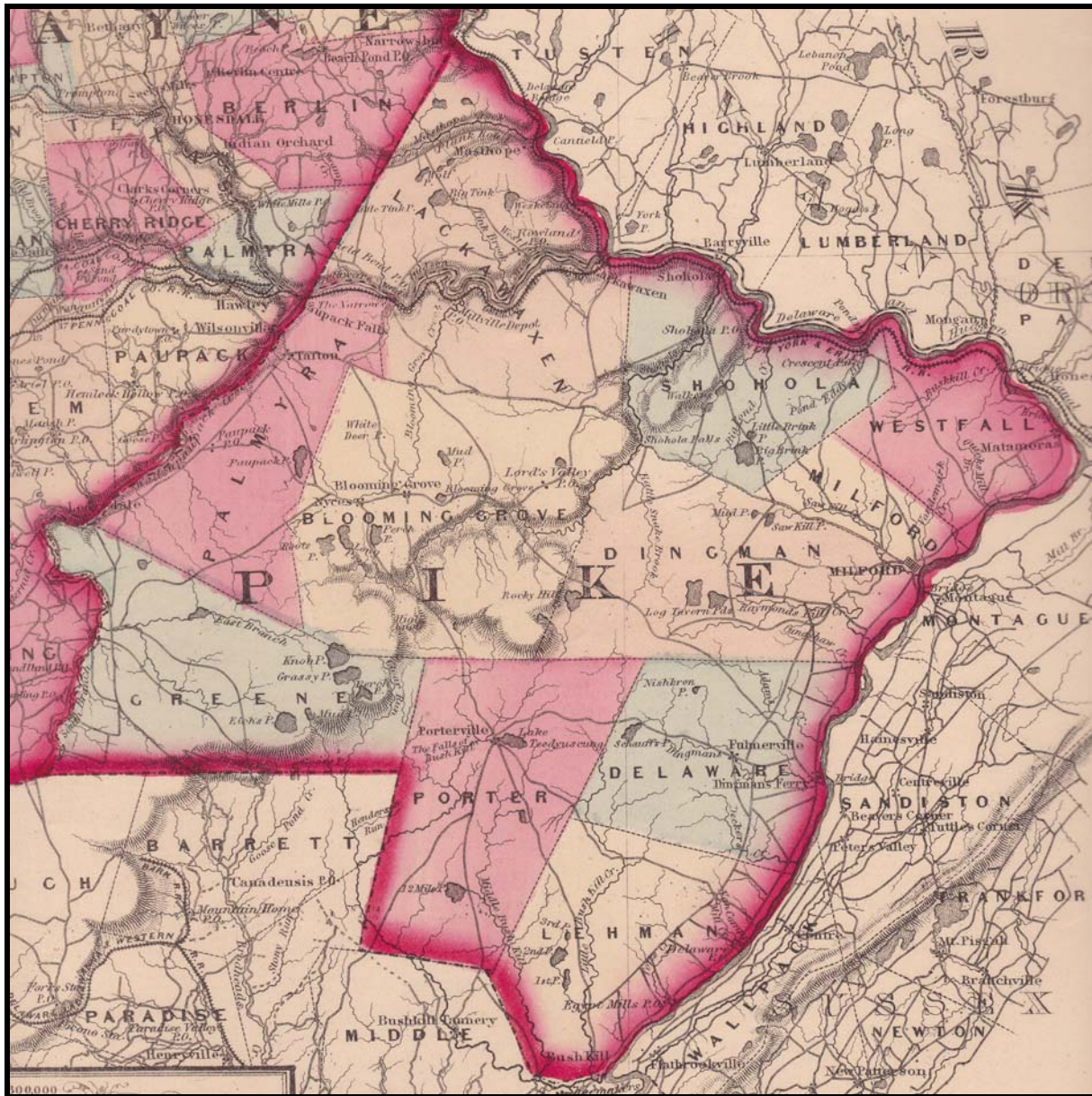


# PORTER TOWNSHIP

PIKE COUNTY, PENNSYLVANIA



*The New Topographical Atlas of the State of Pennsylvania, Stedman, Brown & Lyon, Philadelphia, 1872.*

## ZONING ORDINANCE

JULY 5, 2011



This Zoning Ordinance was financed in part by the Pennsylvania Department of Community and Economic Development with a grant from the Land Use Planning and Technical Assistance Program and by the Pike County Scenic Rural Character Preservation Program.



## 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 §1108)
  - ☛ **Special Exceptions** - review by Planning Commission, action by Zoning Hearing Board. (See §1108)
- ☛ The requirements for **Permit Applications** are found in §1102.
- ☛ 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 §505 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 §1107.3.
- ☛ 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 §1103 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 Porter Township, Pike 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 Adoption and Conflict

The Porter Township Zoning Ordinance of February 25, 1999, as amended, is hereby amended and restated in its entirety 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 Porter Township. If any other ordinance, code or regulation of Porter 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 *PORTER 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:

1. Erection, construction, movement, relocation, placement or extension of a structure, building or regulated sign;
2. Change in the type of use or expansion of the use of a structure or area of land; and/or,
3. 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.

### **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**

### **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 Porter 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:

Abandoned or Junked Vehicle: Any vehicle not stored in a fully enclosed building which is not in good operating and road-worthy condition. See definition of *good operating and road-worthy condition*.

Accessory Use or Structure: A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.

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*. Considered an *adult business* for the purpose of this Ordinance.

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 principal 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 principal 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*. The term *adult bookstore* shall include but not be limited to an *adult video store*, and all such uses shall be considered an *adult business* for regulation by this Ordinance.

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 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 as defined in this Article II:
1. adult arcade
  2. adult bookstore or adult video store
  3. adult live entertainment use or facility
  4. adult motel
  5. adult motion picture theater
  6. adult theater
  7. escort agency
  8. massage parlor
  9. nude model studio
  10. sexual encounter center

Adult Care Facility: See *health facility*.

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*.

Considered an *adult business* for regulation by this Ordinance.

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.

Considered an *adult business* for regulation by this Ordinance.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*. Considered an *adult business* for regulation by this Ordinance.

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 anatomical areas* or *specified sexual activities*. Considered an *adult business* for regulation by this Ordinance.

Agricultural Use: 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 kennels.

Agriculture 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 tanneries, dairies and food canning and freezing operations.

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

Alley: A public or private thoroughfare affording only secondary access to abutting properties.

Alteration: Any change or rearrangement in the structural parts or in the existing facilities of a building or structure or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such structure from one location or position to another, excluding repairs to existing architectural features.

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.

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, food stands and other associated facilities.

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.

Antenna and Antenna Support Structure: Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

Antenna Height: The vertical distance measured from the base of the antennae 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 antennae height.

Apartment: See *dwelling*.

Applicant: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this Zoning Ordinance.

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 regulation by this Zoning Ordinance. Considered a *recreational facility, commercial* for regulation by this Zoning Ordinance..

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

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.

Attached Building: A building which has one or more walls or portions thereof in common with an adjacent building.

Auction House: A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Automobile Rental Operation: An establishment which rents automobiles, but no other types of vehicles or equipment.

Bank: An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds.

Basement: An enclosed floor area partly or wholly underground, other than a building which is completely



underground.

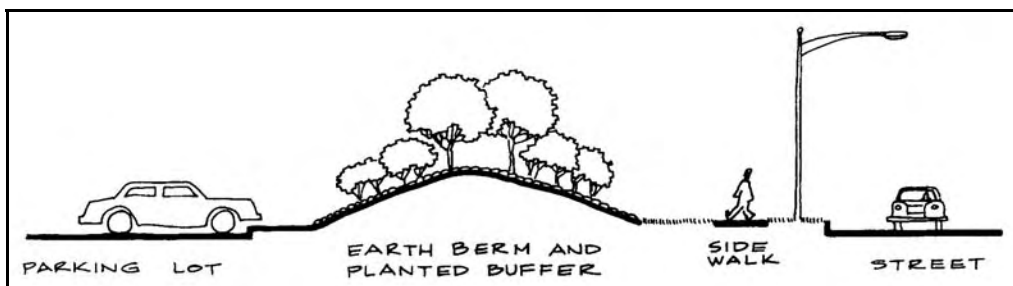
**Bed and Breakfast:** Any single-family dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered, and shall be restricted to transient visitors to the area.

**Boarding or Lodging House:** Any dwelling in which more than three (3) 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.

**Board of Supervisors or Supervisors:** The Board of Supervisors of Porter Township, Pike County, Pennsylvania.

**Boat Dock:** See *water craft dock*.

**Boat Slip:** See *water craft slip*.



Buffer

**Buffer:** A strip of land 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. It is used to provide separation between incompatible uses to effect a visual barrier, reduce noise, block physical passage between uses, and reduce noise, dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof; and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases. A buffer yard may be a part of the minimum setback distance but land within an existing street right-of-way shall not be used to meet a buffer yard requirement.

**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.

**Building, Attached:** A building which has one or more walls or portions thereof in common with an adjacent building.

**Building, Detached:** A building that is surrounded on all sides by open yards and that is not attached to any other building.

**Building, Principal:** The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building is considered part of that principal building.

**Building Coverage:** The percentage of the area of the lot covered or occupied by the total horizontal projected surface

area of all buildings on the lot and including accessory buildings and structures (including covered porches, carports and breezeways, but excluding open and uncovered patios and decks).

**Building Envelope:** An area on a lot which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and are specifically designated on the development plan and established by deed covenants and restrictions.

**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.

**Bulk Fuel Storage Facility:** Any facility where fuel, including but not limited to kerosene, home heating oil, gasoline, and propane, is stored in large volume tanks for distribution to retail or wholesale establishments, or individual users.

**Bus, Limousine or Taxi Terminal:** An area and/or building where buses, limousines, and or taxi's are stored or parked on a regular basis with or without maintenance and repair facilities.

**Camp/Retreat:** A facility where individuals are temporarily provided room and board for a set period of time and recreation activities and/or life skills, avocational or vocational training or similar activities are provided in a structured form. Such facilities typically involve larger parcels of land and operate during the summer for children, but may include other similar facilities which operate at varying times of the year and serving adults or individuals with special needs. This definition shall not include *health facilities* or *detention* facilities as defined by this Ordinance.

**Campground:** See *recreational vehicle park* .

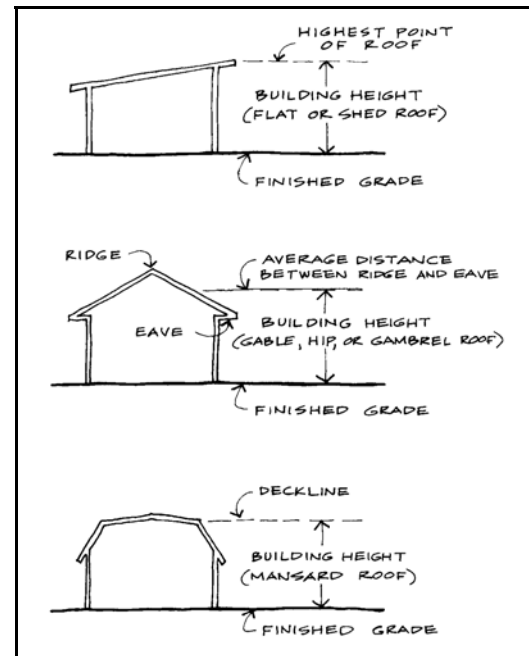
**Campsite:** - A defined area within a recreational vehicle park or campground to be used for camping purposes, and acting as a site for travel trailers, truck campers, camper trailers, motor homes, or tents, marked by the developer on a plan as a numbered, lettered, or otherwise identified tract of land.

**Canopy or Awning:** An overhanging projection or covering, usually supported on poles, and made of canvas, fabric, plastic or other materials.

**Carport:** A roofed building intended for the storage of one (1) or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

**Car Wash:** Any building or premises or portions thereof used for commercial purposes for washing motorcycles, passenger cars and other two-axle, four-tire, single-unit vehicles without trailers.

**Cemetery:** A place for the interment of deceased pets or human beings, by cremation or in a grave, mausoleum, vault, columbarium or other receptacle, or a memorial garden/area for the dispersal of cremated remains, but not including a private family cemetery.



Building Height

Certificate of Use: A document issued by the Zoning Officer stating that the proposed use of land or an existing building complies with the requirements of this Ordinance and that the use may be lawfully initiated.

Change of Use: Any conversion of a use from one regulated use as defined in this Ordinance to a different regulated use.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by the right-of-way lines of the streets and by a line of sight between points on the street right-of-way lines at a given distance from the intersection of the right-of-way lines.

Club/Lodge, Private: An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to bona fide members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. The club shall involve a meaningful and substantial membership system, as opposed to a token system.

Commercial Use: An occupation, employment, or enterprise carried on for profit by the owner, lessee, or licensee.

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.

Common Area: All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.

Common Facilities: Improvements in a development that are not required by the Township but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

Commission: The Planning Commission of Porter Township, Pike County, Pennsylvania.

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

Conditional Use: A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Board of Supervisors after recommendations by the Planning Commission.

Condominium: A set of individual dwelling units or other areas of building each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created under the PA Unit Property Act of 1963 (at the time such law was in effect) or is/was created under the PA Uniform Condominium Act of 1980, as amended.

Conservancy Lot: A large, privately owned and maintained lot, containing an existing dwelling, farm complex, or historic structure, comprising part of the required open space in a conservation subdivision.

Conservation Area, Primary: Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted.

Conservation Area, Secondary: Those areas 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 Subdivision: A subdivision designed at the regulated dwelling unit density where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity. (See §601.)

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.

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

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.

Conventional Design Subdivision: A subdivision designed at the dwelling unit density specified in the Township Zoning Ordinance where individual lot reduction is not permitted.

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.

County: The County of Pike, Commonwealth of Pennsylvania.

Coverage, Lot: See *lot coverage*.

