - The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicle and travel trailers and other vehicles or equipment shall meet the side and rear setback requirements for accessory buildings.

866.3 Race Tracks

In addition to all other applicable standards, the following additional standards shall apply to race tracks:

A. Setbacks - All areas for the driving, testing and/or maintenance of motor vehicles shall not be less than seven hundred and fifty (750) feet from any property line or public road right-of-way, and shall not be less than one thousand (1,000) feet from any R-1, R-2 or R-MHP District. Greater setbacks and buffers may be required in accord with §701.1 to address community effects.

B. Animal Race Tracks - In addition to the other standards in this §866.3, the following additional standards shall apply to animal race tracks:

1. The race course for any animal race track shall not be less than seven hundred and fifty (750) feet from any property line or public road right-of-way. Greater setbacks and buffers may be required in accord with §701.1 to address community effects.
 2. Any stable building, corral, kennel or other indoor or outdoor area used for the keeping or feeding of animals, concentrated confinement of animals or manure and animal waste storage shall not be less than one hundred (100) feet from any property line or public road right-of-way.
 3. The Applicant shall provide a plan for manure and animal waste management satisfactory to the Board of Supervisors demonstrating that all manure and animal waste shall be managed and disposed of in accord with applicable local, state and federal regulations.
- C. Buildings - All buildings on the race track parcel shall comply with Uniform Construction Code and PA Department of Labor and Industry Standards.
- D. Time Limitations - No race shall be conducted between the hours of 9:00 P.M. and 9:00 A.M., and all track lighting shall be extinguished by 10:00 P.M. However, the Township may establish more restrictive time limits and limit the days of operation as a condition of approval.
- E. Repair Activities - All service and repair activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- F. Tire and Part Storage - All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.
- G. Storage - No vehicles, supplies, parts, or any other material shall be stored in any required setback areas normally required for the district.
- H. Fuel Documentation - Documentation shall be provided that all fuel and fuel storage areas comply with State and Federal requirements.
- I. Bond/Insurance - Based on the type and size of the race track, the Board of Supervisors may require the Applicant to provide a bond and/or insurance to cover the cost of any environmental clean-up or enforcement action which may be required at the site. The amount of the coverage shall be determined by the Board based on the type and size of the track.

867 Reserved

868 Wind Energy Facilities, Commercial

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to commercial wind energy facilities:

868.1 Purposes

- A. Need and Location - To accommodate the need for wind energy facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety, and welfare.
- B. Adjacent Properties - To avoid potential damage to adjacent properties from wind turbine structure failure and falling ice, through engineering and proper siting of such structures.

868.2 Number

The number of wind turbines on a particular parcel shall be governed by compliance with all setback, separation and height requirements.

868.3 Permits; Use Regulations

- A. Permits - A zoning permit shall be required for every wind energy facility and wind turbine installed in the Township, and

all such facilities shall comply with the Township Wind turbine Generator Ordinance.

- B. Associated Use - All other uses ancillary to the wind energy facility (including a business office, maintenance depot,, etc., greater than one thousand (1,000) sq. ft.) are prohibited from the wind energy facility, unless otherwise permitted in the district in which the wind energy facility is located. This shall not prohibit the installation, as accessory structures, of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind energy facility.
- C. Wind Energy Facility as a Second Principal Use - A wind energy facility shall be permitted on a property with an existing use in districts where permitted subject to the following land development standards:
1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind energy facility and wind turbines shall apply; and, the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 3. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

868.4 Standards

- A. Wind Energy Facility Height - The applicant shall demonstrate that the wind turbines are at the minimum height required to function satisfactorily. No wind turbine that is taller than this minimum height shall be approved.
- B. Parcel Size; Setbacks
1. Separate Parcel - If the parcel on which the wind energy facility is a separate and distinct parcel, the district minimum lot size shall apply; and, in all cases, the lot shall be of such size that all required setbacks are satisfied.
 2. Lease, License or Easement - If the land on which the wind energy facility is leased, or is used by license or easement, the setback for any wind turbine, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, no wind turbine shall be located closer to any property line (not lease, license or easement line) than one and one tenth (1.1) times the turbine height, including the rotor plane.
 3. Public and Semi-Public Structures - No wind turbine shall be located less than two thousand (2,000) feet from any existing public or semi-public principal structure measured from the center point of the turbine base. (For the purposes of this §868, *existing principal structure* shall mean any existing principal structure or any principal structure for which a zoning permit has been issued.)
 4. Principal Structures on Wind Energy Facility Parcel - No wind turbine shall be located less than six hundred (600) feet from any existing principal structure on the wind energy facility parcel or lease, license or easement parcel as measured from the center point of the turbine base, unless the property owner provides written permission allowing for a lesser distance. (For the purposes of this §868, *existing principal structure* shall mean any existing principal structure or any principal structure for which a zoning permit has been issued.) In no event shall the setback distance be less than one and one tenth (1.1) times the total height of the wind turbine as measured from the highest point of the turbine, including the rotor plane.
 5. Principal Structures on Other Parcels - No wind turbine shall be located less than two thousand (2,000) feet from any principal structure existing on any other parcel prior to the erection of the wind turbine as measured from the center point of the turbine base unless the owner of such existing principal structure shall have executed a written waiver or non-disturbance easement, covenant or consent, any of the aforementioned which has been recorded in the Office of the Recorder of Deeds of Pike County, Pennsylvania. Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the location of a wind turbine generator within the established setback distance of an existing principal structure on the property of the owner

executing same. Such easement, covenant or consent shall meet such requirements as to form and content as may be required by the Township. In no event shall the setback distance be less than one and one tenth (1.1) times the total height of the wind turbine as measured from the highest point of the turbine, including the rotor plane.

6. Property Lines and Public Roads - No wind turbine shall be located not less than one and one tenth (1.1) times the total height of the wind turbine from property lines and public road rights-of-way as measured from the highest point of the turbine, including the rotor plane.
7. Communication and Electric Lines - No wind turbine shall be located not less than one and one tenth (1.1) times the total height of the wind turbine from the nearest above ground public electric power line or public telephone line or other public communication line as measured from the highest point of the turbine including the rotor plane.
8. Horizontal Rotors - The required setbacks for windmills with horizontal rotors shall not be less than one and one tenth (1.1) times the height of the turbine tower or one and one tenth (1.1) times the height of the turbine tower plus the distance of the outer end of the rotor from the tower, whichever is greater.

C. Wind Energy Facility Design

1. Standards; Certification - The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
2. Reserved
3. Uniform Construction Code - The wind energy facility shall comply with the Pennsylvania Uniform Construction Code.
4. Controls and Brakes - All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
5. Electrical Components - All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
6. Warnings - A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
7. Signs - No advertising material or signs other than warning, equipment information or indicia of ownership shall be allowed on the wind turbine generators. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners, or waving, fluttering or revolving devices, but not including weather devices.
8. Climb Prevention/Locks/Fence
 - a. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
 - b. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
 - c. A fence may be required around each wind turbine support structure and other equipment. The fence shall be a minimum of eight (8) feet in height.
9. Emergency Services - The facility shall comply with all applicable local, state and federal fire code and emergency services guidelines; and, all wind turbine generators shall be equipped with portable fire extinguishers, unless the local fire department or Township Engineer provides written documentation establishing that the same is not necessary.
10. Other Regulations - The applicant shall document compliance with all applicable state and federal regulations.

D. Noise and Shadow Flicker

1. Audible sound from a wind energy facility shall not exceed forty-five (45) dBA as measured at the exterior of any occupied building on any other parcel. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. The facility owner and operator shall use best efforts to minimize shadow flicker to any occupied building on any other parcel.
3. For the purposes of this §868.4.D, *occupied building* shall mean a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted

E. Landscaping - Landscaping shall be required to screen as much of the support structure as possible and any other ground level features (such as a building); and, in general, buffer the wind turbine and support structure site from neighboring properties. Any required vegetation shall be maintained in good condition. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping.

F. Water Supplies. All wind turbine generator sites shall be designed and constructed in such a fashion as to avoid any disruption and or interference with private wells, springs and/or other water sources. In the event any problems occur with any private water source, which problems are proximately caused by the operator, the operator shall immediately supply potable water in such quality and quantity as supplied by the original private water source.

G. Licenses - The applicant shall demonstrate that it has obtained the required licenses from the Township and governing state and federal agencies.

H. Access; Required Parking - Access to the wind energy facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length. If the wind energy facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall be equal to the number of people on the largest shift.

I. Color and Lighting; FAA and PA DOT Notice - Wind turbines, including rotors, shall be a non-obtrusive color such as white, off-white or gray. Wind turbines shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind turbine may be artificially lighted, except as required by FAA requirements. If lighting is required, the lighting alternatives and design chosen shall minimize the disturbance to the surrounding views. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation.

J. Transmission and Power Lines - On-site transmission and power lines between wind turbines shall, to the greatest extent possible, be placed underground.

K. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties shall not be disturbed or diminished; and, this may be accomplished by remedial measures instituted by the wind energy facility operator.

L. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall utilize Good Utility Practice to minimize the impact, if any, of stray voltage and/or EMF.

L. Water and Sewer - Water, other than for facility cooling and fire suppression purposes, and sewage facilities shall not be permitted at wind energy facility sites to preclude person(s) from living or staying on the site, unless such facilities serve a use otherwise approved in accord with this Ordinance.

M. Emergency Services - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the wind energy facility. Upon request, the applicant shall cooperate with

emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.

- N. Site Plan - A full site plan shall be required for all wind energy facility sites, showing the wind energy facility, wind turbines, building, fencing, buffering, access, and all other items required by this Ordinance and the Subdivision and Land Development Ordinance.

868.5 Certification

The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed wind energy facility and support structure shall be designed and constructed in accord with accepted engineering practices and all requirements of this Ordinance. Within 45 days of initial operation, the owner and/or operator of the wind energy facility shall provide a certification from a Pennsylvania registered professional engineer that the wind energy facility and all structures comply with all applicable regulations.

868.6 Review Fees

In addition to the normal application fees, the applicant shall pay all professional costs incurred by the Township for review of structural, radio frequency and other technical aspects of the proposal and shall deposit with the Township an amount deemed adequate by the Governing Body to cover the anticipated costs. If the review costs exceed the deposit, an additional assessment shall be made. If the deposit exceeds the cost, the balance shall be returned to the applicant. No approval shall become effective until all costs have been paid by the applicant.

868.7 Wind Test Towers

Temporary wind test towers may be erected as a conditional use in districts where wind energy facilities are permitted in accord with other applicable requirements of this Zoning Ordinance. Such towers shall be removed within eighteen (18) months of installation.

**ARTICLE IX
NONCONFORMITIES**

901 Purpose, Applicability, Registration, and Continuation and Change; Definitions

901.1 Purpose

It is the purpose of this Article to recognize that if, prior to the adoption of the original Township Zoning Ordinance, as amended, reenacted and replaced, property was used for a then lawful purpose or in a then lawful manner which the Zoning Ordinance would render thereafter prohibited and nonconforming, such property is generally held to have acquired a vested right to continue such nonconforming use or nonconforming structure. Nevertheless, this does not preclude the Township from regulating the change, alteration, restoration, reestablishment, expansion, destruction and abandonment of nonconforming uses in accord with the Pennsylvania Municipalities Planning Code and general case law.

It is also the purpose of this Article to limit the injurious impact of nonconforming lots, structures and uses on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, restoration, reestablishment, or expansion of nonconforming lots, structures and uses may not be contrary to the public interest or the general purpose of this Ordinance, when failure to allow such change, alteration, restoration, reestablishment, or expansion would itself lead to neighborhood or district deterioration.

It is further the purpose of this Article to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to change, alter, reconstruct, reestablish, or extend a non-conforming use. The following are regulations which shall apply.

901.2 Applicability

The provisions and protections of this Article IX shall apply only to those nonconforming lots, structures and uses which legally pre-existed the applicable provisions of this Ordinance, as amended, or which are recognized by §903 or §904 of this Article IX. Any lot, structure or use created, constructed or established after the effective date of the original Zoning Ordinance, as amended, reenacted and replaced, which does not conform to the applicable requirements shall be considered an illegal lot, structure or use subject to the penalties prescribed by this Ordinance, and the said lot, structure or use shall not be entitled to any of the protections afforded to legal, pre-existing nonconforming lots, structures or uses.

901.3 Registration

The Zoning Officer may prepare and maintain an accurate listing of all nonconforming uses and structures. The Zoning Officer or the property owner may initiate the process of certifying the nonconformity of a given property. The Zoning Officer shall issue a Certificate of Nonconformity where he finds the use or structure, although not in compliance with all applicable requirements of the zoning district in which it is located, to be a lawful nonconforming use or structure.

901.4 Continuation and Change

A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners subject to the other provisions of this Ordinance. Any expansion, alteration, or change in a nonconformity shall only proceed in compliance with this Article.

901.5 Definitions

- A. Nonconforming Lot - A lot the area or dimension of which was lawful prior to the effective date of this Ordinance, as amended, but which fails to conform to the requirements of the zoning district in which it is located by reasons of the adoption or amendment of this Ordinance.
- B. Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
- C. Nonconforming Structure, Alteration - As applied to a nonconforming structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

- D. Nonconforming Structure or Use, Restoration - The rebuilding of a nonconforming structure or re-initiation of a nonconforming use damaged or destroyed by casualty to the exact or less nonconforming condition which existed prior to the casualty.
- E. Nonconforming Use - A use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.
- F. Nonconforming Use, Change - The conversion of a nonconforming use to a different use classification as enumerated in the District Regulations of this Ordinance.
- G. Nonconforming Use, Expansion - The extension of a nonconforming use throughout the structure which the said use partially occupies; or the expansion of a nonconforming use onto property not already occupied by the said use.
- H. Nonconforming Use, Reestablishment - The reopening or reinstatement of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this Ordinance.

902 Use of Nonconforming Lots of Record

902.1 Principal Permitted Uses Allowed

In all districts, a lawful nonconforming lot of record may be used for any use allowed in the district of location provided:

- A. Standards - All applicable standards in this Ordinance are satisfied. Variances from setback requirements may be obtained only through action of the Zoning Hearing Board.
- B. Lot Size Requirement - This Ordinance does not require a lot size for the specific use which is greater than the basic lot size for the District.

902.2 Combination Required

If a proposed use straddles adjoining nonconforming lots, the lots shall be combined into a single parcel in accord with the requirements of the Township Subdivision and Land Development Ordinance.

903 Nonconformities Under Development

For the purposes of this Article IX, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing Ordinances prior to the effective date of this Ordinance, or any amendment hereto, and completed within a one-year period after the effective date of this Ordinance or amendment hereto, shall be considered nonconforming.

904 Nonconformities by Variance

A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance, as amended, reenacted and replaced, shall be considered nonconforming for the purposes of this Ordinance.

905 Normal Maintenance and Repair Activities

Normal maintenance and repair, such as painting, replacement of siding, and similar activities is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the building or area, or a change of nonconformity, or otherwise create more incompatibility with the permitted use provisions of this Ordinance. Such maintenance and repair activities shall, however, shall comply with all other applicable standards and permit requirements of this Ordinance.

906 Changes of Nonconforming Uses

906.1 Special Exceptions

All changes of nonconforming uses shall be considered special exceptions subject to the specific procedures and review criteria contained in this Ordinance and the review factors in §911 of this Article. A nonconforming use may only be changed to a use of equal or less nonconformity as recommended by the Planning Commission and determined by the Board of Supervisors. The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative affects on the community and the long term application of the Zoning Ordinance to eliminate incompatible uses from specific zoning districts.

906.2 Conforming Changes and Conversions

- A. Change - A change in a nonconforming use to a conforming use shall not be considered a conditional use unless the proposed use is classified as a conditional use by the Schedule of Uses in this Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.
- B. Conversion - The conversion of a nonconforming use to a nonconforming use of like classification shall not be considered a conditional use. For example, a nonconforming retail establishment selling groceries proposed for conversion to a shoe store would not be considered a change in nonconforming use.

906.3 Other Standards

All changes to nonconforming uses shall also be subject to all other applicable standards in this Ordinance.

907 Expansion of Nonconforming Uses**907.1** Special Exceptions

All expansions of nonconforming uses into more area of a structure or onto more area of property shall be considered special exceptions subject to the specific procedures and review criteria contained in Article XI of this Ordinance, and the review factors in §911 of this Article.

907.2 Standards

- A. The expansion shall not replace a conforming use.
- B. The nonconforming structure and/or use, after expansion, shall comply with the setback and lot coverage requirements applicable to the zoning district in which it is located.
- C. Not more than one (1) expansion of a nonconforming use and/or structure shall be permitted.
- D. A nonconforming structure and/or use shall not be expanded beyond the limits of the zoning lot on which it is located. Expansion to an adjoining lot shall be prohibited, even if such adjoining lot was in the same ownership at the effective date of the adoption of this Ordinance.
- E. The expansion shall not exceed fifty (50) percent of the floor area or land area as it existed at the time the structure or use first became nonconforming.
- F. In addition to complying with the requirements of this §907, an expansion of a nonconforming use shall comply with all setback, height, lot coverage, parking and other standards of this Ordinance.

908 Restoration**908.1** Conditions of Restoration

Any lawful nonconforming structure or use which has been damaged or destroyed by fire, explosion, windstorm or other unintentional cause may be restored in the same location, provided that:

- A. The application for a zoning permit is submitted within eighteen (18) months of the date of the casualty.
- B. The nonconformity is not increased and no new nonconformity is created except for an expansion of a nonconforming use in compliance with §907.
- C. It was not voluntarily demolished. (See §908.5.)

908.2 Procedure - Permits

All applicable permits for the restoration of a nonconforming structure or use shall be required. Such restoration shall be considered a conditional use if the restoration involves a change or extension of use as regulated by §906 and §907 of this Ordinance, respectively.

908.3 Time Extension

The Zoning Officer may for good cause grant a one-time extension of not more than one (1) year for the restoration of the nonconforming structure or use. Said extension shall only be considered upon written application for same submitted by the property owner.

908.4 Restoration Prohibited

Any structure for which a restoration permit application has not been submitted within the required eighteen-month period shall be deemed abandoned and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this Zoning Ordinance.

908.5 Demolition

If a nonconforming structure or use is voluntarily demolished to an extent which exceeds fifty (50) percent of the cost to replace the entire structure or use in accord with the most current construction standards, the restoration shall comply with current setback, lot coverage, height and other requirements of this Ordinance.

909 Termination of Nonconforming Uses and/or Structures**909.1 Change of Nonconforming Use**

Where a nonconforming use is changed into a conforming use, a nonconforming use shall not thereafter be resumed. A change of a nonconforming use to another nonconforming use shall be considered an abandonment of the prior nonconforming use which shall not thereafter be resumed.

909.2 Abandonment of Nonconforming Use

The right to a nonconforming use shall be terminated and a nonconforming use shall not be resumed if it is abandoned. A nonconforming use shall be deemed abandoned, if it is changed as set forth in §906 or if it is discontinued for a continuous period of one (1) year and the owner of said property fails to obtain a Certificate of Intention in accord with §912 which indicates his or her intent to resume the nonconforming use.

909.3 Nonconforming Mobile Homes

The removal of a mobile home as a nonconforming use upon a property with the intent to replace it with another mobile home shall be permitted in accordance with the following standards:

- A. The property owner shall submit a zoning permit application to the Zoning Officer and include the date on which the current mobile home will be removed from the lot.
- B. The placement of the new mobile home upon the lot shall be in conformance with all applicable setback requirements and area requirements for zoning district in which it is located.
- C. The new mobile home shall be located upon the lot and connected to all utilities, including sewage, and be ready for occupancy within one hundred and eighty (180) days from the date on previous mobile home was removed.

909.4 Unsafe Structures

If a nonconforming structure, containing a nonconforming use, becomes physically unsafe due to lack of maintenance or repairs and has been legally condemned, it shall not thereafter be restored, repaired or rebuilt except in conformity with all requirements of the zoning district in which such structure is located.

910 Alterations of Nonconforming Structures

The alteration of nonconforming structures shall be permitted only in accord with this §910 and other applicable standards in this Ordinance.

910.1 Permit

An alteration of a nonconforming structure shall require the applicable zoning permit.. Such alteration shall be considered a conditional use if the alteration involves a change or expansion of a nonconforming use as regulated by §906 and §907 of this Ordinance, respectively.

910.2 Compliance with Standards (See §910.3 for exception.)

An alteration of a nonconforming structure shall comply with all setback, height, lot coverage, parking and other standards of this Ordinance and shall not result in any increased nonconformity except for an expansion of a nonconforming use in compliance

with §907.

910.3 Nonconforming Setbacks

A single-family detached dwelling which is nonconforming as to a setback requirement may be extended along the nonconforming setback line a distance not to exceed fifty (50) percent of the length of the nonconforming part of the structure as it existed at the effective date of this Ordinance. However, the height of any such residential extension shall not exceed the lesser of the existing height of the nonconforming structure or the applicable district maximum height.. Any other such proposed alteration shall be considered an increase in nonconformity which would violate §910.2.

910.4 Increase in Area or Bulk Nonconformity

In the case where a proposed alteration of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.

911 Review Factors

In addition to the standards in §1208, Article VII, and other applicable requirements, the Township shall consider any nonconformity conditional use application in terms of the effect on the following factors:

911.1 Nuisance Considerations

- A. Traffic generation.
- B. Noise, dust, fumes, gases, odor, glare, vibration, fire and explosion hazards and other nuisances.
- C. Amount and nature of outdoor storage.
- D. Hours of operation.
- E. Compatibility with the character of the surrounding neighborhood.
- F. Potential of the expansion to reduce existing congestion and alleviate parking shortages by improved site design, addition of parking and improved loading areas.
- G. Increased threat to public health for any reason.

911.2 Specific Considerations

- A. Storage of Materials - There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility, as on a lot in a non-conforming use, excepting those types of uses outlined in §911.2.B.
- B. Screening - Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a sawmill, farm machinery sales operation or similar operation), the use may only be expanded if a solid fence of wood and/or buffer, not less than six (6) feet in height, is present on all sides of the immediate area in use. Stored material shall not exceed the height of the screening material and nine (9) feet at the maximum. Setbacks and buffers shall be provided in accord with §701.1 of this Ordinance.
- C. Setbacks - No addition, change or expansion of a non-conforming use shall further violate setback and/or height regulations of the district in which it is located.
- D. Parking and Traffic - In no case will a change, addition or expansion of a non-conforming use be allowed which would result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. The Township may require vegetative screening of the parking area from nearby residential areas in accord with §701.1 of this Ordinance.

912 Certificate of Intention for a Nonconforming Use

912.1 Requirement

A Certificate of Intention shall be required in any instance when a nonconforming use of a structure, building and/or land is to be discontinued for a period of more than one (1) year and the owner or operator of the nonconforming use wishes to maintain a legal nonconforming status.

912.2 Application

A Certificate of Intention application shall be completed by the owner or operator of the discontinued nonconforming use. Said completed Certificate of Intention form shall be submitted to and approved by the Zoning Officer. The applicant shall indicate in writing the reason or basis for the discontinuation of the nonconforming use and the anticipated date on which the

nonconforming use will resume.

912.3 Validity; Renewal

A Certificate of Intention, as issued and approved by the Zoning Officer, shall be valid for a period for a period of one (1) year from the date of issuance. A Certificate of Intention may be renewed annually by the owner or operator of the nonconforming use. Failure to renew a Certificate of Intention shall constitute a deemed abandonment of the use and forfeiture of the legal nonconforming use status of the property.

**ARTICLE X
OWNERSHIP AND MAINTENANCE OF
CONSERVATION OPEN SPACE, OPEN LAND, RECREATION LAND, AND COMMON FACILITIES**

This Article X shall apply to any development which involves the ownership and maintenance of conservation open space, open land, recreation land, and common facilities (referred to as *common area* in this Article) as required by this Ordinance and the Subdivision and Land Development Ordinance.

1001 Purpose

The requirements of this Article X are intended to assure in perpetuity the ownership, use and maintenance of common areas. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common area.

1002 Plan and Legal Documents

The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common area. The plan shall be approved by the Township with the advice of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Township, deed covenants and restrictions, or other legal document which will effect the plan and which can be enforced by the Township.

1003 Use Restriction

The use of any common area shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance and the Subdivision and Land Development Ordinance.

1004 Methods for Use Dedication and Common Area Ownership and Maintenance

The use of common areas and common area ownership and maintenance shall be addressed in accord with the requirements of the Township Subdivision and Land Development Ordinance.

**ARTICLE XI
SIGNS****1101 Administration****1101.1 Administration**

The Purpose of this Article XI is to establish standards for the regulation of signs in order to safeguard the public interest and:

- A. to preserve the beauty and the unique character of the Township;
- B. to promote and aid in the tourist industry of the Township;
- C. to protect the general public from damage and injury which may caused by the faulty construction of signs;
- D. to protect pedestrians and motorists from damage of injury caused, or partially attributable to the distractions and obstructions caused by improperly situated signs;
- E. to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic;
- F. to assure that signs are clear and provide the essential identity or direction to facilities in the community; and,
- G. to enable the fair and consistent enforcement of the sign restrictions throughout the Township.

1101.2 Applicability - Effect

A sign may be erected, placed, established, painted, created or maintained in the Township only in conformance with the standards, procedures, exceptions, and other requirements of this Ordinance. The effect of this Ordinance as more specifically set forth herein is:

- A. to establish a permit system to allow a variety of types of signs in the various zones, subject to the standards and the permit procedures of this Ordinance;
- B. to allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits;
- C. to provide for temporary signs without commercial messages in limited circumstances in the public right-of-way; and,
- D. to prohibit all signs not expressly permitted by this Ordinance.

1101.3 Requirement of Conformity

No sign, for which a permit is issued after the effective date of this Ordinance, may be placed or maintained in the Township except as provided herein. All signs maintained contrary to the provisions of this Ordinance are declared to be nuisances, and as such may be abated as provided by law.

1101.4 Recommended Types of Signs

It is recommended that signs be:

- A. Wood or simulated wood relief. (See §1104.15.)
- B. Designed as an integral architectural element of the building and component of the site.
- C. Comprised of restrained colors, materials, and lighting and compatible with the building and site, and rural character of the Township.
- D. Not more than a height of fifteen (15) feet.

1102 Definitions and Interpretation

Words and phrases used in this Article shall have the meanings set forth in this Section. Words and phrases not defined in this Section but defined in Article III shall be given the meanings set forth in said Article. Principles for computing sign area and sign height are contained in this section. All other words and phrases shall be given their common, ordinary meaning, unless the

context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

A-Frame or Sandwich Board Sign: A movable sign consisting of two (2) faces, connected and hinged at the top.

Abandoned Sign: A Sign located on a property or premise which is vacant and/or unoccupied for a period of six (6) months, or a sign which is damaged, in disrepair, or vandalized and not repaired within sixty (60) days of the date of the damaging event and/or for which no legal owner can be found.

Advertising Sign, Off-premises: A sign which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered an off-premises advertising sign.

Animation: The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign; the movement of a sign set in motion by the atmosphere. Time and temperature devices shall be considered animated signs.

Applicant: A person or entity who applies for a sign permit in accordance with the provisions of this Ordinance.