Crematorium: A furnace or establishment for the incineration of human or animal corpses. This definition shall include any such 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, or fruit. The definition excludes commercial greenhouses and commercial nurseries as defined by this Zoning Ordinance.

Day-Care Center: A facility which cares for seven (7) or more children or elderly persons for periods of less than twenty-four (24) hours per day at any hours of any day of the year.

Day-Care, Family Home: A private residence where six (6) or fewer children or elderly persons receive care or supervision for periods of less than eighteen (18) hours per day at any hours between 6:00 a.m. and 12:00 midnight.

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.

Density: The total number of dwelling units per unit of land.

DEP: The Pennsylvania Department of Environmental Protection.

Detached Building: A building that is surrounded on all sides by open yards and that is not attached to any other building.

Developer: Any landowner, agent of such owner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

Development Improvements: All the physical additions and changes to a tract and the constructed facilities necessary and/or required by the Township to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

Development Plan: A proposed development, prepared in accordance with this Ordinance and the Township Subdivision Ordinance, including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities.

Development Sales Office: Any structure erected within the confines of a subdivision for use by the owner or developer of the subdivision as an office on a short-term basis for the promotion of sales of real estate exclusively within the confines of the subdivision, with ultimate use of the structure in conformance with the standards applicable in the district in which the structure is located.

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*.

District (Or Zoning District): A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Disturbed Area: Any area of land which has been altered so that the surface of the soil has physically been graded, excavated or otherwise exposed.

Dock: See *water craft dock*.

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.

Drive-in Stand/Use: An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Driveway: A privately owned, constructed, and maintained vehicular access from a street or access drive to only one (1) dwelling unit, commercial unit, institutional or industrial principal use.

Drug Paraphernalia: Any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under Pennsylvania Law.

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

Dwelling, Apartment Unit: One (1) or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units.

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. Conversion Apartment: A new dwelling unit created within an existing building which creates three (3) or more units.
- B. Garden Apartment: A multi-family dwelling containing three (3) or more dwelling units which are located one over the other and which, when more than three (3) units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Each dwelling unit is accessible by a common stairwell.
- C. Townhouse: A multi-family dwelling of three (3) or more dwelling units 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 without openings.

- D. **Apartment Building:** A multi-family dwelling containing dwelling units having only one (1) floor and typically with an entrance door to a common hallway shared by other dwelling units.

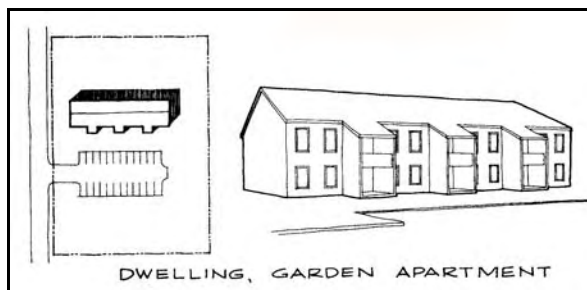
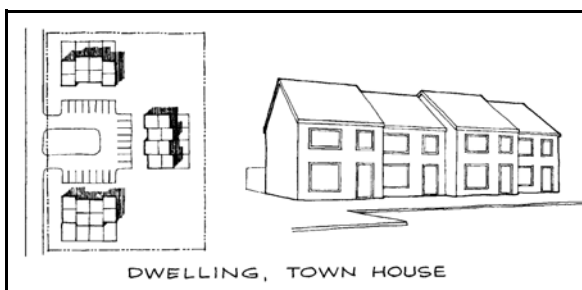
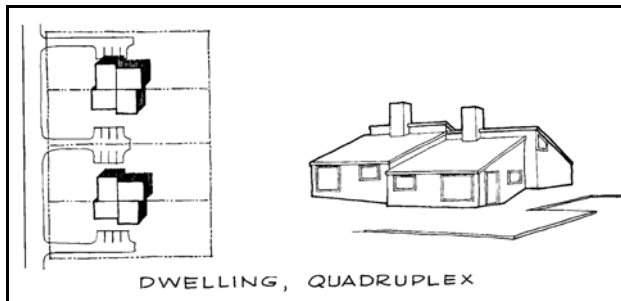
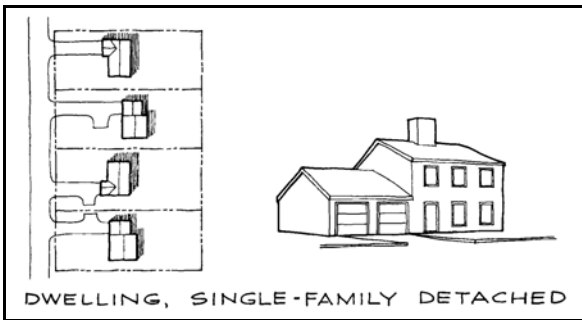
**Dwelling, Quadraplex:** Four attached single-family dwellings in one building in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.

**Dwelling, Single-Family:** A dwelling unit detached from any other dwelling unit accommodating a single family and having a front, rear and two (2) side yards.

**Dwelling, Two-Family:** A dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall, and having one (1) 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 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 Unit:** A single habitable living unit including a kitchen, sleeping facilities, and a separate 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 and without a common area shall be considered a separate dwelling unit.





**Earth Disturbance Activity:** A construction or other human activity which disturbs the surface of land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

**Easement:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

**Employee:** Including, but not limited to, full or part-time workers, volunteers, proprietors and all professionals.

**Encroachment:** Construction of any building, structure or any obstruction or illegal or unauthorized intrusion within the boundaries of any adjacent land, right-of-way street, setback, watercourse or public or reserved ground shown or laid out on any official map, Township approved plot plan or in violation of any provision of set forth in this Ordinance.

**Engineer, Township:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer of the Township.

**Erect:** To build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any building or structure.

**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.

**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. Considered an *adult business* for regulation by this Ordinance.

**Essential Services:** Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the PA Public Utility Commission shall not be considered essential services. (For essential services requiring enclosure in a building see *semi-public building or use*.)

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

**Fence; Wall:** A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and which is constructed of wood, chain-link, metal, fiberglass, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a wall. The term *wall* does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms *fence* and *wall* do not include hedges, trees or shrubs.

**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: An occasional or periodic sales activity held outside a fully enclosed building where stalls or sales areas are set aside, and rented or otherwise provided and which are intended for use by one or more unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Flood: A temporary inundation of normally dry land areas.

Flood, One Hundred Year: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

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

Floodplain Area, Identified: The floodplain area specifically identified on the Township Flood Insurance Rate Map issued by the Federal Emergency Management Agency as being inundated by the one hundred (100) year flood.

Floodway: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude as shown on the Township Flood Insurance Rate Map issued by the Federal Emergency Management Agency.

Floor Area, Gross: The sum of the total horizontal areas of all 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, any space where the floor-to-ceiling height is less than six (6) feet, elevator shafts, common stairwells in an apartment building, and unenclosed porches, decks and breeze ways.

Forestry Enterprises: 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.

Funeral Parlor: A building or part thereof used for human or animal funeral services. (A *crematorium* is a separate regulated use.) Such building may contain space and facilities for any of the following:

- A. Embalming and the performance of other services used in preparation of the dead for burial.
- B. The performance of autopsies and other surgical procedures.
- C. The storage of caskets, funeral urns, and other related funeral supplies.
- D. The storage of funeral vehicles.

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 or facilities participating in any lottery authorized by the Commonwealth of Pennsylvania.

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 vehicle(s) 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.

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

**Gazebo:** An unenclosed, detached, covered accessory structure primarily used for recreation or socializing.

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

**Good Operating and Road-Worthy Condition:** - A vehicle having both a current and valid registration and current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, or if lacking a registration and/or inspection sticker, is in full and complete working order and condition, but for not having said current registration and inspection sticker could be safely and legally operated on a public roadway. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

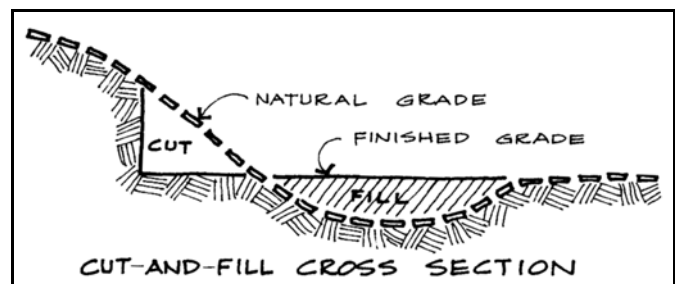
**Grade, Finished:** The final elevation of the average ground level adjoining a building at all exterior walls after development.

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

**Greenhouse, Commercial:** 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; but not including retail sales of any products or services.

**Greenhouse, Private:** A detached accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, used for private use.

**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, any space where the floor-to-ceiling height is less than six (6) feet, elevator shafts, common stairwells in an apartment building, and unenclosed porches, decks and breezeways.

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 retardation or other handicap\* as defined by applicable Federal law.
- D. Does not meet the definition of a treatment center.
- E. 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.

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

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.

Helistop: A heliport without auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment limited to a maximum total of 15 flights or take-offs in any 7-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the general public.

Home Based Business: A commercial use conducted in association with a dwelling and carried on by the inhabitants residing therein and which goes beyond the scope of an home occupation as defined by this Ordinance. Home businesses may include professional practice (not limited to a single practitioner) of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and similar types of uses. Retail and service establishments, and light manufacturing shall also be permitted in accord with §503.3.2 of this Ordinance; however, proposed uses which do not meet the requirements of §503.3.2 shall not be permitted.

Home Occupation: Any activity conducted for gain by a resident in the resident's dwelling unit. (See §503.3 for standards applicable to *home occupations* and *no-impact home-based businesses*.)

Horse: Any animal of the horse family or resembling a horse including, but not limited to, horses, ponies, 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

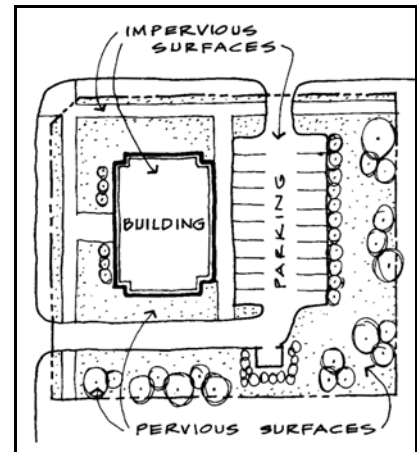
including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Considered a *health facility* for regulation by this Ordinance.

Hotel: A facility offering temporary (generally for periods of two (2) 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.

Hunting and Fishing Club or Camp: Land and/or a stream or body of water and adjacent area on any bank thereof, owned or leased by a person or group of persons duly formed as a club, used principally for hunting/fishing, open only to members and guests and involving no buildings other than those for lodging, eating and sanitary facilities for members and guests.

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: Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff or 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is impervious. Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).



Improvements: See *development improvements*.

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

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

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, refuse, reclaimable material or debris, vehicles, appliances, equipment or machinery, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk shall include, but shall not be limited to:

- A. Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings;
- B. Used lumber, boxes, crates and pallets;
- C. Used tires;

- D. Other worn, deteriorated, or obsolete manufactured goods which are unusable;
- E. Mobile/manufactured homes that are not in habitable condition; and,
- F. Abandoned or junked vehicles.

Junk shall not include:

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection;
- B. Agricultural vehicles and implements such as tractors, mowers, etc. for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.; and,
- C. Construction and contractors equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with the Township Zoning Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

Junk Yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk as defined by this Ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The following shall also be considered junk yards:

- A. The outside storage or deposit on a lot of two (2) or more abandoned or junked vehicles; and,
- B. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes that are not in habitable condition; and,

Vehicle sales lots managed by licensed vehicle dealers operated in accord with this Ordinance shall not be considered junk yards.

Kennel: Any establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business. This definition shall also include any veterinary clinic with outdoor animal runs.

Land Development: (1) A subdivision of land; (2) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. 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,
- B. 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.

The definition of land development shall also include the expansion or addition to a nonresidential building which involves any of the following as measured cumulatively from the effective date of this provision:

- A. The addition of twenty-five (25) percent or more of floor area to the structure; or
- B. The increase by twenty-five (25) percent or more of impervious area (including building area) on the parcel;

or,

- C. Any increase in impervious area which will result in the generation of storm water in such volume as will not be controlled by existing storm water facilities pursuant to the requirements of this Ordinance.

The definition of land development shall not include the following:

- A. 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;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

**Landowner:** The legal or beneficial owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of a landowner, or other persons having a proprietary interest in land, shall be deemed to be landowners for the purpose of this Ordinance.

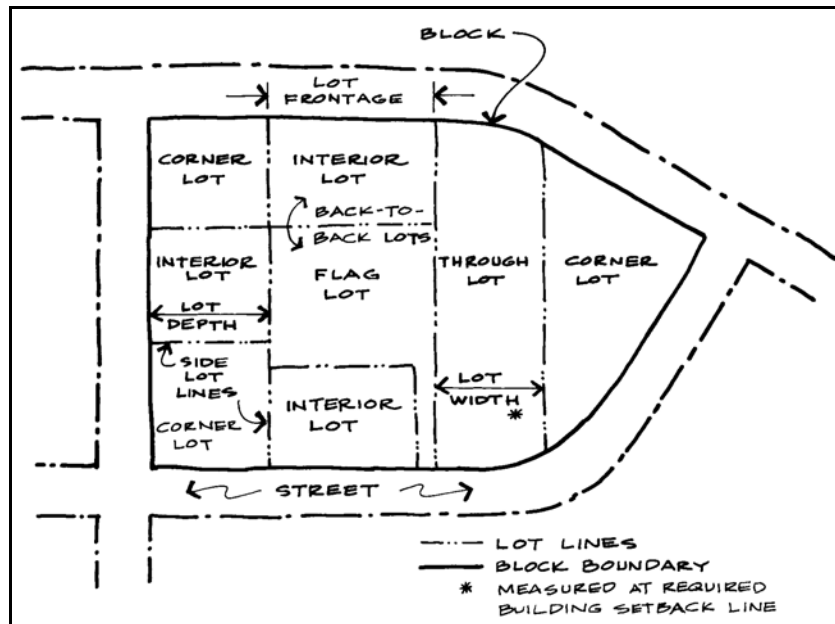
**Livestock Operation:** The raising or keeping of livestock for home use or any commercial purpose. (See §803.2)

**Livestock:** Any animals raised or kept for home consumptive use or profit, including, but not limited to cattle, bison, sheep, goats, llamas, swine, fowl, rabbits, insects and fur bearing animals.