Area of Sign: In the case of individual letters used as a sign, the area is ninety percent (90%) of the area enclosed within the smallest regular geometric figure needed to completely encompass all letters, insignias or symbols, except as otherwise provided herein. For signs other than individual letters, words, insignias or symbols, the area is the total area of the facing or the total area within the outer edge of any existing border of the sign.

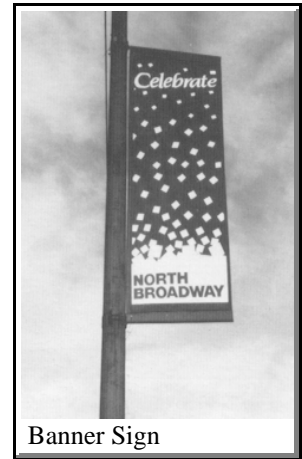
Attraction Board: See *changeable panel sign*.

Automated Teller Machine Directional Sign: A traffic directional sign which is used to direct pedestrian or vehicular traffic on a parcel to the location of an automated teller machine.

Automated Teller Machine Sign: Any sign located on or architecturally associated with the exterior face of an automated teller machine.

Awning Sign: Signs which are placed on or integrated into fabric or other material canopies which are mounted on the exterior wall of a building.

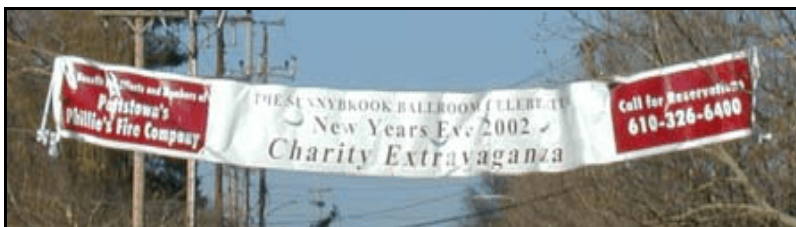
Banner Sign: A sign intended to be hung either with or without a frame with characters, letters, illustrations, or ornamentations applied to paper, plastic, fabric or similar material excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for noncommercial purposes.



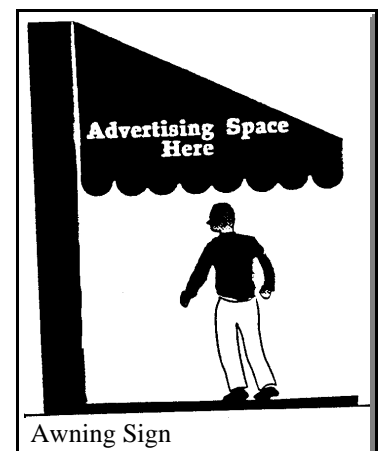
Banner Sign



A-Frame / Sandwich Board



Civic Event Banner



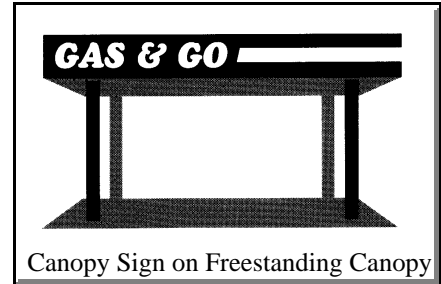
Awning Sign

Billboard: A type of off-premises advertising sign and which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located, or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered a billboard.

Business: For the purposes of this Article XI, business shall mean any approved non-residential use including commercial, manufacturing, and industrial enterprises; public buildings and uses such as public schools, parks, civic centers, municipal buildings; and semi-public buildings and uses such as churches, fire houses, ambulance buildings, private schools, and libraries.

Business Name: The name by which a business is commonly recognized and used by the applicant. The applicant shall provide stationary or other supporting documents illustrating the use of the business name or verification of the official business license or tax name. Slogans or product information shall not be considered as the business name.

Canopy Sign: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

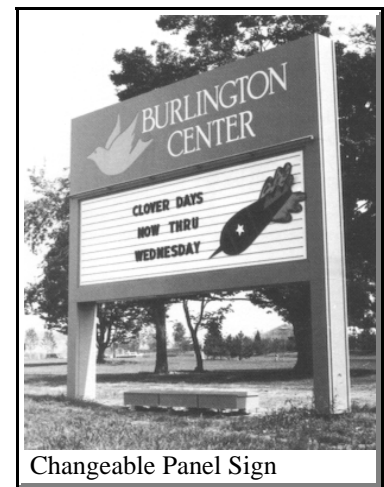


Canopy Sign on Freestanding Canopy

Changeable Panel Sign: A sign designed to allow its informational content to be changed or altered.

Commercial Message: Any sign wording, logo, or other representations that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Computation of Area in Individual Signs: The area of sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.



Changeable Panel Sign

Computation of Area of Multi-faced Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42”) inches apart, the sign area shall be computed by the measurement of one of the faces.

Computation of Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

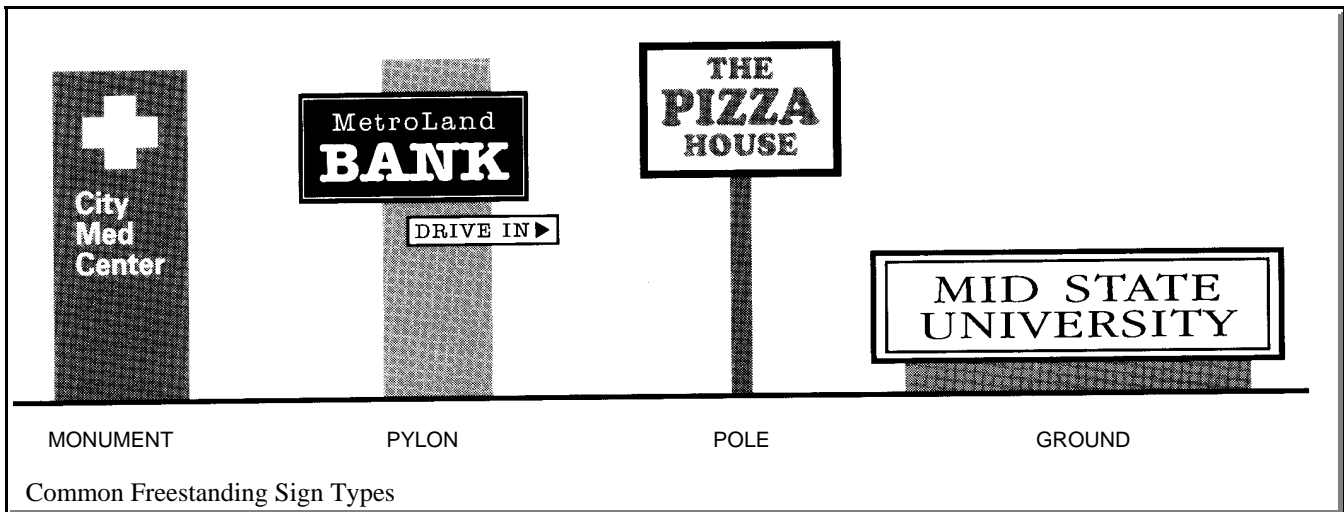
Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Contractor or Subcontractor Signs: The temporary signs which identify the contractor or subcontractor engaged in the construction, reconstruction or repair of a building or buildings on a lot or parcel or property.

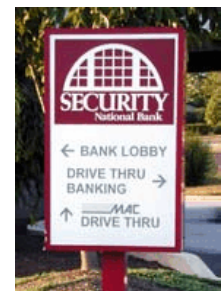


Development Sign

Development Sign: A temporary sign used to identify an approved future development.



Directional Sign - A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, those signs identifying rest rooms, public telephones, public walkways, parking areas, and other similar facilities.

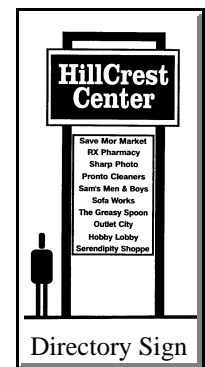


Directional Sign

Directory Sign: A sign which provides a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purposes of giving directions, instruction, or facility information and which may contain the name and logo of an establishment but no advertising copy.

Double-Faced Sign: A sign with two faces, essentially back to back.

Easel Sign: A self-supporting, movable sign consisting of one (1) face with supporting legs or a supporting frame, or a sign displayed on an easel.



Directory Sign

Electronic Message Sign: Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

Emergency Signs: Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

Facade: Any exterior wall of a building exposed to public view; and any structure or part of a structure attached to, or otherwise mounted parallel to, an exterior wall or other vertical part of the structure.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity which is mounted on a pole, cable, or rope at one end.

Freestanding Sign: A sign supported permanently upon the ground by poles or braces and that is not attached to any building.

Government Sign: Any temporary or permanent sign erected and maintained by the Township, county, state, or federal government for traffic direction or for designation of or any school, hospital, historical site, or public service, property, or facility.

Grand Opening: The introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership. A business qualifies for a grand opening sign when it has been closed to the public for a period of thirty (30) days.

Ground Level: The finished grade of the adjacent street curb or where there is no street curb, six (6) inches above street grade. Ground level shall be the existing natural grade.

Ground Sign: A freestanding sign that is architecturally integrated with the building with individually mounted letters and/or logos only. This sign shall be built with continuous background surface built from the ground up.

Height: The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less..

Illegal Sign: Any sign erected without first obtaining an approved sign permit, other than non-conforming signs, and which does not meet the requirement of this ordinance.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Indirect Illumination: A source of external illumination located away from the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

Individual Letters: A cut-out or etched letter or logo which is individually placed on a landscape, screen wall, building wall or ground sign.

Instructional Sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Internal Illumination: A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.

Logo: A graphic symbol representing an activity, use or business. Permitted logos shall be registered trademarks or symbols commonly used by the applicant, and may include graphic designs in addition to lettering. The applicant shall provide stationary or other supporting documents illustrating the use of the logo.

Maintenance: The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of said copy.

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from the weather.

Monument Sign: A free-standing cabinet or panel sign mounted on, or within a base (above grade), which is detached from any building.

Multiple Occupant Commercial Building: A commercial development in which there exists two or more separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple occupant commercial use of a single structure.

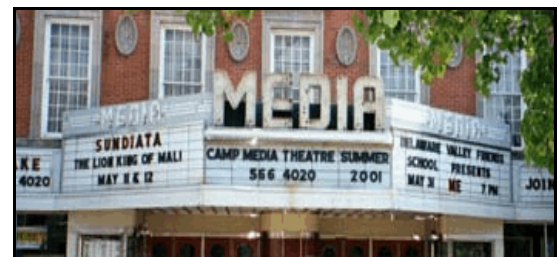
Nameplate: A small sign which identifies a resident’s or home’s name and address or the name of a farm, ranch or commercial stable. Such signs may be shingle, building wall or archway-mounted signs.

Neon Sign: A sign consisting of glass tubing, bent to form letters, symbols, or other shapes and illuminated by neon or a similar gas through which an electric voltage is discharged.

Nonconforming Sign: Any sign which is not allowed under this Ordinance, but which, when first constructed before this ordinance was in effect and for which a sign permit was issued, was legally allowed.



Internal and External Illumination



Marquee Sign

Occupancy: A purpose for which a building, or part thereof, is used or intended to be used.

Owner: A person recorded as such on official records. For the purpose of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Officer.

Panel: A two-dimensional visual background behind the sign letters and logos which is visually separated from the mounting upon which the sign letters and logos are placed by the presence of a border, different colors, different materials, or other technique of visual framing around the letters or logos.

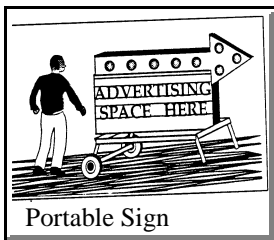
Parapet: That portion of a building exterior wall projecting above the plate line of the building.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

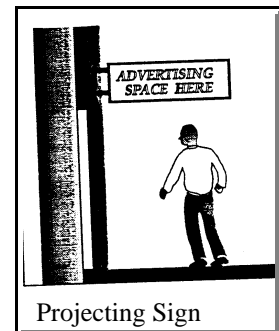
Permanent Sign: Any sign which is intended to be and is constructed as to be in lasting and enduring condition remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the Ordinance.

Plate Line: The point at which any part of the main roof structure first touches or bears upon an external wall.

Political Sign: A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.



Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.



Projecting Sign: Any sign affixed to a building wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Public Property: Unless otherwise expressly provided, public property means any and all real or personal property over which the Township or other governmental entity has or may exercise control, whether or not the government owns the property in fee, including, sidewalks, rights-of-ways and improved or unimproved land of any kind and all property appurtenant to it.

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

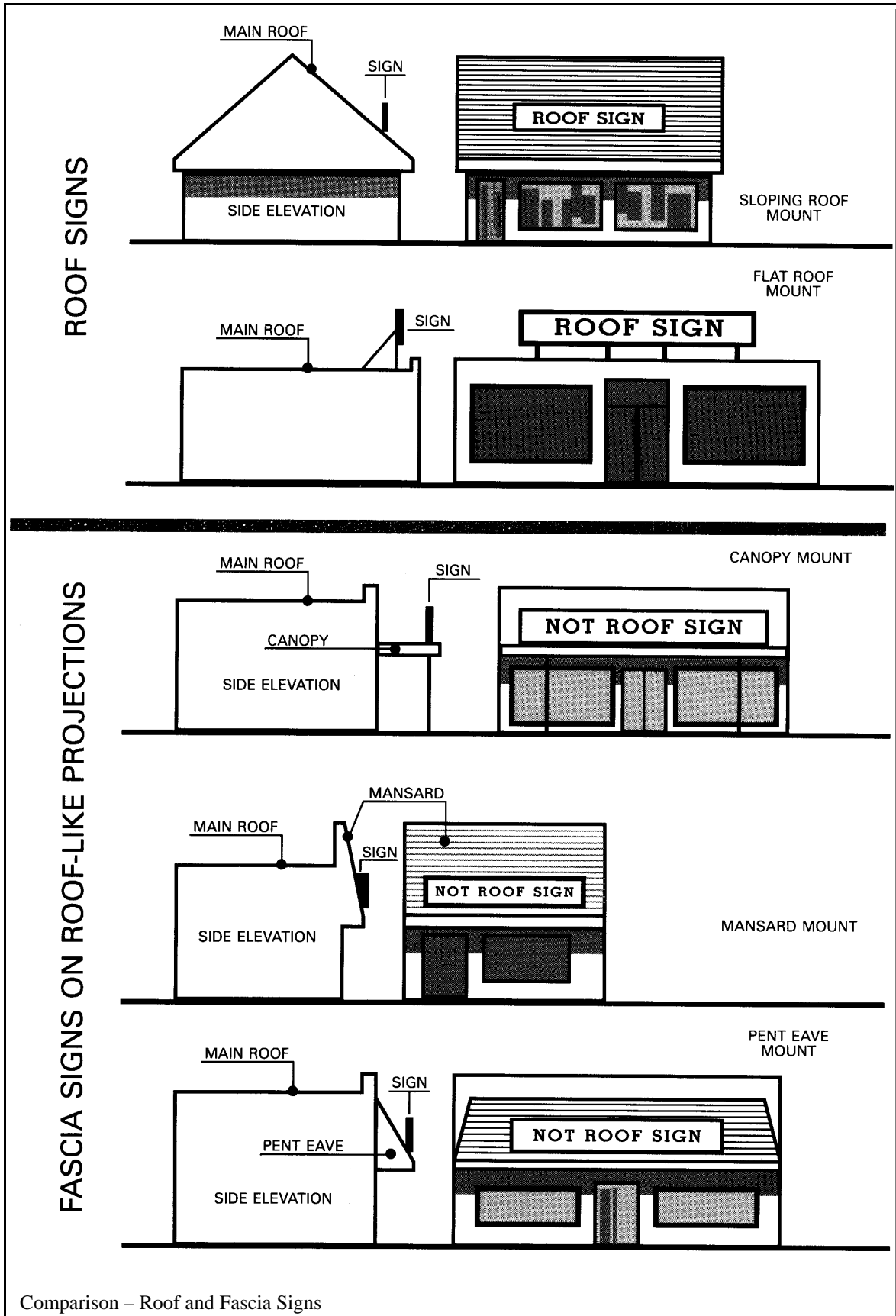
Right-of-Way: No commercial sign shall be erected so as to project beyond a property line, over a public sidewalk or over or within a public right-of-way.

Roof Line - The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

Roof Sign: Any sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. See the following illustration for example of roof signs, and comparison of differences between roof and fascia signs. (See next page.)

Shingle Sign: A sign suspended from a roof overhang of a covered porch, walkway or horizontal plane surface which identifies the tenant of the adjoining space.

Sign: Any device for visual communication which is used or is intended to attract the attention of the public with a purpose of identifying, when the display of the device is visible beyond the boundaries of the public or private property upon which the

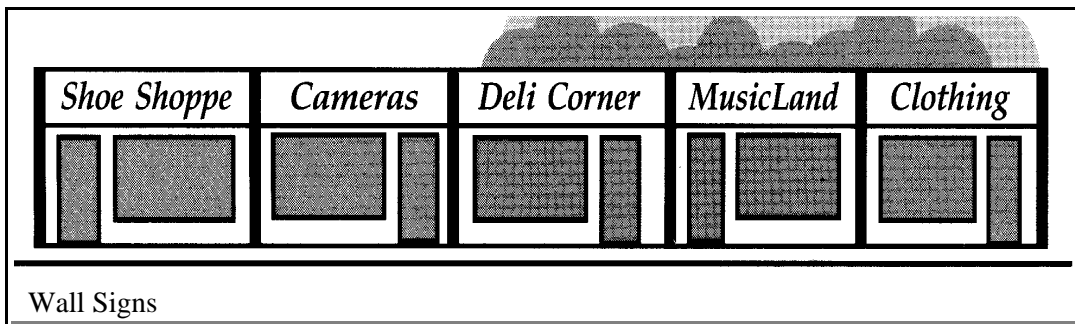


display is made. The term “sign” shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Luzerne County, the Township, or official historic plaques of any governmental jurisdiction or agency.

Special Event: A promotional event such as, but not limited to, grand openings, bazaars, street fairs, shows, exhibitions, sporting events, runs, bicycling events, and block parties. This does not include sidewalk sales occurring on private property where merchandise normally sold indoors is transferred from indoors to outdoors for sale.

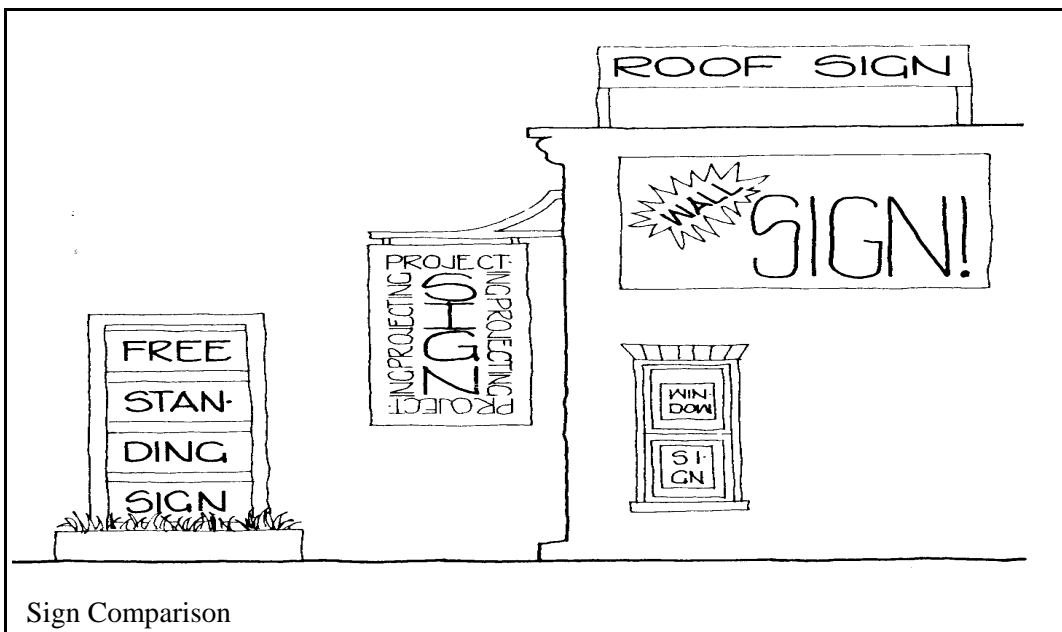
Temporary Sign: Any sign, banner, pennant, or valance of advertising display constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard or other like materials, with or without frames; or any sign not permanently attached to the ground, wall or building.

Traffic Directional Sign: Signs used at driveways to improve public safety and to enhance public access to the site from public streets, which provides information to assist the operators of vehicles in the flow of traffic. Such signs may use names, logos, or symbols of buildings, businesses, activities, uses or places as a means of direction.



Wall Sign: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign: Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a window pane which is intended to be read from the exterior of the building.



1103 Procedures

The procedures included in this §1103 shall apply to all signs requiring permits.

1103.1 Requirement of Permit

A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this Ordinance. However, a permit shall not be required for the following signs and actions, provided however, that such signs shall be subject to any and all applicable provisions of this Ordinance.

- A. Exempt signs as specified in §1104.2.
- B. Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.

1103.2 Permit Application

Applications for sign permits shall be submitted to the Zoning Officer and shall, at a minimum, contain or have attached thereto the information listed in this section. The applicant shall pay the required application fee at the time when the sign application is filed. Two (2) copies of plans and specifications shall be submitted with each application. One copy shall be returned to the applicant at the time the permit is granted. The plans shall include complete details about the size of the sign, the method of attachment or support, locations and materials to be used, and the name, address and profession of the person designing the plans and specifications. If the Zoning Officer determines that the sign will be subject to excessive stresses, additional data shall be required, showing that supporting surfaces and other members of an existing building to which the sign is to be attached are in good condition and are adequately strong to support the load, including the proposed sign.

- A. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
- B. The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.
- C. A sketch plan of the property involved, showing accurate placement thereon of the proposed sign.
- D. Two (2) drawings of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, color, materials, and weight.
- E. If required by the Zoning Officer, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer, licensed by the State of Pennsylvania, showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable ordinances.
- F. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.
- G. Such other information as the Zoning Officer may require to determine full compliance with this and other applicable ordinances.

1103.3 Issuance of Permits

Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this Ordinance and other applicable ordinances and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign.

1103.4 Expiration

If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, the permit shall become null and void, unless otherwise extended by the Zoning Officer for a single additional ninety (90) day period.

1103.5 Permit Fees

Each sign required by this Ordinance requiring a sign permit shall pay a fee as established pursuant to a Resolution duly adopted by the Township.

1104 General Requirements**1104.1 Prohibited Signs**

All signs not expressly permitted or exempted under this Ordinance from regulation are prohibited. Such prohibited signs include, but are not limited to the following:

- A. "A" Frame or Sandwich Board Signs - "A" frame or sandwich board and sidewalk, or curb signs, except as a temporary sign as provided for in §1105 of this Ordinance.
- B. Light Strings, Banners, Pennants, and Balloons - Strings of lights not permanently mounted to a rigid background, except those exempt under the §1104.2, banners, pennants, streamers, balloons, and other inflatable figures, except as a temporary sign as provided for in §1105 of this Ordinance.
- C. Sound, Animated, Moving, and Flashing Signs - Signs which emit sound, flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes (except as permitted in §1110), or through the impression of movement or flashing except for time and temperature indicators whose movement is either digital or analogue, and flags as permitted by this Ordinance.
- D. Mirrors - Signs which use a mirror or similar device to attract attention by reflecting images or otherwise reflecting light.
- E. Portable and Wheeled Signs - Portable and Wheeled signs, except as a temporary sign, as provided for in §1105 of this Ordinance.
- F. Projecting Wall Signs - Wall signs which are attached or otherwise affixed to a building and project more than fifteen (15) inches beyond the wall surface of such building to which the sign is attached or otherwise affixed thereto.
- G. Signs on Parked Vehicles - Signs placed on or affixed to vehicles, trailers and/or containers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business, organization or activity.
- H. Signs on Utility Poles or Trees - Signs which are attached or otherwise affixed to utility poles, or trees or other vegetation.
- I. Signs Which Imitate Traffic Control Devices - Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.
- J. Emissions - No sign shall be permitted to emit any sound, odor or visible matter such as smoke.

1104.2 Exempt Signs

The following signs are hereby exempt from the provisions of this Ordinance, excepting for such instances where any sign listed herein is found to be unsafe or unlawful as provided for in other Sections of this Ordinance.

- A. Awning, Canopy, and Marquee Signs - Signs, not exceeding an aggregate gross surface area of four (4) square feet, indicating only the name of the activity conducted on the premises on which the sign is to be located and/or a brief generic description of the business being conducted by the activity. Advertising material of any kind is strictly prohibited on signs affixed to awnings, canopies, and marquees.
- B. Civic and Religious - Civic and religious organization signs indicating only the organization insignia, name, meeting place, and time. Such signs shall not exceed two (2) square feet for each exposed surface area.
- C. Directional or Instructional Signs - Signs, not exceeding four (4) feet in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public, providing that such signs contain no advertising of any kind. Such signs include those identifying rest rooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility, but not including those signs accessory to parking areas. Advertising material of any kind is strictly prohibited on directional and instructional signs.
- D. Non-Commercial Signs - Flags, emblems, and insignia of political, professional, religious, educational, or fraternal organizations providing that such flags, emblems, and insignia are displayed for non-commercial purpose.

- E. Governmental Signs - Governmental signs for control of traffic, emergency response, and other public or regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to services or safety which are erected by, or at the order of a public officer or employee in the performance of the officer's or employee's duties. Such signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.
- F. Holiday Decorations - Signs or other materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays related to observance of the civic, patriotic, or religious holiday.
- G. Interior Signs - Signs not affixed to a window and visible from outside and which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby court or entrance of any theater and which are not displayed to be visible from outside.
- H. Memorial Signs - Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events that are non-commercial in nature.
- I. Name and Address Plates - Wall signs, one (1) per street frontage and not exceeding one and one-half (1.5) square feet in surface area, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.
- J. No Trespassing, No Hunting, No Fishing, No Dumping, No Parking, No Towing, and Other Similar Signs - No trespassing, no hunting, no fishing, no dumping, no parking, towing and other similar signs (as set forth in Title 75 of the Pennsylvania Vehicle Code and its regulations and as set forth in Title 18 of the Pennsylvania Crimes Code and its regulations) not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four (4) square feet.
- K. Parking Lot Directional and Instructional Signs
1. Directional Signs - Signs designating parking area entrances and exits limited to one (1) sign for each entrance and/or exit and not exceeding four (4) square feet in gross surface area for each exposed face. Parking lot directional signs shall not project higher than five (5) feet in height, as measured from the established grade of the parking area to which such signs are accessory.
 2. Instructional Signs - Signs designating the conditions of use or identity of parking areas and not exceeding eight (8) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of sixteen (16) square feet. Parking lot instructional signs shall not project higher than ten (10) feet for wall signs and seven (7) feet for ground signs, as measured from the established grade of the parking area(s) to which such signs are accessory.
- L. Patron Advertising Signs - Signs erected on the perimeter of an organizational sponsored youth athletic field for the sole purpose of sponsoring or contributing to the organized youth athletic sport. Signs erected for this purpose shall be one sided with a maximum of thirty-two (32) square feet of gross aggregate surface area. Sponsors advertising on score boards may not exceed twenty-five percent (25%) of the surface area of the score board.
- M. Plaques - Plaques, nameplates, or memorial signs, directly attached or affixed to the exterior walls of a building, not exceeding four (4) square feet in aggregate gross surface area.
- N. Public Notices - Official notices posted by public officers or employees in the performance of the officer's or employee's duties
- O. Reserved
- P. Signs on Vehicles - Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles, trailers and/or containers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property.