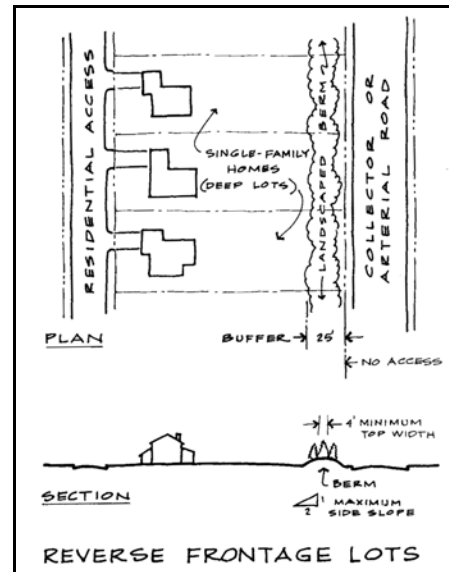
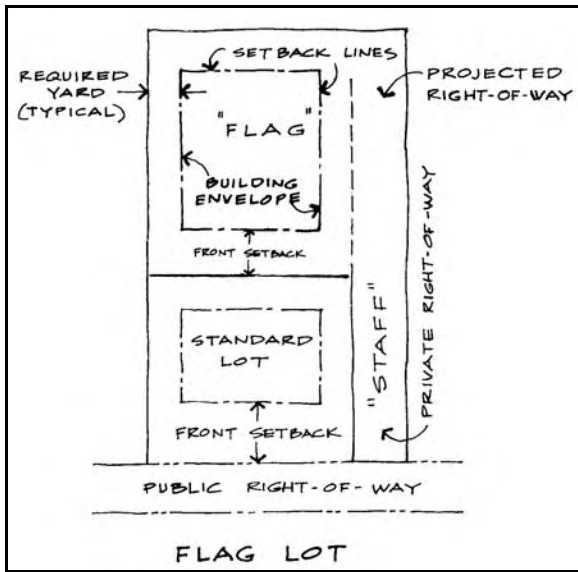
**Long-Term Residency:** See *residency, long term*.

**Lot:** A designated parcel, tract or area of land, regardless of size, established by a plat or other legal means, and intended for transfer of ownership, use, lease or improvements or for development, regardless of how or if it is conveyed.

**Lot, Corner:** A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.







**Lot, Existing of Record:** Any lot or parcel of property which was legally in existence and properly on file with the Pike County Recorder of Deeds prior to the effective date of this Zoning Ordinance, as amended.

**Lot, Flag:** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

**Lot, Interior:** A lot other than a corner lot, the sides of which do not abut a street.

**Lot, Reverse Frontage:** A through lot with frontage on two streets with vehicular access restricted to only one of the streets.

**Lot, Through:** A lot that abuts two (2) approximately parallel streets.

**Lot Area:** The horizontal land area contained within the property lines of a lot measured in acres or square feet less any public road rights-of-way.

**Lot Coverage:** That portion or percentage of the lot area which is covered by buildings, roads, driveways, walkways, parking areas, or other impervious surfaces.

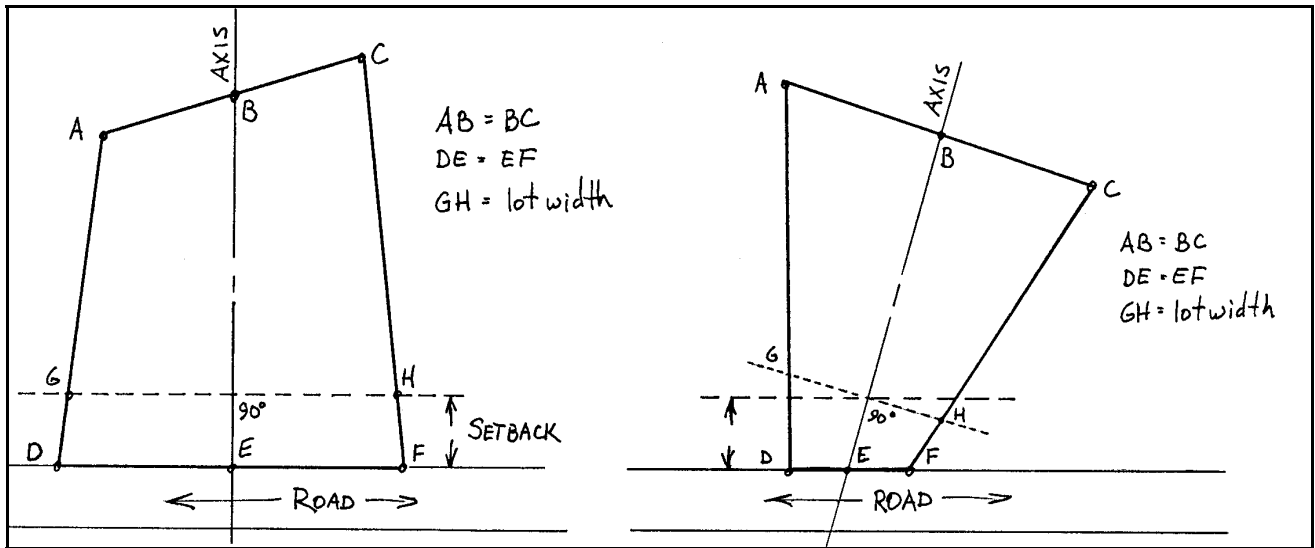
**Lot Depth:** The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

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

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

**Lot Line, Side:** Any lot line other than a front or rear lot line.

**Lot Width:** If the side property lines are parallel, lot width shall be the distance between the side lines. If the side property lines are not parallel, lot width shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines. For the purpose of identifying the axis in the case of irregularly shaped lots, the midpoint of the front lot line shall be joined to the most distant midpoint of the lot lines at the rear of the lot. In the case of a flag lot, the lot line where the narrow access widens shall be considered the front lot line.



Lot Width Diagram

**Manufactured Home:** A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, which arrives at a site complete and ready for installation except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation; including, but not limited to mobile homes and modular homes.

**Manufacturing and Industry:** Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, agricultural products processing, recyclable processing facilities, slaughter houses and any facility involving processes resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes.

**Manufacturing, Light:** Facilities involving generally unobtrusive processes carried on entirely within a fully enclosed building, producing products predominately from previously prepared materials, finished products and parts, and not resulting in the non-incident storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes. Light manufacturing includes, but is not limited to:

- A. Grain storage, distribution, processing and milling operations.
- B. Fabrication, processing, assembly, repair, testing, packing and/or storage of products made from previously prepared materials, products, components and parts such as cloth, plastic, food, paper, glass, leather, stones, and electronic components.
- C. Research, engineering or testing laboratories.
- D. Textile and clothing manufacturing.
- E. Furniture or other wood products production.

Light manufacturing shall not include:

- A. Basic industrial processing as defined by *industry*.

- B. Processing of raw materials, except for milling and processing of grain.
- C. Slaughterhouses or the production of fish or meat products, or other use as defined by *agricultural products processing*.
- D. Rendering of fats and oils.

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.
- 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*.

Massage Parlor: A person or business association or establishment which furnishes, offers to furnish or advertises to furnish as one of its primary business purposes for a fee, tip or other consideration, a massage which involves the exposure of any *specified anatomical areas* or the conduct of any *specified sexual activities*. Considered an *adult business* 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.

Menagerie: A collection of animals which are kept in cages or enclosures, inside a building or outdoors, for exhibition or educational purposes.

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 III and including the incidental screening, washing, crushing and grading of materials originating on the site. Mineral extraction shall not include:

- A. The salvage removal of already quarried stone from existing quarries where no additional blasting, ripping or other mechanical operations are required.
- B. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- C. 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.
- D. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process.

- E. 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:
- A. Extraction, handling, processing or storing are conducted concurrently with construction.
  - B. The area mined is limited to the area necessary to construction.
  - C. The construction is reasonably related to the use proposed for the site.

**Mineral Processing:** 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. Considered *manufacturing and industry* for regulation by this Ordinance.

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

**Mobile Home Lot:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, the said mobile home as defined by this Zoning Ordinance.

**Mobile Home Park:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes, the said mobile homes as defined by this Zoning Ordinance.

**Model Home:** Any structure erected for use as a display to promote the sale of similar residential structures, which may be utilized on a short-term basis as an office, with ultimate use of the structure to conform to a permitted use in the district in which the structure is located. (See also *sample home*.)

**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 twenty-five (25) percent of the rooms having direct access to the outside.

**Multi-Family Project:** Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units. Any residential development which proposes the construction of two (2) or more two-family dwellings on one (1) parcel of property is also considered a multi-family project. Two-family dwellings in a multi-family project are considered townhouses.

**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.

**Neighborhood:** A development of five (5) to twenty-five (25) single-family, detached dwellings clustered in a concentrated area which is surrounded by open land or recreation area.

**Natural Gas or Pipeline Compressor Station:** A facility at which product passing through a pipeline is pressurized by a turbine, motor, or engine. In addition, compressor stations may contain some type of liquid separator consisting of scrubbers and filters that capture any liquids or other undesirable particles from the product in the pipeline.

**No-Impact Home-Based Business:** See §503.3.

Nonconforming Lot: See §902.

Nonconforming Structure: See §902.

Nonconforming Use: See §902.

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. Considered an *adult business* for regulation by this Zoning Ordinance.

Nudity or a State of Nudity: The showing of the human male or female genitals, or pubic area 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 areola.

Nursery, Commercial: A commercial operation where trees and shrubs are grown for transplanting, for use as stocks for budding and grafting, or for sale.

Nursing Home: A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of 3 or more persons needing such care because of old age or a physical illness or disability or a developmental disability.

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*.

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

Oil or Gas Well: A type of *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.

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 conservation design subdivision 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 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 Commercial Shooting Range: See *shooting range, outdoor commercial*.

Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to submit an application for the development or use of land.

PA DEP or DEP: The Pennsylvania Department of Environmental Protection.

PA DOT or PennDOT: The Pennsylvania Department of Transportation.

Parcel: See *lot*.

Park and Ride Facility: A parking lot designed for drivers to leave their cars and share a ride with another driver or use mass transit facilities beginning, terminating, or stopping at or near the park-and-ride facility.

Parking Area: Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets.

Parking Area, Private: A parking area for the exclusive use of the clients, customers or owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

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.

Parking Space, Off-Street: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

Parking Space, On-Street: A temporary storage area for a motor vehicle that is located on a public or private street right-of-way.

Patio: An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

Permanent Foundation: A permanent foundation which meets the requirements of the Uniform Construction Code

Permit: A document issued by the proper Township authority authorizing the applicant to undertake certain activities.

- A. Zoning Permit: A permit that may be issued indicating that a proposed use, building or structure is, to the best knowledge of the Township Staff, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or *a permit under this Ordinance* shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.
- B. Construction Permit: A permit indicating that a proposed construction, alteration, or reconstruction of a structure, is to the best knowledge of the Township Staff, in accordance with the provisions of the Building Code(s) adopted by the Township.
- C. Use Permit: A permit that may be required by the Township that is issued upon completion of the

construction of a structure, or change in use of a structure or parcel of land, or re-occupancy of a structure or land indicating that the premises, to the best knowledge of the Building and Zoning Officers, comply with the provisions of Township Ordinances. This shall have the same meaning as a *certificate of use*.

Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

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.

Planning Commission: The Planning Commission of Porter Township.

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.

Power Plant: Any facility, including structures, machinery and associated equipment, which generates electric energy from another source of energy, such as nuclear reactions, hydroelectric dams, or natural gas or coal fired plants, the primary purpose of which is the commercial sale of the energy which is generated. Power plants which produce electric energy, seventy-five (75) percent or more of which is used on the site of production, shall be considered part of the principal permitted use for which the energy is used.

Principal Building: The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building is considered part of that principal building.

Principal Permitted Use: A use allowed in a particular zoning district which may be approved by the Zoning Officer provided the application complies with all requirements of this Ordinance.

Principal Use: A dominant use(s) or main use on a lot, as opposed to an accessory use.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession, including the following professions: accountant, architect, author, dentist, engineer, insurance agent landscape architect, lawyer, optometrist, planner, physician, realtor, and other such occupations by virtue of the need for specialized training and experience as a condition of the practice of the profession and that such profession will in no way adversely affect the safety or character of surrounding properties to a greater extent than the specific professions listed herein. The issuance of a federal, state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

Public Buildings and Uses: Any structure, building or use owned and operated by a government body or agency including such things as public schools, 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 Hearing: A formal meeting held pursuant to public notice by the Planning Commission, Governing Body or Zoning hearing Board, intended to inform and obtain public comment, prior to taking action in accord with the Pennsylvania Municipalities Planning Code.

Public Meeting: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), as amended, known



as the *Sunshine Act*.

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

**Public Utility:** Any agency or entity that, under public ownership, or under certificate of convenience and necessity issued by the Pennsylvania Public Utility Commission, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service.

**Race Track:** A road 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 recreation, testing or competition; or any course where animals are raced for competition.

**Recreation Area:** A private or public space associated with a residential development, including accessory structures such as fences, backstops and bleachers, used for play and/or recreation by individuals.

**Recreation Area, Active:** A private or public space associated with a residential development, including accessory structures such as fences, backstops and bleachers and other equipment, used for play and/or recreation by individuals, and including, but not limited to, golf courses, basketball, volleyball and tennis courts, baseball, football and soccer fields, and playgrounds.