- Q. Symbols or Insignia - Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two (2) square feet in gross surface area for each exposed face not exceeding four (4) square feet in aggregate gross surface area.
- R. Vending Machine Signs - Permanent, non-flashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information as to the use, and other similar information not exceeding four (4) square feet in gross surface area for each exposed face not exceeding an aggregate gross surface area of eight (8) square feet on each machine.
- S. Warning Signs - Signs warning the public of the existence of danger, but containing no advertising material; to be removed within three (3) days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
- T. Tourist Signs - Tourist orientation directional signs when erected in accord with a permit issued by PennDOT.

1104.3 Construction Requirements

All signs permitted by this Ordinance shall be constructed in accord with all construction code requirements and the provisions of this §1104.3.

- A. Obstruction to Exit - No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
- B. Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.
- C. Clearance from Electrical Power Lines and Communication Lines - All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight (8) feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.
- D. Clearance from Surface and Underground Facilities - All signs and supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.
- E. No Obstruction to Any Existing Warning or Instructional Sign - No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.
- F. Traffic Hazards - No sign shall be erected in such a way as to interfere with or to confuse traffic, to present any traffic hazard, or to obstruct the vision of motorists, and all signs shall comply with the clear sight triangle requirements of this Ordinance.
- G. Public Right-of-Way; Setback - No sign may be erected or maintained in the public right-of-way unless an encroachment permit has first been obtained for the sign. No signs other than official traffic signs shall be erected or maintained nearer to a street line than a distance equaling the height of the sign, unless attached flatly to a building.
- H. Clearance - Clearance beneath overhead signs shall be at least nine feet, measured from the ground or pavement to the bottom-most part of the sign.
- I. Height - No portion of a sign shall be positioned in a manner that exceeds the height of the primary structure on the property on which it is located.

1104.4 Maintenance

Each sign shall be maintained in good order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, major cracks, or loose and dangling materials.

1104.5 Illumination

All signs permitted by this Ordinance may be illuminated in accord with the provisions of this §1104.5.

- A. Type of Illumination - Illumination may be by internal, internal/indirect or by indirect means.
- B. Flashing - Flashing signs are prohibited in accord with §1104.1. (See §1110 for permitted electronic signs in the B-1 District.)
- C. Glare - All signs shall be so designed located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.
- D. Floodlighting- Floodlighting of signs shall be arranged so that the source of light is not visible from any point of the lot and so that only the sign is directly illuminated.

1104.6 Signs on Roof

No sign placed on a roof shall extend above the highest part of the roof. In the case of a flat roof, the sign shall not extend more than six (6) feet above the roof. (See definition in §1102.)

1104.7 Awning, Canopy, and Marquee Signs

- A. Number - There shall not be more than one (1) awning, canopy, or marquee sign exceeding an aggregated gross surface area of four (4) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this Ordinance, as specified in §1104.2.A.
- B. Area - The gross surface area of an awning, canopy, or marquee sign shall not exceed sixteen (16) square feet, but shall be limited to not more than fifty (50%) percent of the gross surface area of the face of the awning, canopy, or marquee to which such sign is affixed.
- C. Height - Any awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.
- D. Illumination - Only the face area of the letters or logos may be illuminated and all illumination must be internal behind the surface of the awning, canopy or marquee.
- E. Awning Valance - If sign letters or logos are placed on the awning valance, no letters or logos may be placed elsewhere on the awning.

1104.8 Changeable Panel Signs (See §1110 for permitted electronic signs in the B-1 District.)

One (1) changeable panel sign board may be erected on the lot containing one (1) or more commercial, manufacturing, industrial, public or semi-public use, referred to as *business* in this section, subject to the following:

- A. Type - The changeable panel sign shall be a ground sign or may be attached to the same support of the permitted business identification ground sign.
- B. Number - One (1) changeable panel sign may be erected on the business parcel identifying special, unique, limited activities, services, products, or sale of limited duration occurring on the premises on which the changeable panel sign is located.
- C. Area - The gross surface area of a changeable panel sign shall not exceed ten (10) square feet for each exposed face.
- D. Location - A changeable panel sign shall maintain side and rear yard setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.
- E. Height - If the changeable panel sign is separate from the main freestanding sign, the changeable panel sign may not project higher than ten (10) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher. The changeable panel sign shall be separated by a minimum of twelve (12) inches from the main ground pole sign.
- F. Fuel Prices - See §1107.6.)

1104.9 Sign Faces

All signs may be multi-faced.

1104.10 Window Signs

Window signs for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, shall be permitted subject to the following:

- A. Location - Signs on or inside the windows of a business are permitted, but no signs are permitted in unglazed openings, and any interior sign placed within three (3) feet of the window pane shall be considered a window sign.
- B. Area - No more than twenty five percent (25%) of any window pane that is more than three (3) feet in any dimension may be used for such signs.
- C. Sign Copy - Sign copy shall be limited to business identification and a graphic symbol or any combination thereof, or signs advertising products or services available on the premises.
- D. Illumination - Window signs may be internally illuminated

1104.11 Freestanding Sign Landscaping

All freestanding business and residential identification signs shall be placed in a landscaped area of not less than four (4) square feet of landscaping for one (1) square foot of sign area, but in no case less than one hundred and twenty (120) square feet.

1104.12 Reserved

1104.13 Flags

Flags shall be permitted for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, subject to the following:

- A. Business Identification - The flag shall identify the business.
- B. Flag Pole - The flag shall be suspended from a pole and the maximum height shall be thirty-six (36) feet.
- C. Area - The maximum area of the flag shall be twenty-four (24) square feet, however this shall not apply to the United States Flag or the Commonwealth of Pennsylvania Flag.
- D. Government Flags - Governmental flags provided for elsewhere in the Ordinance are not restricted by the provisions of this Section.

1104.14 Wall Signs

Wall signs as permitted by this ordinance shall be securely attached to the wall; and each sign shall be parallel to and in the same plane as the wall to which the sign is attached and shall not extend more than fifteen (15) inches from the wall, nor above or beyond the top and ends of the wall.

1104.15 Wood Relief Sign Area Bonus

- A. The following signs shall be eligible for an increase in size of fifty (50) percent provided the sign complies with the requirements of this §1104.15 in addition to all other applicable requirements:
 - 1. Residential development road entrance signs (§1106.2).
 - 2. Individual business identification signs (§1107.1).
 - 3. Shopping center and multiple occupant business identification signs (§1107.2).
 - 4. Business subdivision road entrance signs (§1107.3).
- B. The sign shall be wood or simulated wood relief only.
- C. The sign shall be designed as an integral architectural element of the building and component of the site.

- D. Sign colors, materials, and lighting shall be restrained and compatible with the building and site.
- E. The signs shall not exceed a height of fifteen (15) feet.

1105 Temporary Signs

Temporary signs may be erected and maintained in accordance with the provisions contained in this §1105.

1105.1 General Conditions

- A. Permit Required - No person shall erect, construct, repair, alter, or relocate any temporary sign without first obtaining a permit from the Zoning Officer, unless such sign is specifically exempted from permit requirements.
- B.
- C. Materials and Methods - The Zoning Officer shall impose as a condition of the issuance of a permit for temporary signs such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, and convenience of the public.
- D. Illumination - Temporary signs may be illuminated in accord with this Ordinance.
- E. Sign Types - Temporary signs shall be limited to non-projecting wall signs, attached ground signs, or portable and wheeled signs.

1105.2 Temporary Business Signs

Temporary business signs in association with an approved use identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

- A. Number - There shall not be more than two (2) permits for temporary business signs issued for the same premises within one (1) calendar year. Each temporary business sign permit may be erected and maintained for a period not to exceed thirty (30) days and shall be removed within three (3) days of the termination of the activity, service, project, or sale. Or, alternatively, a temporary business sign permit may be applied for a maximum of five (5) times during one (1) calendar year for the same premises; each permit shall be issued for a maximum of seven (7) days. It is expressly stated that temporary business sign permits shall be issued under one method or the alternative and that the methods may not be used jointly or in combination during any one (1) calendar year.
- B. Area - Temporary business signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face.
- C. Location - Temporary business signs shall be located only upon the premises upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required yard setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary business signs shall not project higher than fifteen (15) feet, as measured from the average grade of the associated principal use or structure.

1105.3 Temporary Development Signs

Temporary development signs in association with an approved use identifying the parties involved in the development to occur or occurring on the premises on which the sign is placed shall be subject to the following:

- A. Number - There shall not be more than one (1) temporary, construction sign for each project or development, except that where a project or development abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.
- B. Area - Temporary construction signs shall not exceed sixteen (16) exceed square feet in gross surface area for each exposed face.
- C. Location - Temporary construction signs shall be located only upon the premises upon which construction either is about to occur, or is occurring. Such signs may be located in any required yard setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway.
- D. Height - Temporary construction signs shall not project higher than fifteen (15) feet, as measured from the base of the sign

or grade of the nearest adjacent roadway, whichever is higher.

- E. Special Conditions - Temporary construction signs shall be permitted only as accessory to an approved building permit for a project or development. Temporary construction signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion.

1105.4 Temporary Event Signs (including banners)

Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for non-commercial purposes shall be subject to the following:

- A. Number, Area, Height, and Location - The permitted number, area, height, location, and construction of temporary event signs shall be determined by the Zoning Officer with consideration given to the public intended purpose. In any event, no sign shall exceed sixty-four (64) thirty-two (32) square feet for each exposed face.
- B. Timing - Temporary event signs may be erected and maintained for a period not to exceed thirty (30) days prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within three (3) days of the termination of such campaign, drive, activity, or event.
- C. Limit on Number of Permits - No more than two (2) permits for temporary event signs shall be issued for the same premises within one (1) calendar year.

1105.5 Temporary Political Signs

Temporary political signs announcing political candidates seeking office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:

- A. Permit Not Required - A zoning permit shall not be required.
- B. Public Rights-of-Way - Political signs shall not be erected within a public right-of-way.

1105.6 Temporary Real Estate Signs

Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:

- A. Number - There shall be not more than one (1) temporary real estate sign for each one thousand (1,000) feet of lot road frontage for each road on which the lot fronts.
- B. Area - Temporary real estate signs shall not exceed nine (9) square feet for each exposed face.
- C. Location - Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary real estate signs shall not project higher than fifteen (15) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.
- E. Special Conditions - Temporary real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.

1105.7 Temporary Contractor or Subcontractor Signs

Temporary contractor or subcontractor signs for the sole purpose of designating the contractor(s) and subcontractor(s) engaged in the development of a property shall be subject to the following:

- A. Number - There shall be not more than one (1) temporary contractor or subcontractor sign for each contractor or subcontractor working on the premises.
- B. Area - Temporary contractor or subcontractor signs shall not exceed nine (9) square feet for each exposed face.

- C. Location - Temporary contractor or subcontractor signs shall be located only upon the premises where the contractor or subcontractor is working. Such signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary contractor or subcontractor signs shall not project higher than ten (10) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.
- E. Special Conditions - Temporary contractor or subcontractor signs shall be removed immediately upon completion of the contractor's or subcontractor's work.

1105.8 Reserved

1105.9 Temporary Farm Product Signs

Temporary farm product signs for the sole purpose of advertising the availability of farm products sold on a farm in the Township and signs advertising seed brands used on the premises shall be subject to the following:

- A. Permits; Fees - Such signs shall be exempt from zoning permits and fees.
- B. Area - One (1) sign with a surface area of twenty (20) square feet shall be permitted and the surface area of all other signs shall not exceed six (6) square feet.
- C. Location - Temporary farm product signs shall be located only upon the premises where the seasonal farm products are sold. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary farm product signs shall not exceed ten (10) feet in height as determined in accord with the definition of *computation of height* in §1102.

1106 Residential Uses

For all residential uses, only the following signs are permitted and then only if accessory and incidental to a permitted residential use. (See §1104.2.E for 911 emergency response system sign exemption.)

1106.1 Building Name and Address Signs

Name and address signs of buildings containing six (6) or more residential units indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or address of the premises shall be subject to the following:

- A. Type - Building name and address signs may be either wall signs or ground signs.
- B. Number - There shall not be more than one (1) name and address sign for each building except that where a building abuts two (2) or more streets, one (1) additional sign oriented to each abutting street shall be permitted.
- C. Area - Building name and address signs shall not exceed four (4) square feet in area for exposed face.
- D. Location - Building name and address signs shall not be located closer than one-half the minimum setback required for the zoning district in which the sign is to be erected or within fifteen (15) feet of any point of vehicular access to a public roadway. The location and arrangement of all building name and address signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Building name and address signs shall not project higher than fifteen (15) feet for wall signs and five (5) feet for ground signs, as measured from base of sign or building to which the sign is to be affixed or grade of the nearest adjacent roadway whichever is higher.

1106.2 Residential Development Road Entrance Signs

Residential development road entrance signs for developments with two (2) or more buildings with a total of five (5) or more dwelling units indicating only the name of the development, including single-family, two-family, and multi-family developments and mobile home parks, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

- A. Type - The residential development road entrance signs shall be ground signs.
- B. Number - There shall not be more than two (2) residential development road entrance signs for each point of vehicular access to a development
- C. Area - Residential development road entrance signs shall not exceed twenty-four (24) square feet in gross surface area.
- D. Location - Residential development road entrance signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Residential development road entrance signs shall not project higher than five (5) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.
- F. Sign Faces - Residential development road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.