**Recreation Area, Passive:** A private or public space associated with a residential development, not including any accessory structures used for inactive recreation by individuals, and including, but not limited to, trails, picnic areas, community gardens, and lawns.

**Recreation Vehicle:** A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick-up trucks with slide-in campers, recreational vehicle homes and motor homes.

**Recreational 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 picnic groves, animal farms, zoological parks, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, animal racing tracks, indoor and outdoor shooting ranges, outdoor archery ranges and the like, but excluding golf courses, theaters, public parks and playgrounds.

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

**Recreational Vehicle Park:** See Campground and RV Parks.

**Recyclables:** Materials intended for reuse, re-manufacture or reconstitution and including for the purposes of this Ordinance only the following materials: aluminum beverage containers; glass beverage and food containers; plastic beverage, food and household product containers but not including plastic film or bags; bi-metal food containers; newsprint, magazines, and office paper; and corrugated paper. Recyclables shall not include tires, large appliances such as stoves, refrigerators, washers and dryers, other scrap metal, used motor oil or any other material defined as *junk* or *solid waste* by this Ordinance.

**Recycling Facility:** A center for the collection and/or processing of recyclable materials. A recycling facility does

not include 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.

- A. Recyclable Collection Facility: A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public.
- B. Recyclable Collection Facility, Small: A recyclable collection facility which occupies an area of not more than five-hundred (500) square feet (including areas used for containers or other recyclable storage but not parking and loading areas) and may include mobile recycling units, kiosk type units which may include permanent structures and/or unattended containers placed for the deposit of recyclables.
- C. Recyclable Collection Facility, Large: A recyclable collection facility which occupies an area of more than five-hundred (500) square feet (including areas used for containers or other recyclable storage but not parking and loading areas) but not more than twenty thousand (20,000) square feet (including areas used for container or other recyclable storage, structure and parking and loading areas) and which may include permanent structures, and limited recyclable processing for shipment or preparation to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding or cleaning or but not including the re-manufacturing or conversion of recyclables to new products or raw materials used for new products.
- D. Recycling Unit, Mobile: An automobile, truck, trailer or van, licensed by the Department of Transportation which is used for the collection of recyclable materials, or the bins, boxes or containers transported by trucks, vans or trailers and which are used for the collection of recyclable materials.
- E. Recyclable Processing Facility: Any recycling facility which exceeds the area or processing limits of a large collection facility or which involves the re-manufacturing or conversion of recyclables to new products or raw materials used for new products.

Restaurant, Drive-In: An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pickup of food may take place from a vehicle.

Restaurant, Standard: An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.

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, and which is not otherwise listed as a use in the Schedule of Uses.

Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use. A right-of-way shall not be considered as land area when computing lot size.

Sample Home: An unoccupied single-family dwelling 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. (See also *model home*.)

Satellite Dish Antenna or Satellite Antenna: A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

**School, Public or Private Primary or Secondary School:** An educational institution primarily for persons between the ages of five (5) and nineteen (19) that primarily provides State-required or largely State-funded educational programs. This term shall not include *trade schools* (such as privately operated schools of trade, vocation or business.)

**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 topography, fencing, walls, berms, planted vegetation or a combination of these methods.

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

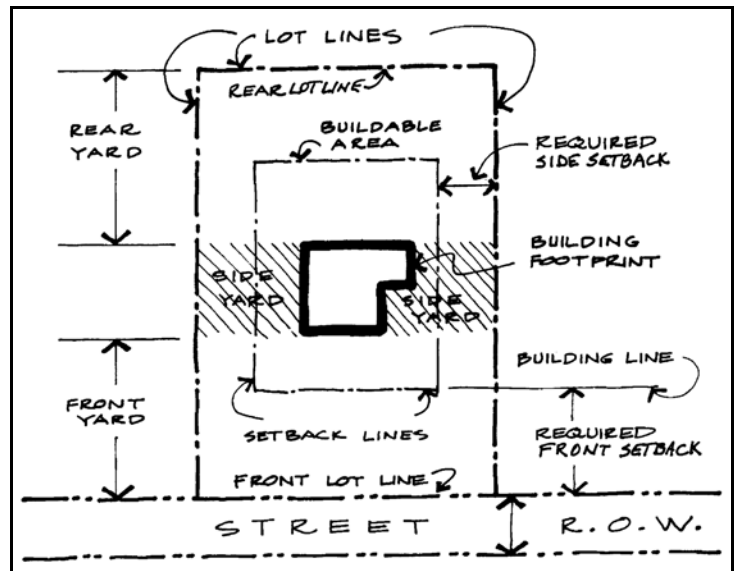
**Semi-Public Building or Use:** Buildings or uses operated by non-profit, community-based organizations for the general use of Township residents, including churches, fire houses, ambulance buildings, private schools, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics. 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, etc., and which is not otherwise listed as a use in the Schedule of Uses.

**Setback, Front:** An open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line and measured perpendicular to the improvement at the closest point to the front lot line.

**Setback, Required:** The required minimum open space between the principal structure(s), accessory structures, or other improvements and the nearest lot line or right-of-way as provided by this Ordinance. See also *yard*, and *lot line*.

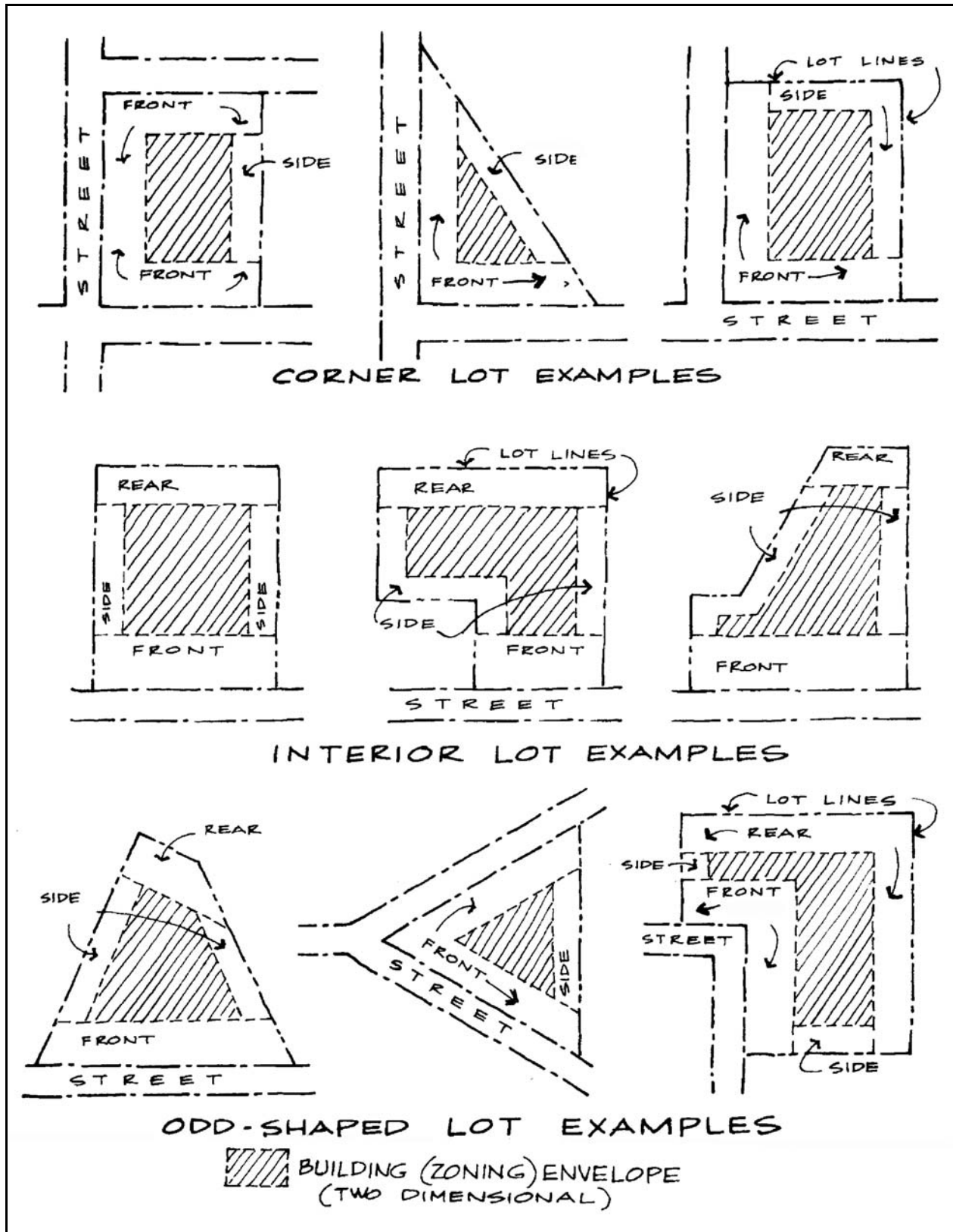
**Setback, Rear:** An open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the rear lot line and measured perpendicular to the improvement at the closest point to the rear lot line.



Required Setbacks and Associated Yards

**Setback, Side:** A open space extending from the front setback to the rear setback between the principal structure(s), accessory structures, or other improvements and the side lot line and measured perpendicular from the side lot line to the closest point of the improvement.

**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.



Required Setbacks

Sewage Disposal, 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-Lot or Individual: 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.

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.

Considered an *adult business* for regulation by this Ordinance.

Shed: An accessory structure, either attached or detached, used for the storage of tools, minor equipment, and materials.

Shopping Center or Mall: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Shooting Range, Indoor: Any fully enclosed building used for the discharge of any firearm for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association. Considered a *recreational facility, commercial* for regulation by this Ordinance.

Shooting Range, Outdoor Commercial: Any area not within a fully enclosed building used commercially 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.

Signs: See §505.2

Slaughter House: An agricultural products processing use involving the killing of animals for the production of food

or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. Considered *agricultural products processing* for regulation by this ordinance. *Slaughter house* shall not include a custom butcher shop that does not involve killing of animals which is considered a *retail establishment*.

Slip: See *water craft slip*.

Slope: See *grade*.

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

Solar Energy System: A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

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, Commercial: Any facility or operation of a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste; and, including but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

Solid Waste Facility, Public: Any facility or operation of a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste; and, including but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

Solid Waste Staging Area: Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle, at a location other than the generation site, for transport to a solid waste facility; or which is used for the parking or storage of vehicles and/or containers used to transport solid waste; and which is not regulated by the PA DEP as a solid waste transfer facility.

Sound Level: The quantity in decibels measured by a sound-level meter satisfying the requirements of American National Standards Institute Specification for Sound-Level Meters S1.4-1971. Sound level is the frequency-weighted sound pressure level obtained with the standardized dynamic characteristic *fast* or *slow* and weighting A, B or C; unless indicated otherwise, the A-weighting is understood. The unit of any sound level is the decibel, having the unit symbol dB.

Sound Level, Equivalent: The level of a constant sound which, over a given time interval and situation, has the same

sound energy as a time-varying sound.

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.

Specified Anatomical Areas: Any of the following:

- A. Less than completely and opaquely covered human genitals, pubic region, anus, or female breasts below a point immediately above the top of the areolae.
- B. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- C. Masturbation, actual or simulated.
- D. Excretory functions as part of or in connection with any of the activities set forth in Subsections A, B and C of this definition.

Stable, Commercial: A structure or land where horses are kept for remuneration, hire, sale, boarding, riding or show, and which includes the commercial hire of horses to the general public for riding or other purposes. (See §805.3)

Stable, Private: An accessory structure or use of land where horses are kept for the sole use of the residents of the principal structure, and which includes no remuneration, hire, boarding or other commercial use. (See §805.2)

Storage Yard for Forest Products and Minerals: An area, not on the same parcel where the products are initially harvested or gathered, to which trees, forest products, flagstone, landscaping stone, wall stone or other minerals are hauled and stored, and which does not involve any land development, the operation of a sawmill, the operation of any other wood manufacturing business, or the operation of any natural resources processing.

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.

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, and which may be permanently attached to the ground or attachment to something having a permanent location on the ground or which may be portable and 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.

Structural Alteration: See *alteration*.

Subdivision: The division or re-division 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 street or easement of access or any residential dwelling, shall be exempted.

Tattoo, Body Piercing, Scarifying or Branding Parlor - An establishment engaged in any of the following:

- A. The perforation of any human body part or tissue and the placement of a foreign object in the perforation to prevent the perforation from closing, but not including the use of mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.
- B. The placement of indelible pigment, inks, or scarification beneath the skin by use of needles for the purpose of adornment or art. This does not include the practice of permanent makeup and micro-pigmentation when such procedures are performed as incidental services in a medical office or in a personal services establishment such as a hair or nail salon.
- C. The cutting or tearing of human skin for the purpose of creating a permanent mark or design on the skin.
- D. The use of heat, cold, or any chemical compound to imprint permanent markings on human skin by any means other than tattooing.

Tavern: A place where alcoholic beverages are served as a primary or substantial portion of the total trade and where the sale of food may also occur.

Temporary: A period of less than one hundred and eighty (180) consecutive months.

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.