1106.3 Exempt Signs

Exempt signs as specified in §1104.2 of this Ordinance.

1106.4 Temporary Signs

Temporary signs as specified in §1105 of this Ordinance.

1107 Commercial, Manufacturing, Public Use And Semi-public Use Signs

For all commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, only the following signs are permitted and then only if accessory and incidental to a permitted use, and such signs shall be subject to the requirements of this §1107 and any other special provisions contained in this ordinance:

1107.1 Individual Business Identification Signs

The provisions of this §1107.1 shall apply to parcels upon which an individual business is located.

A. Building Wall Signs

- 1. Number - There shall be not more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, one (1) additional such sign oriented to each abutting street shall be permitted.
- 2. Area - The surface area of a wall sign shall not exceed twenty (20) percent of the area of the building wall, including doors and windows, to which the sign is to be affixed. The surface area of a wall sign may be increased by an additional ten (10) percent of the wall area if such wall sign consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background, except that provided by the building surface to which the sign is to be affixed, and if illuminated, such illumination is achieved through shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.
- 3. Location - A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.
- 4. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.

B. Freestanding Business Identification Signs (See §1110 for permitted electronic signs in the B-1 District.)

Free standing business identifications signs shall be subject to the following:

- 1. Number - There shall not be more than one (1) freestanding business identification sign for each lot.
- 2. Area - The surface area of a freestanding business identification sign shall not exceed thirty-two (32) square feet.
- 3. Location - A freestanding business identification sign shall maintain side and rear yard setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.

4. Height - A freestanding business identification sign shall not project higher than fifteen (15) feet, as measured from the average grade at the base of the sign or the grade of the nearest adjacent roadway, whichever is lower.

1107.2 Shopping Center and Multiple Occupant Business Identification Signs

The provisions of this §1107.2 shall apply to developments in which two (2) or more businesses are housed in one (1) or more principal structures.

A. Building Wall Signs

1. Number - There shall be not more than one (1) wall sign for each principal business occupant except that where a principal occupant abuts two (2) or more streets, one (1) additional such sign oriented to each abutting street shall be permitted.
2. Area - The surface area of a wall sign shall not exceed ten (10) percent of the occupant's proportionate share of the area of the building wall, including doors and windows, to which the sign is to be affixed. The surface area of a wall sign may be increased by ten (10) percent if such wall sign consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background, except that provided by the building surface to which the sign is to be affixed, and if illuminated, such illumination is achieved through shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.
3. Location - A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.
4. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or fifteen (15) feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

B. Freestanding Business Identification Signs (See §1110 for permitted electronic signs in the B-1 District.)

Freestanding business identifications signs may be ground signs or monument signs used solely for the identification of the development and shall be subject to the following:

1. Number - There shall not be more than one (1) freestanding business identification sign for each development.
2. Area - The surface area of a freestanding business identification sign shall not exceed a maximum of thirty-two (32) square feet for each exposed face.
3. Location - A freestanding business identification sign shall maintain side and rear yard setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.
4. Height - A freestanding business identification sign shall not project higher than fifteen (15) feet, as measured from the average grade at the base of the sign or the grade of the nearest adjacent roadway, whichever is lower.
5. Individual Occupant Identification - The freestanding business identification sign shall not contain the name of any individual business occupant of the premises unless such tenant or occupant occupies thirty percent (30%) or more of the total development. Each freestanding business identification sign may include affixed directly to it a directory indicating only the names of the business occupants of the development in which the sign is to be located. The directory shall include the names of all business tenants/occupants on one sign and shall not be comprised of individual signs. The gross surface area of a directory sign shall not exceed ten (10) square feet for each exposed face for each occupant in the development.

1107.3 Business Subdivision Road Entrance Signs

Business subdivision road entrance signs for developments with two (2) or more commercial, manufacturing, industrial, public and semi-public buildings, referred to as *business* in this section, indicating only the name of the development shall be subject to the following:

- A. Type - The business subdivision road entrance signs shall be ground signs.
- B. Number - There shall not be more than two (2) business subdivision road entrance signs for each point of vehicular access to a development

- C. Area - Business subdivision road entrance signs shall not exceed twenty-four (24) square feet in gross surface area.
- D. Location - Business subdivision road entrance signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Business subdivision road entrance signs shall not project higher than five (5) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.
- F. Sign Faces - Business subdivision road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.

1107.4 Outdoor Automatic Teller Machine (ATM) Signs

Outdoor ATM signs shall be permitted in association with an approved commercial use subject to the following:

- A. Location - Such sign shall be located on the face of the machine and may only identify the individual business name, logo, time, and principal services offered at the ATM.
- B. Area - The area of any such sign shall not exceed ten (10) square feet. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics. The area of any ATM signs not visible beyond the boundaries of the property shall not be deducted from the sum total area permitted for the use. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.
- C. Permit - No sign permit shall be required for such sign.

1107.5 Business Directional Signs (permit required)

The intent of this section is to allow commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, located in the Township to erect signs directing the public to the *business*.

- A. Location/Number - One (1) such sign shall be permitted at each location of direction change and there shall not be more than a total of eight (8) directional signs for each parcel of land eligible for such signs. In the case of multi-businesses on the same parcel, each business shall not be eligible for signs; instead, the directional signs shall refer to the parcel as a whole.
- B. Area - The surface area of each sign shall not exceed two (2) square feet for each exposed face.
- C. Height - A directional sign shall not project higher than ten (10) feet, as measured from the average grade at the base of the sign or the grade of the nearest adjacent roadway, whichever is lower.
- D. Sign Information - The information on the sign shall be limited to the business name, logo, telephone number and directional information.
- E. Property Owner Permission - The person making application for the erection of a business directional sign shall provide a written statement of permission signed by the owner of the property upon which the sign is proposed.
- F. Permit - A permit shall be required for the placement of the directional signs and shall establish the number and location of all the signs.

1107.6 Retail Fuel Sales (See §1110 for permitted electronic signs.)

Retail fuel sales establishments shall in addition to the other permitted signs be permitted one (1) sign with up to four (4) fuel prices attached to the business sign permitted in §1107.2.B. The height of the letters/numerals shall not exceed the following and the sign shall be no larger than necessary to encompass the letters/numerals, but in no case shall exceed the width of the business sign.

# of Products Advertised	1 or 2	3	4
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Maximum Letter Height	24 inches	15 inches	12 inches
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1108 Reserved**1109 Off-Premises Advertising Signs and Billboards** (See §1110 for permitted electronic signs.)

The intent of this §1109 is to limit the number, size and location of off-premises advertising signs and billboards to reduce visual clutter, prevent the distraction of drivers, and maintain the character of the community. Off-premises advertising signs and billboards may be erected and maintained only in accord with the requirements of this §1109 and all other applicable requirements of this Zoning Ordinance, and applications for such signs shall be considered conditional uses.

1109.1 Location; Principal Use

- A. Location - Off-premises advertising signs and billboards shall be located only on lots in the I-1 District.
- B. Principal Use - Off-premises advertising signs and billboards shall be considered principal uses and shall not be permitted on a lot with any other principal use.

1109.2 Illumination

Off-premises advertising sign or billboard may be illuminated, but flashing lights or devices and animation shall be prohibited.

1109.3 Setbacks

The applicable zone district side and rear yard setbacks for principal structures shall be maintained for off-premises advertising signs and billboards and the front yard setback shall be ten (10) feet.

1109.4 Height of Signs

No off-premises advertising sign or billboard shall project above the maximum height limit for buildings or other structures for the District in which the sign is located. The height of the sign shall be measured from the base of the support structure.

1109.5 Maximum Area of Off-Premises Advertising Signs and Billboards

- A. The maximum area for any one off-premises advertising sign or billboard shall not exceed three hundred (300) square feet.
- B. A sign structure shall contain only one (1) sign per facing.

1109.6 Spacing of Off-Premises Advertising Signs and Billboards:

- A. No off-premises advertising sign or billboard shall be permitted within one thousand (1,000) feet of another off-premises advertising sign or billboard, measured in all directions. The separation distance shall be measured between the closest points of the two (2) signs in question.
- B. No off-premises advertising sign or billboard shall be permitted within three hundred (300) feet of any dwelling in the Township or any adjoining municipality. The separation distance shall be measured between the closest points of the proposed sign and the residential lot in question.
- C. No off-premises advertising sign or billboard shall be permitted within one thousand (1,000) feet of any park, recreational area, trail system, public or parochial school, municipal building, library, church, hospital, or similar institutional use. The separation distance shall be measured between the closest points of the proposed sign and the parcel of land on which the building or use in question is located.
- D. No off-premises advertising sign or billboard shall be erected within two hundred (200) feet of the public street intersection. The separation distance shall be measured between the closest point of the proposed sign and the nearest intersection of the right-of-way lines of the streets in question.
- E. No off-premises advertising sign or billboard shall be constructed at an angle of less than forty-five (45) degrees to the right-of-way upon which it faces.

1109.7 Engineering Certification

Any applications for an off-premise advertising sign or billboard shall be accompanied by certification under seal by a Professional Engineer registered in the Commonwealth of Pennsylvania that the sign as proposed will not present a structural safety hazard.

1110 Electronic Message Signs in the B-1 District

1110.1 Types of Signs

In the B-1 District the following types of signs may be an electronic message sign:

- A. Changeable panel sign (§1104.8).
- B. Individual freestanding business identification sign (§1107.1.B).
- C. Individual freestanding business identification sign (§1107.1.B).
- D. Shopping center and multiple occupant business freestanding identification sign (§1107.2.B.1).
- E. Off-premises advertising sign or billboard (§1109).
- F. A retail fuel sales sign (§1107.6).

1110.2 Standards

In addition to the other applicable requirements of this Ordinance, electronic message signs shall comply with the following:

- A. One Sign - Only one (1) electronic message sign shall be permitted per development parcel. If the sign structure has two (2) sign faces, each sign face may be an electronic message sign.
- B. Size - The electronic message sign shall not exceed eighty (80) percent of the maximum size of the sign it replaces.
- C. Motion - Electronic message signs shall not display animation, flash or blink and motion shall be limited to the transition from one message to another.
- D. Light Levels - Electronic message signs shall be equipped with light sensors capable of measuring ambient light levels and dimming devices that shall lower the brightness of the sign based on the measured ambient light to minimize the brightness level required to make the sign visible. The dimming device shall minimize the illumination used to the lowest level necessary to make the sign conspicuous and visible during both daytime and night time hours. At no time shall the brightness level of any electronic message sign constitute glare in violation of §701.6 as determined by the Zoning Officer or violate the Township Nuisance Ordinance.
- E. Transition - Transitions for electronic message signs shall fade and content shall not change more than once every ten (10) seconds with a transition time not exceeding two (2) seconds.

1111 Nonconforming Signs

1111.1 Legal, Non-Conforming Signs

Any sign lawfully existing or under construction on the effective date of this Ordinance, which does not conform to one (1) or more of the provisions of this Ordinance, may be continued in operation and maintained as a legal non-conforming sign subject to compliance with the requirements of §1111.2.

1111.2 Maintenance and Repair of Legal Non-Conforming Signs

Normal maintenance of legal non-conforming signs, including changing of copy, necessary repairs, and incidental alterations which do not extend or intensify the non-conforming features of the sign, shall be permitted. However, no alteration, enlargement, or extension shall be made to a legal non-conforming sign unless the alteration, enlargement, or extension will result in the elimination of the non-conforming features of the sign. If a legal non-conforming sign is damaged or destroyed by any means the sign may be rebuilt to its original condition and may continue to be displayed.

1112 Removal of Certain Signs

1112.1 Obsolete Signs

Any sign, whether existing on or erected after the effective date of this Ordinance, which advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be removed within ninety (90) days upon the cessation of such business or sale of such product by the owner, agent, or person having the

beneficial interest in the building or premises on which such sign is located. If the Zoning Officer shall find that any such sign advertising a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located has not been removed within ninety (90) days upon the cessation of such business or sale of such product, he shall give written notices to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be affected within thirty (30) days after receipt of the notice from the Zoning Officer. If such sign is not removed after the conclusion of such thirty-day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.

1112.2 Unsafe Signs

If the Zoning Officer shall find that any sign is unsafe or insecure, or is a menace to the public, he shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Correction to the condition which caused the Zoning Officer to give such notice shall be effected within ten (10) days after receipt of the notice. If such condition is not corrected after the conclusion of such ten (10) day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located. Notwithstanding, the foregoing provisions, the Zoning Officer is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever the Zoning Officer determines that such sign is an immediate peril to persons or property.

ARTICLE XII ADMINISTRATION

1200 Applicability

1200.1 Conformance; Permit/Revocation

- A. Conformance - Any activity regulated by this Ordinance shall only occur or be undertaken and be continued in conformance with the requirements of this Ordinance.
- B. Permit/Revocation - No owner, contractor, worker or other person shall perform building or construction activity of any kind regulated by this Ordinance unless a valid zoning permit has been issued and posted for such work, nor shall such persons conduct such work after notice that a zoning permit has been revoked.

1200.2 Authorization

This Ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania MPC (hereinafter referred to as MPC).

1200.3 Regulated Activities

Any of the following activities or any other activity or matter regulated by this Zoning Ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this Ordinance:

- A. Erection, construction, movement, placement or extension of a structure, building or regulated sign;
- B. Change in the type of use or expansion of the use of a structure or area of land; and/or,
- C. Creation of a lot or alteration of lot lines.

1200.4 Repairs and Maintenance

Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit provided such activity does not involve:

- A. A change in use;
- B. An expansion, construction or placement of a structure;
- C. An increase in the number of dwelling units or boarding house units; and/or,
- D. Any other activity regulated by this Ordinance.