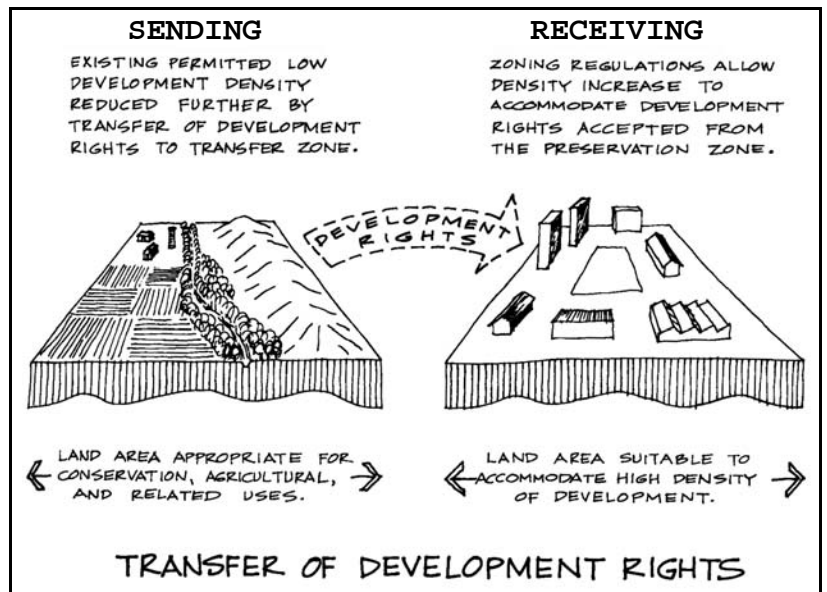
Township: Porter Township, Pike County, Pennsylvania.

Township Facilities and Uses: Any building, structure, service or use under the jurisdiction of Porter Township, Pike County, Pennsylvania.

Tract: See *lot*.

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). This shall include a dancing school, martial arts school or ceramics school.

Transferable Development Rights: The attaching of development rights to specified lands which are desired by the Township to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.





Trip: A single or one-way motor vehicle movement either to or from a subject property or study area.

Trip Distribution: The measure of the number of vehicles or passenger movements that are or will be made between geographic areas.

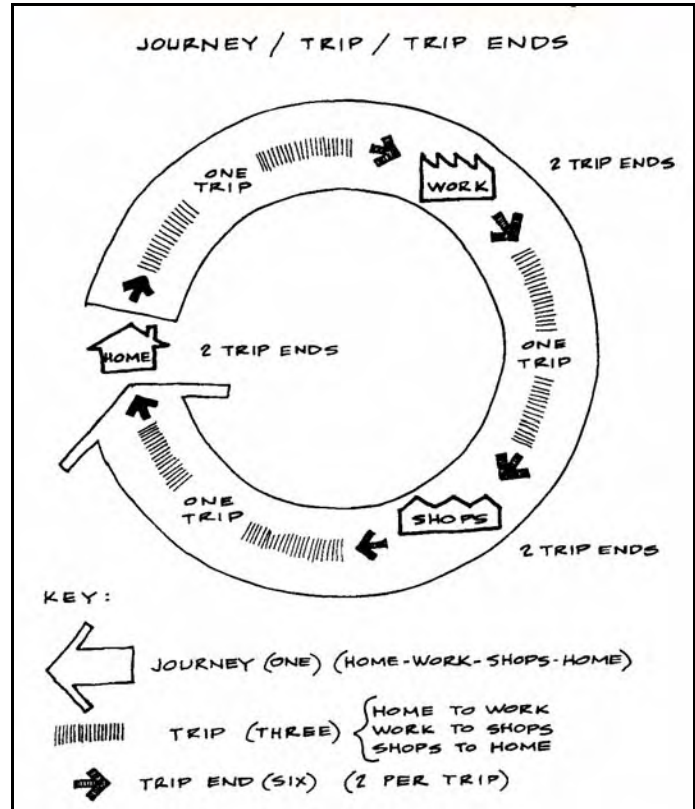
Trip Ends: The total of single or one-direction vehicle movements entering and leaving a specified land use or site over a designated period of time.

Trip Generation: The total number of vehicle trip ends produced by a specific land use or activity.

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 any vehicle with more than two (2) axles, or more than four (4) tires, or with a trailer.

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 non-conforming use.



Variance: Relief granted pursuant to the provisions 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, 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 a *retail business* for regulation by this Ordinance.

Vehicle or Equipment Repair 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.

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 fifty (50) percent 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.

Vernal Pool: An isolated, contained basin depression that holds water for at least two (2) months in the spring and summer, critical to several amphibian, reptile and invertebrate species. It also provides important storage for stormwater runoff and spring snow melt that would otherwise contribute to down stream flooding. A vernal pond is no bigger than three hundred (300) feet long and one hundred and twenty (120) feet wide and is often much smaller.

Veterinary Clinic: A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use and no outdoor kennels or pens are on the premises.

Veterinary Clinic, Outdoor Facilities: A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use with outdoor kennels or pens on the premises.

Wall: See *Fence; Wall*.

Warehouse: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

Water Body: Any natural or manmade pond, lake or stream. This shall not include any pond or facility designed and constructed solely to contain storm water.

Water Extraction And Bottling: Any use which involves the pumping or removal of water from groundwater sources, with or without bottling, for retail or wholesale sale. *Water extraction and bottling* shall be considered *manufacturing, light* for regulation by regulation by this Ordinance.

Water System or Supply: A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Township.

- A. Off-Site or Community: A public or private utility system designed to supply and transmit drinking water from a common off-lot source to two (2) or more dwelling units or uses.
- B. On-Lot or Individual Water: Service by a water system that does not meet the definition of a an *off-site or community water supply*. In most cases, this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

Watercourse: Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial, intermittent or seasonal flow. This shall not include any channel or ditch designed and constructed solely to carry storm water.

Wetland: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas and which and defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

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.

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: 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 Rotor: The propeller or blades, plus the hub to which the propeller or blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is mounted on a pole, tower or other structural support system along with other generating, electrical and accessory equipment to form a wind energy conversion system.

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: The area between the principal structure(s) and the adjoining lot line or right-of-way. (See illustration at *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 to exceed five [5] sales per year for not more than three [3] consecutive days each) as an accessory use to a residential dwelling. The buying and selling of new or used items or surplus material shall be considered a commercial operation and shall be prohibited, except as otherwise permitted and regulated by this Zoning Ordinance.

Zoning Appeal: See §1105.2.

Zoning Hearing Board: The Zoning Hearing Board of Porter Township.

Zoning Map: The Official Zoning Map of Porter Township.

Zoning Officer: The administrative officer responsible for enforcing the provision of this Zoning Ordinance.

Zoning Permit: See *permit*.

Zoo: A collection of animals which are maintained in a park by an educational, nonprofit or governmental entity.

**ARTICLE IV  
DISTRICT REGULATIONS**

**401 Designation of Districts**

401.1 Designation

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

- RES Residential District
- CON Conservation District
- RU Rural Development District
- COM Commercial 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 Regulations

The Floodplain Overlay District is hereby created to be coterminous with the flood hazard areas established by the Federal Emergency Management Agency for the Township as shown on the most recent Federal Flood Insurance Rate Maps. In addition to all the applicable standards of this Zoning Ordinance any floodplain regulations duly adopted by the Board of Supervisors 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 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 RES - 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 Porter 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 lot or property lines as they exist on a recorded deed or plan of record in the Pike County Recorder of Deed's Office and on the Pike County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions or otherwise are 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 Regulations

District Use Regulations are provided in the following Schedule of Uses.

- A. Permitted Uses and Accessory Uses - 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 - Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.
- C. Use Limitation - 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 except in accord with §404.2.
- D. More Restrictive Standards - Larger lot sizes, greater setbacks, buffers and other more restrictive standards may be required by other provision of this Ordinance.

#### 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, 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 Development Standards**

The Schedule of Development Standards which follows establishes minimum standards for lot area; lot depth, average lot width and front, side and rear setbacks; and establishes 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.

**SCHEDULE OF USES**

**ACCESSORY USES IN ALL ZONING DISTRICTS (Zoning Officer)**

- Accessory uses customary to approved uses	- Essential services	- Required parking areas
- Commercial communications devices on existing structures (see §809.2.A)	- Home gardens, home greenhouses and home nurseries	- Signs accessory to approved uses
- Day care, family home	- Pets, keeping of	- Satellite dish antennas
	- Private garages, carports, sheds	- Solar collectors
	- Private swimming pools	- Wind turbine generators, accessory
		- Yard sales

**RES - RESIDENTIAL DISTRICT -- SCHEDULE OF USES**

<p>INTENT: To provide areas adequate to accommodate the Township’s housing needs, and limiting unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public and semi-public uses compatible with residential neighborhoods.</p>		
<p><b>PRINCIPAL PERMITTED USES</b> (<u>Zoning Officer</u>)</p> <ul style="list-style-type: none"> <li>- Conservation design subdivision</li> <li>- Development sales offices</li> <li>- Forestry enterprises</li> <li>- Group homes</li> <li>- Model homes</li> <li>- No-impact home-based businesses</li> <li>- Single-family detached dwellings</li> <li>- Township facilities and uses</li> </ul>	<p><b>CONDITIONAL USES</b> (<u>Planning Commission /Board of Supervisors</u>)</p> <ul style="list-style-type: none"> <li>- Day care, adult and child</li> <li>- Home occupations</li> <li>- Stables, private</li> <li>- Two-family dwellings</li> </ul>	<p><b>SPECIAL EXCEPTIONS</b> (<u>Planning Commission / Zoning hearing Board</u>)</p> <ul style="list-style-type: none"> <li>- Public and semi-public buildings and uses</li> <li>- Public parks and playgrounds</li> <li>- Recreational facilities, public</li> <li>- Schools, public</li> </ul>
<p>NOTES:</p> <ul style="list-style-type: none"> <li>- Uses not specifically listed by this schedule shall not be permitted in the RES District except in accord with §404.2.</li> <li>- Larger lot size and/or direct access to PA Route 402 may be required by other sections of this Ordinance.</li> </ul>		

**CON - CONSERVATION DISTRICT -- SCHEDULE OF USES**

INTENT: To permit, protect and encourage the continued use of land for low intensity outdoor recreation, hunting and fishing, forestry enterprises, and other open land activities. The district is composed of those areas of the Township where woodland and natural areas are the predominant land uses and also includes all state-owned land in the Delaware State Forest. 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 open land uses and forestry enterprises, to limit development which requires community facilities in excess of those required for open land and forestry enterprises, and to maintain land in parcels of adequate size to support economically viable forestry operations. The long-term ownership of large parcels by hunting and fishing clubs and extensive participation of the owners of larger properties in the Act 319 Clean and Green preferential assessment program clearly documents the importance of hunting and fishing, outdoor recreation, forestry and open land in general as an element of the Township’s existing character, and future expectations for land conservation. Residential development is permitted at lower density.

<b>PRINCIPAL PERMITTED USES</b> (Zoning Officer)	<b>CONDITIONAL USES</b> (Planning Commission / Board of Supervisors)	<b>SPECIAL EXCEPTIONS</b> (Planning Commission / Zoning hearing Board)
<ul style="list-style-type: none"> <li>- Clubs/lodges, private</li> <li>- Conservation design subdivision</li> <li>- Crop production</li> <li>- Development sales offices</li> <li>- Forestry enterprises</li> <li>- Group homes</li> <li>- Hunting/fishing clubs or camps</li> <li>- Livestock operations</li> <li>- Model homes</li> <li>- No-impact home-based businesses</li> <li>- Oil and gas wells minimum of 5 acres</li> <li>- Retail sales of agricultural / forestry products produced and/or processed on the premises</li> <li>- Retail sales limited to 1,000 sq. ft. of agricultural / forestry related products and produce in association with an active agriculture / forestry use</li> <li>- Single-family detached dwellings</li> <li>- Stables, private and boarding</li> <li>- Structures on leased campsites in the Delaware State Forest*</li> <li>- Township facilities and uses</li> </ul>	<ul style="list-style-type: none"> <li>- Archery ranges, outdoor commercial</li> <li>- Camps/retreats</li> <li>- Cemeteries</li> <li>- Commercial communication device sites</li> <li>- Country clubs</li> <li>- Golf courses excluding miniature golf and golf driving ranges</li> <li>- Group quarters</li> <li>- Home based businesses</li> <li>- Home occupations</li> <li>- Mineral extraction</li> <li>- Natural gas and other pipeline compressor stations</li> <li>- Nurseries, commercial</li> <li>- Sawmills</li> <li>- Shooting ranges, outdoor commercial</li> <li>- Solar power generation, commercial</li> <li>- Stables, commercial; horses for hire</li> <li>- Storage yards for forest products and minerals</li> <li>- Wind energy facilities</li> </ul>	<ul style="list-style-type: none"> <li>- Public and semi-public buildings and uses</li> <li>- Public parks and playgrounds</li> <li>- Recreational facilities, public</li> <li>- Schools, public</li> </ul>

**NOTES:**

- Uses not specifically listed by this schedule shall not be permitted in the CON District except in accord with §404.2.
- Larger lot size and/or direct access to PA Route 402 may required for certain uses by other sections of this Ordinance.
- \*\*Structures shall be permitted only in accord with the rules and regulations for *leased forest campsites* as established by the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Bureau of Forestry, and a zoning permit shall be required in accord with this Zoning Ordinance.

**COM - COMMERCIAL DISTRICT -- SCHEDULE OF USES**

INTENT: To provide areas within the Township for the location of businesses and commercial enterprises catering to the needs of local residents as well as surrounding communities and the region, and travelers.

<b>PRINCIPAL PERMITTED USES</b> (Zoning Officer)	<b>CONDITIONAL USES</b> (Planning Commission / Board of Supervisors)	<b>SPECIAL EXCEPTIONS</b> (Planning Commission / Zoning hearing Board)
<ul style="list-style-type: none"> <li>- Abused person shelters</li> <li>- Art studios</li> <li>- Auction houses</li> <li>- Banks</li> <li>- Bed and breakfast establishments</li> <li>- Boarding and lodging houses</li> <li>- Brew pubs</li> <li>- Clubs/lodges, private</li> <li>- Day care centers</li> <li>- Development sales offices</li> <li>- Exercise clubs</li> <li>- Forestry enterprises</li> <li>- Garden centers</li> <li>- Group homes</li> <li>- Hotels</li> <li>- Massage facility, therapeutic</li> <li>- Medical clinics</li> <li>- Model homes</li> <li>- Motels</li> <li>- No-impact home-based businesses</li> <li>- Nursing homes</li> <li>- Office buildings</li> <li>- Personal care homes or centers</li> <li>- Places of worship</li> <li>- Professional offices</li> <li>- Recycling units, mobile</li> <li>- Restaurants, standard</li> <li>- Retail businesses</li> <li>- Service establishments</li> <li>- Single-family detached dwellings</li> <li>- Taverns</li> <li>- Theaters</li> <li>- Trade schools</li> <li>- Township facilities and uses</li> <li>- Two-family dwellings</li> <li>- Veterinary clinics</li> <li>- Wholesale businesses</li> </ul>	<ul style="list-style-type: none"> <li>- Amusement arcades</li> <li>- Amusement parks</li> <li>- Bus terminals</li> <li>- Car and truck washes</li> <li>- Concentrated animal feeding operations</li> <li>- Contractor's yards</li> <li>- Convenience stores</li> <li>- Conversion apartments</li> <li>- Drive-in stands/uses</li> <li>- Flea markets, outdoor</li> <li>- Funeral parlors</li> <li>- Gaming establishments</li> <li>- Greenhouses, commercial</li> <li>- Health facilities</li> <li>- Home based businesses</li> <li>- Home occupations</li> <li>- Multi-family dwellings and projects</li> <li>- Outdoor entertainment</li> <li>- Park and ride facilities</li> <li>- Places of worship</li> <li>- Recreational facilities, commercial</li> <li>- Recycling collection facilities, large and small</li> <li>- Restaurants, drive-in</li> <li>- Self-storage facilities</li> <li>- Storage yards for forest products and minerals</li> <li>- Tattoo, body piercing, scarifying or branding parlors</li> <li>- Vehicle or equipment sales operation</li> <li>- Vehicle or equipment repair operation</li> </ul>	<ul style="list-style-type: none"> <li>- Public and semi-public buildings and uses</li> <li>- Public parks and playgrounds</li> <li>- Recreational facilities, public</li> <li>- Schools, public</li> </ul>

**NOTES:**

- Uses not specifically listed by this schedule shall not be permitted in the COM District except in accord with §404.2.
- Larger lot size and/or direct access to PA Route 402 may be required by other sections of this Ordinance.



**RU - RURAL DEVELOPMENT DISTRICT -- SCHEDULE OF USES**

INTENT: To permit many of the uses allowed in other districts and provide the opportunity for a wider variety of commercial uses and allow controlled manufacturing and industrial uses in an area with good access to route 402, the principal route through the Township.

<p><b>PRINCIPAL PERMITTED USES</b> (Zoning Officer)</p>	<p><b>PRINCIPAL PERMITTED USES</b> (Zoning Officer)</p>	<p><b>CONDITIONAL USES</b></p>
<ul style="list-style-type: none"> <li>- Art studios</li> <li>- Assisted living facilities</li> <li>- Auction houses</li> <li>- Banks</li> <li>- Bed and breakfast establishments</li> <li>- Boarding and lodging houses</li> <li>- Clubs/lodges, private</li> <li>- Conservation design subdivision</li> <li>- Crop production</li> <li>- Day care centers</li> <li>- Development sales offices</li> <li>- Exercise clubs</li> <li>- Forestry enterprises</li> <li>- Garden centers</li> <li>- Golf courses and golf driving ranges</li> <li>- Greenhouses, commercial</li> <li>- Group homes</li> <li>- Health facilities</li> <li>- Hunting/fishing clubs or camps</li> <li>- Hotels</li> <li>- Livestock operations</li> <li>- Massage facility, therapeutic</li> <li>- Medical clinics</li> <li>- Model homes</li> <li>- Motels</li> <li>- No-impact home-based businesses</li> <li>- Nurseries, commercial</li> <li>- Nursing homes</li> <li>- Office buildings</li> <li>- Oil and gas wells</li> <li>- Personal care homes and centers</li> <li>- Places of worship</li> <li>- Professional offices</li> <li>- Recycling units, mobile</li> <li>- Restaurants, standard</li> <li>- Retail businesses</li> <li>- Retail sales of agricultural / forestry products produced and/or processed on the premises</li> <li>- Retail sales limited to 1,000 sq. ft. of agricultural / forestry related products and produce in association with an active agriculture / forestry use</li> <li>- Service establishments</li> <li>- Single-family detached dwellings</li> <li>- Stables, commercial; horses for hire</li> <li>- Stables, private and boarding</li> <li>- Taverns</li> <li>- Township facilities and uses</li> <li>- Trade schools</li> </ul>	<ul style="list-style-type: none"> <li>- Two-family dwellings</li> <li>- Veterinary clinics</li> <li>- Warehouses</li> <li>- Wholesale businesses</li> </ul> <p style="text-align: center;"><b>CONDITIONAL USES</b> (Planning Commission / Board of Supervisors)</p> <ul style="list-style-type: none"> <li>- Abused person shelters</li> <li>- Adult businesses</li> <li>- Agricultural products processing</li> <li>- Airports</li> <li>- Amusement arcades</li> <li>- Amusement parks</li> <li>- Animal shelters</li> <li>- Archery ranges, outdoor commercial</li> <li>- Bulk fuel storage facilities</li> <li>- Bus, limousine or taxi terminals</li> <li>- Campgrounds and recreational vehicle parks</li> <li>- Camps/retreats</li> <li>- Car and truck washes</li> <li>- Cemeteries</li> <li>- Commercial communication device sites</li> <li>- Commercial greenhouses and nurseries</li> <li>- Contractor's yards</li> <li>- Conversion apartments</li> <li>- Correctional facilities</li> <li>- Country clubs</li> <li>- Crematoriums</li> <li>- Drive-in stands/uses</li> <li>- Flea markets, outdoor</li> <li>- Gaming establishments</li> <li>- Group quarters</li> <li>- Heliports and helistops</li> <li>- Home based businesses (§503.3.2)</li> <li>- Home occupations</li> <li>- Hydraulic fracturing water withdrawal facilities</li> <li>- Industrial wastewater treatment facilities</li> <li>- Junkyards</li> <li>- Kennels</li> <li>- Manufacturing, light</li> <li>- Manufacturing and industry</li> <li>- Mobile home parks</li> <li>- Multi-family dwellings and projects</li> <li>- Mineral extraction</li> <li>- Mineral processing</li> </ul>	<ul style="list-style-type: none"> <li>- Outdoor entertainment</li> <li>- Park and ride facilities</li> <li>- Power plants</li> <li>- Race tracks</li> <li>- Recreational facilities, commercial</li> <li>- Recyclable collection facilities, large and small</li> <li>- Recyclable processing facilities</li> <li>- Resorts</li> <li>- Restaurants, drive-in</li> <li>- Sawmills</li> <li>- Shooting ranges, outdoor commercial</li> <li>- Solid waste facilities and staging areas, commercial and public</li> <li>- Self-storage facilities</li> <li>- Solar power generation, commercial</li> <li>- Storage yards for forest products and minerals</li> <li>- Tattoo, body piercing, scarifying or branding parlors</li> <li>- Theaters</li> <li>- Truck terminals</li> <li>- Vehicle or equipment sales operation</li> <li>- Vehicle or equipment repair operation</li> <li>- Veterinary clinics , outdoor facilities</li> <li>- Wind energy facilities</li> <li>- Zoos and menageries</li> </ul> <p style="text-align: center;"><b>SPECIAL EXCEPTIONS</b> (Planning Commission / Zoning hearing Board)</p> <ul style="list-style-type: none"> <li>- Public and semi-public buildings and uses</li> <li>- Public parks and playgrounds</li> <li>- Recreational facilities, public</li> <li>- Schools, public</li> </ul> <hr/> <p>NOTES:</p> <ul style="list-style-type: none"> <li>- Uses not specifically listed by this schedule shall not be permitted in the RU District except in accord with §404.2.</li> <li>- Larger lot size and/or direct access to PA Route 402 may be required for certain uses by other sections of this Ordinance.</li> </ul>

**SCHEDULE OF DEVELOPMENT STANDARDS**

<b>PART 1 RESIDENTIAL LOT SIZES FOR DWELLINGS NOT PART OF A CONSERVATION DESIGN DEVELOPMENT (§601)</b>		
Note: See §601- Conservation Design Development which is applicable to all residential subdivisions except for the exemptions in §601.3.C.		
<b>Minimum lot size for single-family dwellings not subject to §601 - Conservation Design Development</b> (See §601.3.C.2, 3, 4 and 5 for subdivision exemptions from conservation design.)		
Zoning district →→→→→	<b>RES, COM, RU Districts</b>	<b>CON District</b>
On-site sewage disposal <b>and</b> on-site water	2.00 acres	4.00 acres
On-site sewage disposal <b>or</b> on-site water	1.00 acres	4.00 acres
Community water <b>and</b> community sewage	0.75 acres	4.00 acres
<b>Minimum lot size for two-family dwellings not subject to §601 - Conservation Design Development</b> (See §601.3.C.2, 3, 4 and 5 for subdivision exemptions from conservation design.) --see §602 for additional requirements		
Zoning district →→→→→	<b>RES, COM, RU Districts</b>	<b>CON District</b>
On-site sewage disposal <b>and</b> on-site water	3.00 acres	two-family dwellings not permitted
On-site sewage disposal <b>or</b> on-site water	1.75 acres	
Community water <b>and</b> community sewage	1.25 acres	
<b>Minimum project parcel size and maximum average density for multi-family dwellings</b> --community water and community sewage disposal required --see §603 for additional requirements		
Zoning district →→→→→	<b>COM, RU Districts</b>	<b>CON, RES Districts</b>
	Minimum Parcel Size	Density
Townhouses and quadruplexes	6 acres	2 units/acre
Garden apartments	4 acres	3 units/acre
Apartment buildings	2 acres	4 units/acre
<b>Mobile home parks</b> --community water and community sewage disposal required --see §607 and the Subdivision Ordinance for additional requirements		
Zoning district →→→→→	<b>RU District</b>	<b>CON, RES, COM Districts</b>
Minimum parcel size	10 acres	mobile home parks not permitted
Minimum individual site size	5,000 square feet	
Maximum # units per acre	4	

<b>PART 2 RESIDENTIAL USES LOT DIMENSIONS FOR DWELLINGS NOT PART OF A CONSERVATION DESIGN DEVELOPMENT (§601)</b>				
Note: See §601- Conservation Design Development which is applicable to all residential subdivisions except for the exemptions in §601.3.C.				
<b>Single-family and two-family residential in all districts where permitted</b> (see §601 for land conservation standards and §602 for additional two-family dwelling standards)				
STANDARD	LOT SIZE (acres)			
	Equal to or greater than			Less than
	2.00	1.00	0.75	0.75
<b>Minimum Setbacks</b> (building setbacks) (see §503 for accessory structures)				
Front -- measured from road right-of-way (feet)	30	30	30	See §911 for nonconforming lots
Rear (feet)	30	25	15	
Side (feet)	15	15	15	
<b>Minimum Lot Dimensions</b> (feet)				
Width	150	125	100	not applicable
Depth	150	150	125	
Depth to width ratio (no lot need exceed a width of 300 feet)	4:1	4:1	4:1	
<b>Maximum lot coverage</b> (percent)	15	20	25	25
<b>Multi-family dwellings and mobile home parks</b>	§603 - multi-family; §607 - mobile home parks			
<b>Leased forest campsites</b>	Setbacks for structures shall be in accord with the rules and regulations for <i>leased forest campsites</i> as established by the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Bureau of Forestry. However, in no case shall any structure be less than ten (10) feet from any lease line; and, where no lease lines exist, structures on adjoining campsites shall be separated by a minimum of twenty (20) feet. A zoning permit shall be required in accord with this Zoning Ordinance.			

<b>PART 3 RESIDENTIAL USES IN ALL DISTRICTS MAXIMUM BUILDING HEIGHT (see §501.4 for exceptions)</b>	
DWELLING TYPE	MAXIMUM HEIGHT
Single-family Two-family Garden Apartment Townhouse Quadruplex Apartment building	35 feet
Unattached accessory structures	25 feet

<b>PART 4 NONRESIDENTIAL USES AS PERMITTED IN RESIDENTIAL DISTRICTS LOT SIZE AND DIMENSIONS</b>							
Use	Minimum Lot Size (acres)	Minimum Setbacks* (feet)			Minimum Lot Dimensions (feet)		Maximum Depth/Width Ratio**
		Front	Rear	Sides	Width	Depth	
<ul style="list-style-type: none"> <li>- Day care, adult and child</li> <li>- Development sales offices</li> <li>- Group homes</li> <li>- Model homes</li> </ul>	same as single-family dwelling requirement for the district	same as single-family dwelling requirement for the district			same as single-family dwelling requirement for the district		
<ul style="list-style-type: none"> <li>- Places of worship</li> <li>- Public and semi-public buildings and uses</li> <li>- Recreational facilities, public</li> <li>- Schools, public</li> <li>- Township facilities and uses</li> </ul>	1	30	25	15	125	150	4:1

Notes:  
 \*Greater setbacks may be required for conditional uses and special exceptions.  
 \*\*No lot need exceed a width of 300 feet.

<b>PART 5 NONRESIDENTIAL USES AS PERMITTED IN RESIDENTIAL DISTRICTS MAXIMUM BUILDING HEIGHT &amp; MAXIMUM LOT COVERAGE</b>		
Use	Maximum Building Height	Maximum Lot Coverage
<ul style="list-style-type: none"> <li>- Day care, adult and child</li> <li>- Development sales offices</li> <li>- Group homes</li> <li>- Model homes</li> </ul>	same as single-family dwelling requirement for the district	same as single-family dwelling requirement for the district
<ul style="list-style-type: none"> <li>- Places of worship</li> <li>- Public and semi-public buildings and uses</li> <li>- Recreational facilities, public</li> <li>- Schools, public</li> <li>- Township facilities and uses</li> </ul>	35 feet	35%

<b>PART 6 NONRESIDENTIAL USES AS PERMITTED IN CONSERVATION, RURAL AND COMMERCIAL DISTRICTS LOT SIZE AND SETBACKS</b>				
Use	Minimum Lot Size (acres)	Minimum Setbacks* (feet)		
		Front	Rear	Sides
<b>BASIC DISTRICT REQUIREMENTS</b>				
All nonresidential uses except as otherwise required by this Ordinance.*	1**	30	30	20
*Other sections of this Ordinance include different standards for certain uses which shall in all cases apply in lieu of the corresponding basic standards in this Schedule. All other applicable standards in this Schedule shall apply. **Larger lot sizes may be required to comply with required standard and to provide all required improvements such as parking, sewage disposal, and stormwater management.				