1201 General Procedure for Permits

1201.1 Principal Permitted Use

Within 30 days of receiving a proper and complete application for a principal permitted use (permitted by right), the Zoning Officer shall either:

- A. Issue the permit under this Ordinance; or,
- B. Refuse the permit, indicating at least one (1) applicable reason, in writing, to the applicant or his/her representative.

1201.2 Reviews

Certain activities require approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission.

1201.3 Appeal

See §1205.2.C which describes processes to appeal actions of the Zoning Officer to the Zoning Hearing Board.

1201.4 Timing

After a zoning permit has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance provided the work complies with other Township Ordinances. However, it is recommended that applicants wait thirty (30) days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty (30) day appeal period shall be at the risk of the applicant.

1202 Permits and Certificates

1202.1 Applicability See §1200.

1202.2 Types of Uses

- A. Principal Permitted Uses (Permitted by Right Uses) and Accessory Uses - If a use is listed as a principal permitted use or an accessory use by this Ordinance and meets the requirements of this Ordinance, the Zoning Officer shall issue a permit in response to a complete application.
- B. Conditional Use - A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the Board of Supervisors following review by the Township Planning Commission and a public hearing conducted by the Board of Supervisors.
- C. Special Exception Use - A permit under this Ordinance for a use requiring a Special Exception shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board following review by the Township Planning Commission and a public hearing conducted by the Zoning Hearing Board.
- D. Application Requiring a Variance - A permit under this Ordinance for a use requiring a Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board following a public hearing conducted by the Zoning Hearing Board.
- E. Temporary Uses - A temporary use, as defined in Article III, shall only be established with a temporary zoning permit issued by the Zoning Officer evidencing the compliance of such use with the applicable provisions of this Ordinance.
 1. Permits shall be issued for a six-month period and may be extended for additional periods.
 2. Temporary contractors offices, watchman trailers, construction equipment sheds, trailers and similar uses shall be permitted in any district where the use is incidental to a construction project. Water and sanitary facilities shall be provided and sleeping and/or cooking accommodations may be provided.

1202.3 Applications

- A. Required - Any request for action by the Zoning Hearing Board, application for a conditional use, or for a permit under this Ordinance shall be made, in writing, on a form provided by the Township and in accord with the procedures established by the Township. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to the Township employee responsible for processing such application. The applicant is responsible to ensure that the responsible Township official notes the date of the official receipt on the application.
- B. Number of Copies - The applicant shall submit the number of paper copies and the electronic copy as established by Township policy.
- C. Information Required - Any application to the Zoning Officer, Zoning Hearing Board, Planning Commission or Board of Supervisors shall include all information required by this Ordinance.
 1. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may determine that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.
 2. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may require any other additional information or any level of detail deemed necessary to determine compliance with this Ordinance or to identify any impacts of the proposed use.

- D. Survey - In cases where the size of the lot, proposed setbacks, lot coverage or other aspect of the proposed construction or development is of such nature as to make confirmation of compliance with the required standards uncertain based solely on the plot plan submitted by the applicant, or if the exact location of property lines or property corners cannot be determined by the Township, the Township may require the applicant to submit a survey of the subject parcel. Said survey shall be made by a Pennsylvania Registered Land Survey and shall show all details required by the Township to confirm compliance with the particular standards in question. The Township may require such survey prior to issuance of a permit to document that all requirements can be satisfied, or prior to issuance of a certificate of use/occupancy to confirm that all improvements have been developed in accord with the applicable requirements.
- E. Other Laws and Regulations -
1. The Zoning Officer shall issue permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances and with the laws and regulations of the Commonwealth and the Federal Government.
 2. The Applicant bears all responsibility for ensuring compliance with all applicable laws and regulations, including, but not limited to, compliance with this Ordinance, the Township Storm Water Management Ordinance, the Township Subdivision and Land Development Ordinance, any and all regulations governing wetlands and/or other natural resources, and all other Township, County, State and/or Federal laws and regulations.
- F. Ownership - No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application. (See definition of *landowner* in Article III.)
- G. Advisory Reviews - The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission, the Luzerne County Planning Commission, the County Conservation District or Township Engineer) for review and comment.
- H. Principal Permitted Uses (Permitted by Right Uses) and Accessory Uses - Applications for principal permitted uses and accessory uses shall, at a minimum, include the following:
1. Names and address of the applicant, or appellant; and, the name and address of the owner of the affected property.
 2. A description of the existing and proposed use(s) of the property, including numbers of dwelling units, minimum square feet of proposed dwelling units and number of proposed business establishments, if any.
 3. A description of any proposed nonresidential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards, or other significant public health and safety hazards.
 4. If a principal nonresidential use is proposed within close proximity to dwellings, a description of hours of operation and proposed methods of storing garbage outdoors on-site.
 5. A listing of any specific sections of this Ordinances being appealed, with the reasons for any appeal.
 6. A plot plan legible in every detail and drawn to scale, but not necessarily showing precise dimensions, which includes the following information:
 - a. Name of the development.
 - b. Name and address of land owner and/or land developer. (If a corporation, list names of officers.)
 - c. Location map.
 - d. North arrow, true or magnetic.
 - e. Graphic and written scale.
 - f. County tax identification number for the parcel(s).
 - g. Date plot plan was completed.
 - h. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
 - i. Proposed and existing street and lot layout, including street names and right-of-way widths.
 - j. Existing and proposed man-made and/or natural features:
 1. Water courses, lakes and wetlands (with names).

2. Rock outcrops, ledges and stone fields.
 3. Buildings, structures, signs and setbacks required by this Zoning Ordinance.
 4. Approximate location of tree masses.
 5. Utility lines, wells and sewage system(s).
 6. Entrances, exits, access roads and parking areas, including the number of spaces.
 7. Drainage and storm water management facilities.
 8. Plans for any required buffer plantings.
 9. Any and all other significant features.
7. Location of permanent and seasonal high water table areas and 100 year flood zones.
 8. Tract boundaries accurately labeled.
 9. The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed.
 10. Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
 11. A statement of the type of water supply and sewage disposal proposed.
 12. The present Zoning District and major applicable lot requirements.
 13. The location of all areas or features of the project parcel which are subject to the Township Official Map and the type of reservation as specified on the Official Map.
- I. Conditional Uses and Special Exceptions - See §1208.1.C for conditional use and special exception application requirements.
 - J. VariANCES - Applications for variances shall include the information required by Zoning Hearing Board policies and procedures.

1202.4 Inspections

Inspections associated with an application for a development or use shall be conducted in accord with the policies and procedures adopted by the Township.

1202.5 Revocation of Permits

If a zoning permit is revoked, the person holding the permit shall immediately surrender such permit and all copies to the Zoning Officer, and all work and/or use of the property shall be discontinued in accord with the permit revocation. The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in case of:

- A. False Information - Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (The Pennsylvania Criminal Code provides for penalties for providing false information to a Township employee in the carrying out of his/her duties); or,
- B. Condition Violation - Violation of any condition lawfully imposed upon a special exception, variance or conditional use; or,
- C. Noncompliance - Any work being accomplished or land or structures being used in such a way that does not comply with this Ordinance or an approved site plan or approved permit application;
- D. Other Laws and regulations - Violation of any applicable Township, County, State or Federal Law or regulation; or,
- E. Other - Any other just cause set forth in this Ordinance.

1202.6 Changes to Approved Plans

- A. Written Consent - After the issuance of a permit and/or approval under this Ordinance, an approved application shall not be changed without the written consent of the Township, as stated in Subsection B below.

- B. Conditional Uses and Special Exceptions - Changes to an approval by the Board of Supervisors as a conditional use or by the Zoning Hearing Board as a special exception use shall require re-approval of the changes by such bodies if the Zoning Officer determines that such changes affect matters that were within the scope of approval of such body. Such approval by the Zoning Hearing Board or the Board of Supervisors is not required for clearly minor technical adjustments or matters that are solely corrections of information that do not affect any of the significant features of the site plan or the intensity of the use, as determined by the Zoning Officer.
- C. Notice - A copy of such adjustment or correction shall be provided, in writing, to the Planning Commission, the Board of Supervisors or the Chairperson of the Zoning Hearing Board, as appropriate, if the change concerns a plan approved by such body.

1202.7 Certificate of Use/Occupancy

- A. Required - A certificate of use/occupancy shall be required by the Township upon a change of use or completion of work authorized by a permit or approval under this Ordinance. It shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until such certificate has been issued. A new certificate of use/occupancy shall be required if a change in use of the property is proposed; and then such certificate shall be issued only after all required approvals are obtained.
- B. Application - An application for a certificate of use/occupancy shall be made on an official Township form. If the use is in conformance with Township ordinances and approvals, such certificate shall be issued. A minimum of one (1) copy shall be retained in Township records.
- C. Issuance/Denial - The Zoning Officer shall inspect such structure or land related to an application for a certificate of use/occupancy. If the Zoning Officer determines, to the best of his/her current knowledge, that such work or use conforms with this Ordinance and applicable Township codes, approvals and permits, then such certificate of use/occupancy shall be issued. If the work or use does not conform the application shall be denied.
- D. Action Period - The Zoning Officer shall issue or deny the certificate of use/occupancy within thirty (30) days of receipt of a complete application. An incomplete application shall be cause for denial.

1203 Fees

1203.1 Application Fees

As authorized by §617.3(e) and §908(1.1) of the MPC, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance. Permits, certificates, conditional use permits, special exception permits and variances shall be issued only after all fees have been paid in full; and, the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

1203.2 Stenographer Fees

The appearance fee for a stenographer shall be shared equally by the applicant and the Township as required by §908(7) of the MPC. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person appealing from the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1204 Zoning Officer

1204.1 Appointment

The Zoning Officer shall be appointed by the Board of Supervisors in accord with §614 of the MPC. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices not in conflict with the MPC.

1204.2 Duties and Powers

It shall be the duty of the Zoning Officer to enforce, literally, the provisions of this Ordinance and amendments thereto and Zoning Officer to shall have such duties and powers as are conferred by this Ordinance, and as are reasonably implied for that purpose. The Zoning Officer shall not have the power to permit any construction or allow any use or change of use which does not conform to the Zoning Ordinance. The Zoning Officer's duties shall include, but are not limited to, the following:

- A. Applications - Receive and examine all applications for zoning permits, and issue permits when there is compliance with the provisions of this Ordinance and deny permits for noncompliance.
- B. Conditional Uses, Special Exceptions, and Variances - Receive zoning permit applications for conditional uses, special exceptions, and variances and forward these applications to the Township Planning Commission and/or the Zoning Hearing Board for action thereon in accord with all applicable provisions of this Ordinance.
- C. Zoning Hearing Board Action - Following denial of an application for a permit, to receive applications for interpretations, appeals and variances, and forward these applications to the Zoning Hearing Board for action thereon.
- D. Inspections and Surveys - Conduct inspections and surveys to determine compliance or noncompliance with the provisions of this Ordinance. The Zoning Officer shall have the right to enter upon the land of another in the course of his lawful duties upon obtaining permission from the owner.
- E. Certificates/Documents - Issue certificates of use/occupancy, certificates of nonconforming use and other documents necessary to the administration of this Ordinance.
- F. Record Keeping - Record and file all applications for zoning permits with the accompanying plans and documents and keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building or land.
- G. Nonconformities - When directed by the Board of Supervisors, identify and register nonconforming uses and structures as required by the provisions of this Ordinance.
- H. Zoning Map - Maintain the Official Zoning Map of the Township showing the current zoning classification of all land in the Township.
- I. Stop Work - Issue stop, cease and desist orders and enforcement notices, and order, in writing, correction of all conditions found to be in violation of the provisions of this Ordinance.
- J. Enforcement Proceedings - With the approval of the Board of Supervisors, or when directed by them, institute in the name of the Township any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of any building; and to restrain, correct or abate such violations, so as to prevent the occupancy or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises which is in violation of this Ordinance.
- K. Revocation - Revoke any order or zoning permit issued under a mistake of fact or contrary to the law of the provisions of this Ordinance.
- L. Testimony - Upon the request of the Board of Supervisors, the Planning Commission or the Zoning Hearing Board, present facts, records or reports which they may request to assist such body in making decisions.

1204.3 Qualifications

Pursuant to §614 of the MPC, the following minimum qualifications shall apply to any Zoning Officer appointed to serve the Township after the adoption of this Ordinance, unless such mandatory qualifications are waived by motion of the Board of Supervisors:

- A. The person shall demonstrate a working knowledge of Township zoning.
- B. The person shall be familiar with Constitutional issues concerning search and seizure and with the process of filing actions with the Magisterial District Judge.
- C. The person shall exhibit an ability to thoroughly evaluate site plans and building plans.
- D. The person shall demonstrate competent oral and written communication skills.
- E. The person shall be familiar with the MPC.

1205 Zoning Hearing Board1205.1 Membership and Qualifications

- A. Membership - The Board of Supervisors shall create a Zoning Hearing Board, which shall have the number of members and alternate members with such powers and authority, and which shall conduct all proceedings as set forth in Article IX of the MPC.
- B. Recommended Qualifications - Each Zoning Hearing Board member should:
1. Become familiar with the MPC and the Zoning Ordinance and Subdivision and Land Development Ordinance.
 2. Attend seminars and/or workshops pertaining to Township planning and/or zoning.
- C. Vacancies - The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- D. Removal of Members - See §905 of the MPC.
- E. Organization.
1. Officers - The Board shall elect officers from its own membership who shall serve annual terms and may succeed themselves.
 2. Quorum - For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, except that the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided by §908 of the MPC. The quorum may be met by alternate members, serving as permitted by §906(b) of the MPC.
 3. Rules - The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and laws of the Commonwealth of Pennsylvania.