<b>PART 7 NON-RESIDENTIAL USES IN ALL DISTRICTS LOT DIMENSIONS, BUILDING HEIGHT &amp; LOT COVERAGE</b>	
<b>LOT DIMENSIONS</b>	
Minimum lot width	125 feet
Minimum lot depth	150 feet
Maximum depth to width ratio (no lot need exceed a width of 300 feet)	4:1
<b>MAXIMUM BUILDING HEIGHT</b>	
Principal structures	45 feet
Unattached accessory structures	25 feet
<b>MAXIMUM LOT COVERAGE</b>	40%

**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 Nonconforming Lots of Record

See §911 of this Zoning Ordinance.

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. of access drives and driveways may also be affected by highway occupancy permit requirements.

501.3 Reserved

501.4 Height Limitations

- A. Exceptions - 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, 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.
- B. Conditional Use - 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.
- C. No communications device support structure accessory to a residential structure shall exceed a height of one-hundred (100) feet, and any such structure shall maintain a setback from property lines not less than the height of the structure plus ten (10) feet. Any structure which exceeds a height of one-hundred (100) feet shall be considered a commercial communications device subject to the standards of §809.

501.5 Extension of Non-Conforming Setbacks

A structure which is non-conforming as to a setback requirement may be extended along the non-conforming setback line a distance not to exceed fifty (50) percent of the length of the structure as it existed at the effective date of this Ordinance. However, the height of any such residential or commercial 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 (See §503.1 for accessory structures.)

Projections into required setbacks shall not be permitted. All parts of structures shall meet the required setbacks. Patios may be located in required rear setbacks not less than twenty (20) feet to any rear property line.

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 Uses on a Lot**

- 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).
- C. Non-Residential 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. The minimum size of the parcel shall be determined by the use for which this Ordinance requires the largest lot size. This shall not apply to adult businesses, junkyards, natural resource uses, or solid waste facilities where the parcel size shall be increased to provide for the minimum land area for each use on the parcel.
- D. Residential and Non-Residential on the Same Lot
  - 1. CON and RES Districts - Residential dwellings provided for in the District by the Schedule of Uses shall be permitted on the same lot as a permitted non-residential use provided the lot is of sufficient 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.
  - 2. COM and RU Districts - One residential unit per property shall be permitted in association with a non-residential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of the principal non-residential structure. Any additional residential dwelling units, if provided for in the District by the Schedule of Uses, shall be permitted on the same lot as a non-residential use only if the lot is of sufficient size to meet the residential unit density required by this Zoning 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 twenty (20) feet. (See §503.1 for accessory structures.)

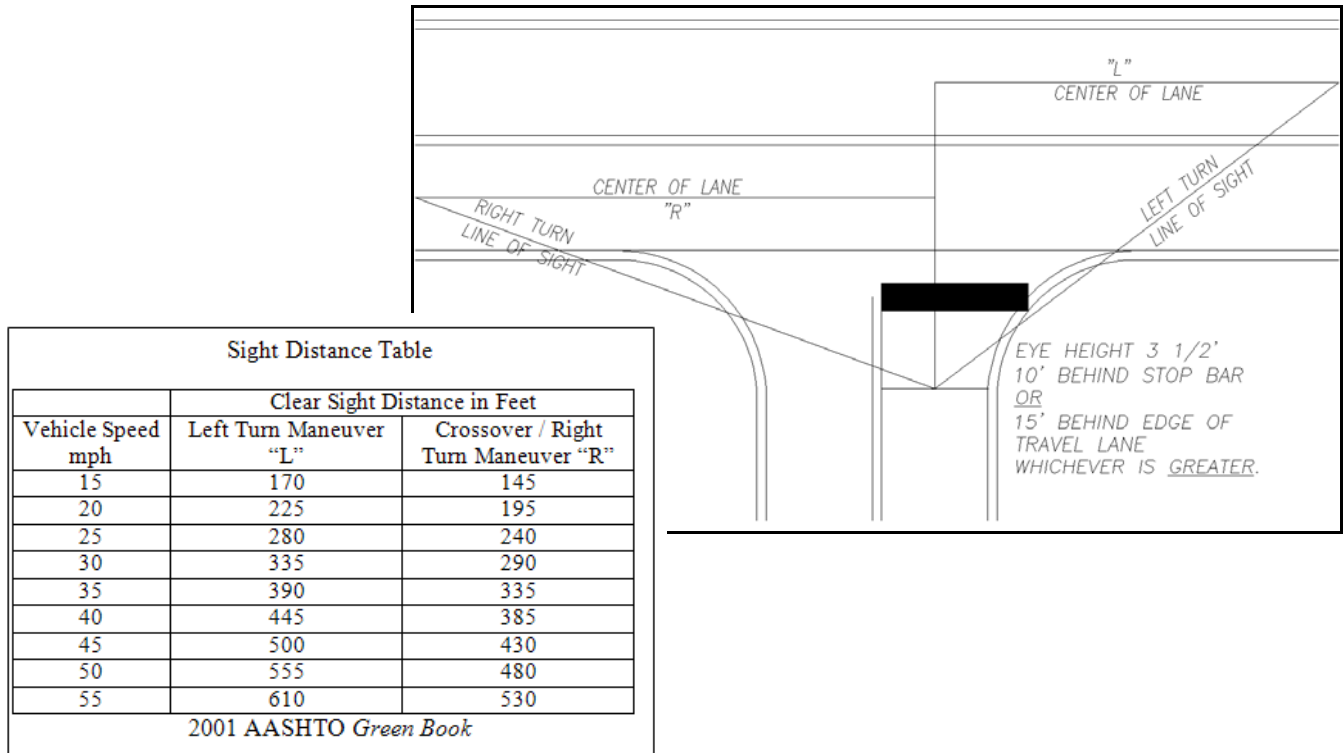
### **502.2 Street Frontage / Front Setbacks**

A principal building shall be permitted only upon a lot with access on 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 Clear View At Street Intersections**

This §502.3 shall apply to all lots located at intersections that involve any public road. On any portion of a lot that lies within the triangular area described below, nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two-and-one-half (2.5) feet and ten (10) feet above the grade. The triangular area shall be set in accord with the latest revision of the American Association of State and Highway and Traffic Officials. In general, eye height is set at three and one-half (3.5) feet and the target height is two (2) feet. Such sight triangles shall be measured in accord with the following diagram. More restrictive standards shall be required

in cases where intersection alignment, topography or other circumstances dictate same to maintain adequate clear view.



**503 Accessory Structures and Uses**

**503.1 Accessory Structures**

All accessory structures shall conform to the minimum regulations established in Article IV except as permitted below.

**A. Unattached Accessory Structures**

1. All unattached accessory structures shall comply with setback requirements for principal structures. However, accessory structures which are not attached to a principal structure and do not exceed ten (10) feet in height and one-hundred and forty-four (144) square feet in total floor area may be erected within the required side and rear setbacks of a principal structure, provided that no side or rear setback is reduced to less than ten (10) feet.
2. 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.

**B. 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 structures.

**C. Foundation Required** - Accessory structures shall comply with the foundation requirements of the Pennsylvania Uniform Construction Code.

**D. Containers, Truck Trailers** - Sea containers, storage containers, truck trailers with the wheels removed, and similar devices may be used as accessory structures and any such device located on a lot for more than thirty (30)



days shall be considered an accessory structure.

### 503.2 Fences

The erection of any fence shall not require a zoning permit, but shall comply with §502.3 of this Ordinance for clear sight triangles and meet all Uniform Construction Code requirements.

### 503.3 Home Occupations, Home Based Businesses and No-Imact Home-Based Businesses

#### 503.3.1 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. Based upon the potential nuisances of a proposed home occupation not specifically permitted by this section, the Board of Supervisors may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not adequate. The following standards shall apply:

- A. 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.
- B. In the CON and RES Districts the total area used by all home occupations on the premises shall not exceed twenty-five (25) percent of the gross floor area of the dwelling unit, including basement, and accessory structures as existed at the effective date of this Ordinance. In the case of RU and COM Districts the total area shall not exceed fifty (50) percent.
- C. 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.
- D. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a home occupation except for a sign, if permitted, and required parking area.
- E. In the CON and RES Districts the home occupation shall be conducted only by members of the family residing in the dwelling and not more than one (1) person other than residents of the dwelling shall be employed on the premises. In the case of RU and COM Districts, the number of nonresident employees shall not exceed three (3).
- F. 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.
- G. 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.
- H. No goods or items for retail or wholesale sale shall be permitted for pick-up by customers except items incidental to an approved use..
- I. 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) time per day. The use shall not involve the parking of more than one (1) truck of any type on the lot or on adjacent streets at any period of time. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks.
- J. See §505.10.A.7 for home occupation signs.

K. §701, Performance Standards, shall also apply to home occupations.

503.3.2 Home Based Businesses

It is the intent of this subsection to regulate the operation of home businesses to permit a variety of commercial uses in the CON, COM and RU Districts under certain conditions established to minimize effects on neighboring properties and the District as a whole. All home based businesses shall be conditional uses and the burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed home based business not specifically permitted by this section, the Board of Supervisors may determine that a particular type or intensity of use is unsuitable to be a home based business or that the proposed lot area or setbacks are not adequate. The following standards shall apply:

- A. The home based business shall be conducted entirely inside a building.
- B. No outdoor storage of materials, goods, products, supplies, or equipment used in the home based business shall be permitted unless adequate screening and buffers are provided in accord with §701 of this Ordinance.
- C. The home based business shall be conducted by members of the family residing in the dwelling and the number of nonresident employees shall not exceed five (5).
- D. 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.
- E. No home based business 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 District.
- F. 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. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks. However, this shall not preclude the operation of a trucking business involving the use of a total of three (3) or less vehicles with more than 26,000 pounds registered gross vehicle weight and/or tractor-trailer trucks.
- G. See §505.10.A.7 for home based business signs.
- H. §701, Performance Standards, shall also apply to home based businesses.
- I. Any use not meeting the requirements of this §503.3.2 and the following uses shall not be permitted as home based businesses:

Abused person shelters	Flea markets
Adult businesses	Funeral parlors
Airports	Gasoline service station
Amusement parks	Heliports, commercial
Amusement arcades	Hotels
Banks	Junk yards
Betting uses	Manufacturing and industry
Bulk fuel storage facilities	Motels
Bus terminals	Natural resources processing
Campgrounds and recreational vehicle parks	Natural resource uses
Car and truck washes	Race tracks
Commercial communications device sites	Recyclable processing facilities
Convenience stores	Recycling collection facilities, large
Detention facilities	Recycling collection facilities, small

Restaurants, fast-food	Solid waste staging areas
Restaurants, traditional	Taverns
Self-storage facilities	Theaters
Slaughter houses	Treatment centers
Solid waste facilities, public	Truck terminals
Solid waste facilities, commercial	

### 503.3.3 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:

- A. The occupation shall be compatible with the residential use of the property and surrounding residential uses.
- B. The occupation shall employ no other employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The 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.
- F. 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.
- G. The occupation shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
- H. The occupation shall not involve any illegal activity.

### 503.4 Private Parking Areas and Garages

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 nurseries or as greenhouses, are permitted in residential areas, provided they are used by the residents thereof for non-commercial purposes.

### 503.6 Private Outdoor Swimming Pools

- A. A private in-ground or above-ground outdoor swimming pool is permitted as an accessory use 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 or fence shall not be required for wading pools where the water does not exceed ten (10) inches in depth and which are not normally filled on a constant basis.

503.7 Temporary Uses

- A. Definition - A use accessory to another permitted principal use that operates at a fixed location for a temporary period of time.
- B. Zoning permit required - No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this §503.7 and other applicable provisions of this Ordinance shall have first been issued.
- C. Particular temporary uses permitted - The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.
1. Contractor's office and construction equipment sheds.
    - a. Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
    - b. Maximum length of permit shall be one (1) year.
    - c. Office or shed shall be removed upon completion of construction project.
    - d. Required water supply and sanitary facilities shall be provided.
  2. Real estate sales office.
    - a. Permitted in any district for any new subdivision approved in accord with the Township Subdivision Ordinance. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.
    - b. Maximum length of permit shall be one hundred and twenty (120) days.
    - c. The office shall be removed upon completion of the development of the subdivision.
    - d. Required water supply and sanitary facilities shall be provided.
  3. Temporary shelter.
    - a. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
    - b. Required water supply and sanitary facilities must be provided.
    - c. Maximum length of permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
    - d. The mobile home shall be removed from the property prior to issuance of any occupancy permit for the new or rehabilitated residence.
- D. Reserved.
- E. Temporary uses by conditional use - For temporary structures or uses that are not specifically permitted by right by this Ordinance, and other than customary accessory uses and other than those uses that were lawfully occurring on a periodic basis prior to the adoption of this Ordinance, a temporary permit may be issued by the Board of Supervisors as a conditional use of structures or uses that would not otherwise be permitted, subject to the following additional provisions:
1. Duration. The Board of Supervisors shall establish a limit on the duration of the use. In the case of a

special event, except under special circumstances, this should be a maximum of 7 days in any 60 day period. The Board of Supervisors may grant a single approval once for numerous occurrences of an event.