1205.2 Jurisdiction

In accord with §909.1(a) of the MPC, the Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive Validity Challenges - Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §609.1 (Landowner Curative Amendments) and §916.1(a) (2) (Validity of Ordinances) of the MPC.
- B. Procedural Validity Challenges - 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.
- C. Zoning Officer Appeals - 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.
- D. Variances - Applications for variances from the terms of this Ordinance pursuant to §910.2 of the MPC.
- E. Special Exceptions - Applications for special exceptions under this Ordinance pursuant to §912.1 of the MPC and the requirements of this Ordinance.
- F. Preliminary Opinion Appeal - Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the MPC.
- G. E & S; Stormwater Appeals - Appeals from the determination of the Zoning Officer or Township 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 relate to development not involving Subdivision and Land Development applications.

1206 Zoning Hearing Board -- Hearings and Decisions

The Zoning Hearing Board shall conduct hearings and make decisions in accord with §908 of the MPC, and the provisions of this §1206. The hearings shall be conducted by the Board, or, the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

1207 Variances

1207.1 Jurisdiction

The Zoning Hearing Board shall hear duly filed requests for variances.

1207.2 Standards

The Board may grant a variance only in accord with the requirements of §910.2 of the MPC. **The applicant shall have the burden of proof to show compliance with such standards.** As of January 2003, the MPC provided that **all** of the following findings are made where relevant in a given case:

- A. Unique Physical Circumstances or Conditions - That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or District in which the property is located.
- B. Necessary for Reasonable Use - That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. Self-Creation - That such unnecessary hardship has not been created by the appellant.
- D. Neighborhood; Adjacent Property; Public Welfare - 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.
- E. Minimum Variance - 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.

1208 Conditional Uses and Special Exceptions

1208.1 Pre-submission Conference; Applications

- A. Pre-submission Conference - The applicant for a conditional use or special exception shall contact the Zoning Officer to arrange a pre-submission conference to outline the nature of the proposed application and to determine the nature and extent of the information to be supplied on the site development plan. In addition to the site development plan, the applicant shall also submit a statement setting forth full particulars of the need, purpose and operation of the structure or use.
- B. Electronic Format - In addition to submitting the application in paper format, applications for conditional uses and special exceptions shall be submitted on compact disk in *PDF* or other electronic format approved by the Zoning Officer.
- C. Application Information - Applications for conditional uses and special exceptions shall, at a minimum, include a narrative detailing how the development or proposed use will comply with the standards in §1208.4 and a site development plan. The plan shall be prepared by a civil engineer, surveyor, land planner, architect or other competent person. Site development plan elements shall include those listed below which are appropriate to the proposed development or use as indicated by the Zoning Officer in the pre-submission conference

1. Legal Data

- a. The tax number of the property from the latest tax records.
 - b. The name and address of the owner of record.
 - c. The name and address of the person, firm or organization preparing the map, including the seal and signature of the responsible professional(s).
 - d. The date, North point and written and graphic scale.
 - e. Sufficient description or information to define precisely the boundaries of the property. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest ten (10) seconds or closer. The error of closure shall not exceed one (1) in five thousand (5,000).
 - f. The locations, names and existing widths of adjacent streets and curb lines.
 - g. The locations and owners of all adjoining lands as shown on the latest tax records.
 - h. The locations, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.
 - i. A complete outline of existing deed restrictions or covenants applying to the property.
 - j. The zoning district in which the property is located.
2. Natural Features
- a. The existing contours with intervals of ten (10) feet or less, as determined at the pre-submission conference, referenced to a datum satisfactory to the Zoning Officer.
 - b. The proposed finished contours with intervals of ten (10) feet or less referenced to the same datum.
 - c. The boundary of any area in the one-hundred-year floodplain, and stormwater overflow area.
 - d. The location of existing wetlands, swamps or marshes, watercourses, including intermittent streams, wooded areas and any other pertinent natural pre-submission conference feature
 - e. Soil survey data, including capabilities for on-lot septic systems, as taken from the Soil Conservation Survey or as mapped by a qualified soil scientist.
 - f. Soil percolation test results and/or comments from the Luzerne County Conservation District, as requested in the pre-submission conference
3. Utilities, structures and uses on and within 200 feet of the site
- a. The location of all utilities, including:
 - 1) Power lines.
 - 2) Telephone lines, including cellular transmission towers; and cable television lines.
 - 3) Storm sewers (including culverts), giving dimensions, grades and direction of flow.
 - 4) Sanitary sewers, giving dimensions, grades, elevations and direction of flow.
 - 5) Waterlines, giving dimensions and elevations.
 - b. Curbs and gutters, sidewalks, paved areas and access.

- c. The outline of structures and use areas.
 - d. Fences, landscaping, screening and other improvements, as determined at the pre-submission conference.
4. Proposed improvements and use
- a. The design and location of all uses and use areas not requiring structures.
 - b. The location of proposed buildings or structures.
 - c. The design and location of all outdoor signs, if any.
 - d. The design and locations of driveways, parking areas, sidewalks and other paved areas, including existing and proposed profiles and cross sections.
 - e. The location of proposed or existing well and sewage disposal systems or water- and sewer lines.
 - f. The plan and location of any proposed grading, landscaping or screening.
 - g. A copy of any proposed deed restriction or covenants.
 - h. The plan and location of any proposed public improvements on or adjacent to the property.
5. Evidence shall be shown of compliance with the Department of Environmental Protection, PennDOT highway occupancy standards and Department of Labor and Industry Standards.
6. The location of all areas or features of the project parcel which are subject to the Township Official Map and the type of reservation as specified on the Official Map.
7. Any other information which may be determined during the pre-submission conference to be necessary to ascertain the conformity of the site plan with the intent and requirements of this Ordinance.

1208.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval by the Board of Supervisors pursuant to the express standards as provided for specific conditional uses in this Ordinance, in §1208.4, and any other applicable standards in this Ordinance.

- A. Expansions - Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure of less than five hundred (500) square feet of gross floor area shall not be considered a conditional use.
- B. Procedure
1. Submission - The application shall be submitted to the designated Township official. The official may refuse to accept an application which does not provide all information required to determine compliance with this Ordinance.
 2. Zoning Officer Review - The Zoning Officer may report, in writing or in person, to the Planning Commission or the Board of Supervisors stating whether the application complies with this Ordinance. The Zoning Officer may recommend a review by the Township Engineer.
 3. Planning Commission Review of Conditional Use
 - a. In accord with §603(c)(2) of the MPC, the Township Planning Commission shall be provided with an opportunity to review any proposed conditional use. The Commission, at its option, may provide a written advisory review.
 - b. If such review is not received by the Board of Supervisors within the time limit within which the Board of Supervisors shall issue its decision then the Board of Supervisors may make its decision without having received comments from the Planning Commission.

4. Board of Supervisors Action - The Board of Supervisors shall conduct hearings and make decisions in accordance with §908 and §913.2 of the MPC. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it determines are necessary to implement the purposes of the MPC and this Ordinance, and to protect the public health, safety, and welfare.
5. Notice - In addition to the notice and posting requirements of the MPC, notice of all conditional use hearings shall be mailed to the owners of all properties contiguous to the parcel which is the subject of the hearing not less than fourteen (14) calendar days prior to the hearing. Such notice shall be by U.S. Mail to the last known address of the contiguous owners as listed in Luzerne County tax assessment records.

1208.3 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Zoning Hearing Board pursuant to the express standards and criteria as provided for specific special exceptions in this Ordinance and in §1208.4.

- A. Expansions - Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure of less than five hundred (500) square feet of gross floor area shall not be considered a special exception.
- B. Procedure
 1. Submission - The application shall be submitted to the designated Township official.
 2. Zoning Officer Review - The Zoning Officer may report, in writing or in person, to the Planning Commission or the Zoning Hearing Board stating whether the application complies with this Ordinance. The Zoning Officer may recommend a review by the Township Engineer.
 3. Planning Commission Review of Special Exception Uses
 - a. The Township Planning Commission shall be provided with an opportunity to review any proposed special exception use. The Planning Commission, at its option, may provide a written advisory review.
 - b. If such review is not received by the Zoning Hearing Board within the time limit within which the Board must issue its decision then the Zoning Hearing Board may make a decision without having received comments from the Planning Commission.
 4. Zoning Hearing Board Action on Special Exception Uses
 - a. The Board shall hear and decide a request for a special exception use under the procedures in §1206 of this Ordinance and §908 of the MPC.
 - b. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it determines are necessary to implement the purposes of the MPC and this Ordinance, and to protect the public health, safety, and welfare.

1208.4 Standards and Criteria for Conditional Uses and Special Exceptions

In addition to the applicable general provisions of this Ordinance and to the standards and criteria provided in this Ordinance for specific conditional uses and specific special exceptions, the standards and criteria in this §1208.4 shall be applied in the review of applications for conditional uses and special exceptions. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the public health, safety, and welfare; and, the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

- A. Comprehensive Plan; Ordinances - The proposed use shall be consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, this Ordinance, and all other ordinances of the Township.
- B. Location - The proposed use shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.

- C. Adverse Effects - The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.
- D. Public Improvements - The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, and services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use, the applicant shall be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other Ordinances of the Township. The permit approval shall be so conditioned.
- E. Additional Factors - The following additional factors shall be considered:
1. Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs.
 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Adequacy and arrangement of pedestrian traffic, access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 5. Adequacy of storm water and drainage facilities.
 6. Adequacy of water supply and sewage disposal facilities.
 7. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 9. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

1208.5 Conditions of Approval for Conditional Uses and Special Exceptions

No application shall be approved unless it is found that, in addition to complying with all of the standards and criteria enumerated above, all of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety, and welfare of parties affected, all conditions and safeguards deemed necessary by the Board of Supervisors or Zoning Hearing Board to protect the general health, safety, and welfare, as well as to implement the purposes of this Ordinance and the MPC, shall be imposed as conditions of approval in accord with §912.1 or §913.2 of the MPC, as the case may be. Conditions which may be imposed may include, but not be limited to, provisions for additional parking, traffic control, landscaping, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

1208.6 Subdivision and Land Development Plans

- A. Timing of Submission - The Township Planning Commission and Board of Supervisors or the Zoning Hearing Board will process an application for a conditional use or a special exception, respectively, prior to, or concurrently with, land development approval, if such subdivision or land development approval is required under the provisions of the Township Subdivision and Land Development Ordinance. The intent of prior action on a conditional use or a special exception is to afford the applicant the opportunity to obtain initial zoning approval before committing the resources necessary to prepare and submit a detailed plan to conform to the requirements of the Subdivision Ordinance.

B. Conditions - At the time of land development approval which has been preceded by conditional use or special exception approval, the Board of Supervisors shall have the right to attach any and all reasonable conditions of approval to any subdivision or land development plan which was preceded by conditional use or special exception approval.

1209 Reserved

1210 Mediation

Parties to proceedings authorized by this Ordinance and the MPC may use the Mediation Option as authorized by and in accord with §908.1 of said Code.

1211 Time Limits for Appeals

The time limitations for appeals shall be as follows:

1211.1 Zoning Hearing Board -- County Court

No person shall be allowed to file any appeal with the Zoning Hearing Board later than thirty (30) days after the officially issued decision of the Zoning Officer, or appeal to the County Court of Common Pleas later than thirty (30) days after the officially issued decision of the Board of Supervisors or the Zoning Hearing Board, except as may be provided under §914.1 of the MPC.

1211.2 Revoked Permits

This thirty (30) day time limit for appeal shall not apply to the revocation of a permit by the Zoning Officer in accord with §1202.5.

1212 Appeals to Court and Other Administrative Proceedings

Appeals to Court and other administrative proceedings shall be governed by Article X-A and Article IX of the MPC, respectively.

1213 Public Utility Corporation Exemptions

In accord with §619 of the MPC, this Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings

1214 Limited Township Exemption

The minimum lot area requirements of this Ordinance shall not apply to uses or structures owned by the Township for uses and structures that are intended for a legitimate governmental, recycling, public recreation, storm water control or public health and safety purpose.

1215 Amendments

The Board of Supervisors may amend this Ordinance by complying with the requirements set forth in Article VI of the MPC. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §609.1 and §916.1 of the MPC.

1216 Violations

1216.1 Compliance

Failure to comply with any provision of this Ordinance; failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board; or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a certificate of use/occupancy, shall be violations of this Ordinance.

1216.2 Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. Any complaint filed in writing with the Zoning Officer, and which includes the full name, address and telephone number of the complainant, shall be investigated

by the Zoning Officer with the results reported to the complainant. Any verbal complaints may be investigated at the discretion of the Zoning Officer.

1216.3 Enforcement Notice

When written notice of a violation of any of the provisions of this Ordinance is served by the Zoning Officer, personally or by certified mail, in the manner prescribed by §616.1 of the MPC and set forth in this §1216.3, such violation shall be discontinued or corrected as set forth in said notice.

- A. Violation - If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in §1216.3.B.
- B. Notice Recipient(s) - The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested, in writing, by the owner of record.
- C. Notice Content - An 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 shall be commenced and the date before which the steps shall 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 Ordinance.
 - 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. Appeal - In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- E. Filing fee - Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

1217 Penalties and Remedies

1217.1 Causes of Action

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 any provisions of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, 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.

1217.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this 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) dollars (state law) 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 Magisterial District Judge. 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 Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.

- B. 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.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township, the right to commence any action for enforcement pursuant to this section.

1218 Liability

Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the flood plain, site plan review, subdivision or land development approval, erosion control, storm water runoff, activity on steep slopes, or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.

If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

**ARTICLE XIII
ADOPTION**

This Ordinance ordained and enacted this _____ day of _____, 2012, by the Board of Supervisors of Franklin Township, Luzerne County, Pennsylvania, to be effective immediately.

Chairman

Vice-Chairman

Supervisor

ATTEST:

Secretary