2. Statement from Owner. The applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the use or structure is removed once the permit expires.
3. Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
4. Conditions. The temporary use or structure shall: 1) be compatible with adjacent uses and 2) clearly be of a temporary nature.
5. Fee. The Board of Supervisors may waive and/or return the required application fee if the applicant is a Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
6. Nonprofit. Only a well-established and Internal Revenue Service-recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use is not permitted.
7. Special Events. For a special event that will attract significant numbers of the public, the Board of Supervisors may deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.

F. Additional Regulations

1. Documentation must be provided to the Township that adequate arrangement for temporary sanitary facilities has been made.
2. All uses shall be confined to the dates specified in the permit.
3. Hours of operation shall be confined to those specified in the permit.
4. Access and parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained with a minimum of six (6) inches or as otherwise needed, of bank-run gravel or equal material.

503.8 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 §1102.7 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 be climbable up to fifteen (15) feet above ground surface.
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

1. 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*.
2. Best efforts shall be used to minimize shadow flicker to any occupied building on any other parcel.
3. For the purposes of this Subsection E, *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.

- 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.

503.9 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 §503.9 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 - A solar energy system may be roof mounted or ground 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. 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.

#### 503.10 Stables, Private

Private stables are permitted as an accessory use to a single-family residence in all Districts subject to the requirements of §805.2 of this Ordinance.

#### 503.11 Reserved

#### 503.12 Freshwater Ponds

Any freshwater pond constructed in association with any residential, agricultural or commercial use shall comply with the property line setbacks as required by the applicable zoning district and all applicable state and federal requirements. However, no fence and no zoning permit shall be required.

#### 503.13 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 for such antennae forty-two (42) inches or less in diameter.

**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 - 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. Location of Parking - Required off-street parking spaces shall be on the same lot with the principal use served, except as approved in §504.11 or 504.12.
- C. Continuing Obligation of Parking and Loading Spaces - All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exists, and such spaces shall not be reduced in number below the minimum required by this Ordinance.
- D. Non-Parking 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).
- E. Existing Parking - Any parking spaces serving such pre-existing structures or uses at the time of the adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance. If a new principal nonresidential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including, but not limited to, required parking and areas reserved for additional parking if needed, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
- F. Garages and Carports - Garages and carports not in the public right-of-way may be considered parking spaces.

**504.2 Site Plan; Design**

- A. Site Plan - The project application shall include a site plan that shows the parking, loading and unloading area, and access design.
- B. General - Parking spaces, loading and unloading areas, and access ways shall be laid out to result in safe and orderly use and to fully address all of the following: vehicular access onto and off the site, vehicular movement within the site, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic on or off the lot.
- C. 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.
- D. Design - Off-street parking areas, load and unloading areas, access ways, fire lanes, traffic flow signs, pavement markings, and other necessary facilities shall be designed and provided in accord with the most current Urban Land Institute or Institute of Transportation Engineers methodology, or other generally accepted methodology approved by the Township. Notwithstanding the above, all parking spaces and the overall design 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

1. Any structure or building which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off- street parking spaces adequate to serve such use but with not less then the minimum spaces, as set forth in the following Table, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
2. 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.
3. Additional parking for the handicapped shall be provided in accord with federal requirements.
4. For uses not specifically provided above, the Township Board of Supervisors, with the recommendation of the Planning Commission, shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.

USE	PARKING SPACES REQUIRED
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 200 SFGFA open to the public
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 square feet of lot area designated for display or sales
E. Offices, research facilities and services not primarily related to goods	
1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window

USE	PARKING SPACES REQUIRED
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 250 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 600 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 100 SFGFA open to the public
3. Churches, synagogues and temples	1 per every 4 seats used for services
4. Libraries and museums, social, fraternal clubs and lodges; and similar uses	1 per 300 SFGFA open to the public
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 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
4. Commercial water craft docking facilities, including such facilities at waterfront marinas	2 per every 3 slips
I. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
J. Restaurants, bars, taverns and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Vehicle related uses (See definition of “vehicle” in Article III.)	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car wash	1 per 100 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 4,000 SFGFA
M. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA open to the public
2. Nursery schools and day care	1 per 150 SFGFA open to the public
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public

USE	PARKING SPACES REQUIRED
5. Junk and scrap yards	1 per 200 SFGFA open to the public
6. Post office	1 per 200 SFGFA open to the public
Note: SFGFA means "square feet of gross floor area". Gross floor area is 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.	

- B. Township Required Reduction - 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.
- C. Reserved Parking Disturbance and Stormwater - 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.
- D. Form of Reservation - Each parking reservation shall be in a form acceptable to the Township Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and, if the Township determines it is necessary, to provide the additional parking in the time and manner as stipulated in the reservation document. Proof of recording of the agreement shall also be provided to the Township before the issuance of a zoning permit for the project.
- E. 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.
- C. Handicapped Parking - Parking for the handicapped shall be provided in accord with the Americans With Disabilities Act and shall count as part of the spaces required for the use by this §504.
- E. Applicant Proposed Reduction - The required number of parking spaces may be reduced subject to conditional use approval by the Board of Supervisors. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during peak hours. The applicant shall also provide relevant data, such as number of employees and peak expected number of customers/visitors. Any conditional use approval to permit such decrease shall be subject to the following:
  - 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, including, but not limited to, reserving parking .

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:

<b>Largest Type of Truck Service</b>	<b>Minimum Width (feet)</b>	<b>Minimum Length (feet)</b>
Tractor trailer	12	50 with 14 ft clear height
Trucks other than tractor trailers, pick-ups or vans	10	25
Pick-up truck or van	9	18

- 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:

<b>WIDTH*</b>	<b>1-Way Use</b>	<b>2-Way Use</b>
Minimum	12 feet	20 feet
Maximum	35 feet	50 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 Setbacks

- A. Roads and Property Lines - All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from any public road right-of-way or adjoining property lines by a landscaped buffer area not less than twenty (20) feet in width unless adjoining uses share parking in accord with §504.12.
1. Measurement - The width of the buffer shall be measured from property lines and from the curb line or from the legal right-of-way line after development if no curbs will be provided.
  2. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:
    - a. Paving except for approved driveway/access way crossings
    - b. Fences unless integral to landscaping
    - c. Parking, storage or display of vehicles
    - d. Items for sale or rent
  3. Uses Permitted - The buffer area may include the following:
    - a. Permitted freestanding signs
    - b. Pervious storm water facilities
    - c. Approved driveway/access way crossings
  4. Sidewalks - Sidewalks, existing or proposed, may be included in the buffer area.
- B. Buildings - Parking spaces serving principal nonresidential buildings and multi-family dwellings shall be located a minimum of ten (10) feet from any building wall, unless a larger distance is required by another Ordinance provision. This distance does not apply at vehicle entrances into or under a building.

#### 504.10 Grading and Drainage; Paving

- A. Parking and loading facilities, including driveways, shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
- B. Except for landscaped areas, all portions of required parking, loading facilities and access ways shall be surfaced with a durable surface such as gravel, asphalt, concrete, paving block or porous pavement or pavers.
- C. The Board of Supervisors may, as a conditional use, allow parking areas with low or seasonal usage to be maintained in grass or other suitable surfaces. For example, the Board of Supervisors may allow parking spaces to be grass, while major aisles are covered by stone.

#### 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 more than one (1) principal uses share a common property

line, shared parking facilities may be approved by the Zoning Officer.

- A. Documentation - The applicant shall provide information to establish that the shared spaces will be used at different times of the day, week, month, and/or year.
- B. Reduction - Parking provided may be credited to both uses based on the extent that the uses operate at different times. However, the required parking shall not be reduced by more than fifty (50) percent of the combined parking required for each use. (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.)
- C. Agreement - Joint use parking shall be secured in a form acceptable to the Township Solicitor that legally binds current and future owners of the land to maintain the parking. An attested copy of the agreement between the owners of record shall be provided to the Township. Proof of recording of the agreement shall also be provided to the Township before the issuance of a zoning permit for the project.
- D. Common Property Line - The joint-use parking area may span a common property line thereby eliminating the setback required in §504.9.

#### 504.13 Parking of Unregistered, Commercial and Junk Vehicles

- A. Purpose - To prevent the character of residential areas from being harmed by nuisances, hazards and visual blight, and to prevent the establishment of junkyards in residential districts.
- B. Storage of Unregistered, Commercial or Junk Vehicles.
  - 1. Definitions - For the purposes of this §504.13, the following terms shall have the following meanings:
    - a. Commercial Vehicle - A motor vehicle that has a gross vehicle weights of greater than six thousand (6,000) pounds and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material.)
    - b. Tractor of a Tractor-Trailer - A truck with a minimum of three (3) axles that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.
    - c. Trailer of a Tractor-Trailer - A commercial vehicle with a length of twenty (20) feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above), and that is not a "recreational vehicle."
  - 2. Commercial Vehicles in RES Districts
    - a. In a RES District, a maximum of two (2) "commercial vehicles" (as defined above) may be parked for more than eight (8) hours in any forty-eight (48) hour period on private property. Such vehicles shall be permitted only if used by residents of the property as a means of transportation between their home and work. No commercial vehicle in a RES District shall have a gross vehicle weight of over fifteen thousand (15,000) pounds if parked outside of an enclosed building.
    - b. In a RES District, the engine of a tractor of a tractor-trailer shall not be idled for more than ten (10) minutes on the property between the hours of 10 p.m. and 6 a.m. or be repaired, except for clearly emergency repairs.

- c. No trailer of a tractor-trailer shall be parked, stored, maintained or kept in a RES District for more than eight (8) hours in any forty-eight (48) hour period.
  - d. See the requirements of the State Motor Vehicle Code that require vehicles parked on a public street to have current registration.
3. Exceptions - This section does not apply to the following, provided they are in an operational condition:
- a. Municipally-owned vehicles
  - b. Ambulance, fire and rescue vehicles
  - c. Buses used primarily for transporting public or private school children to and from school or transporting persons to or from a place of worship
  - d. Recreational vehicles - a maximum of two (2) uninhabited
  - e. Vehicles operated by the U.S. Postal Service or a level of government or a Municipal Authority
  - f. Vehicles actively engaged in the construction or repair of buildings, streets, curbs, sidewalks, rehabilitation or utilities in the immediate area
  - g. Vehicles actively engaged in making routine household deliveries or rendering routine household services to a property that is adjacent or on the same lot as the vehicle is parked.
  - h. Equipment and vehicles clearly primarily intended for agricultural use
  - i. Parking of vehicles that is customarily accessory to a lawful non-conforming principal business use.

## **505 Signs**

### 505.1 Intent and Purpose

Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the Township area without difficulty and confusion, to encourage the general attractiveness of the community and to protect property values therein. Accordingly, it is the intent of this Ordinance to establish regulations governing the display of signs which will:

- A. Promote and protect the public health, safety, comfort, morals, and convenience.
- B. Enhance the economy and the business and industry of the area by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public.
- C. Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.
- D. Reduce conflict among signs and sign lighting and between public and private signs, and;
- E. Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs. **It is recommended that signs be:**
  - 1. Wood or simulated wood relief.

2. Designed as an integral architectural element of the building and component of the site.
3. Comprised of restrained colors, materials, and lighting and compatible with the building and site, and rural character of the Township.
4. Not more than a height of fifteen (15) feet.  
(See §505.10.D for sign area bonus.)

#### 505.2 Definitions

The definitions in this §505.2 shall supplement the definitions in Article III of this Ordinance as applicable to the regulation of signs.

**ATTRACTION BOARD** - A permanent sign on which the information is changed periodically and identifies special, unique, limited activities, services, products, or sale of limited duration.

**AWNING** - A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.

**BANNER** - A sign intended to be hung either with or without a frame possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind 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.

**BILLBOARDS AND OFF-PREMISES SIGNS** - A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term off-premises sign shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

**BUSINESS SIGN** - A sign which directs attention to a business, profession, activity, commodity, service, product price, or entertainment conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

**CANOPY** - A rigid structure other than an awing made of cloth, metal, or other materials with frame affixed to a building and carried by a frame, which is generally supported by the ground.

**CONSTRUCTION SIGN** - A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premises where work is under construction, but only for the duration of construction or wrecking.

**CURB LEVEL** - the level of the established curb in the front of a building or other structure measured at the center of such front. Where no curb elevation has been established, the mean elevation of the center line of the street fronting and building structure shall be considered curb level.

**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.

**DIRECTORY SIGN** - A sign which indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.

**EXTERNAL ILLUMINATION** - Illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.

**FLASHING SIGN** - An illuminated sign on which the artificial source of light is not maintained stationary or constant



in intensity and color at all times when such sign is illuminated. For the purpose of this Ordinance, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

**GRADE** - The average level of the finished surface of the ground adjacent to a sign or the exterior wall of the building to which a sign is affixed.

**GROSS SURFACE AREA** - The entire area within a single continuous perimeter composed of a single face enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with a material, or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign.

**GROUND SIGN** - A sign supported by structures or supports or upon the ground and not attached or dependent for support from any building.

**ILLUMINATED SIGN** - A sign in which an artificial source of light is used in connection with the display of such sign.

**INSTRUCTIONAL 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 walkway, parking areas, and other similar facilities.

**INTERNAL ILLUMINATION** - Illumination of a sign which is affected by an artificial source of light, which is contained within the sign itself.

**ITEM OF INFORMATION** - A word, an abbreviation, a number, a symbol, or a geometric shape contained in a sign. A sign which combines several different geometric shapes of unusual configuration, is assessed one (1) item of information for each non-continuous plane.

**MARQUEE** - A permanent roof-like structure extending from part of the wall of a building, but not supported by the ground, and constructed of durable material such as metal or glass.

**MOVING SIGN** - A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic, electrically controlled copy changes, but not including flags, banners, or pennants.

**NEON OR OTHER GAS TUBE ILLUMINATION** - Illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols, or other shapes.

**NON-CONFORMING SIGN** - A sign which does not adhere to one (1) or more of the provisions contained in this Ordinance.

**OPEN SIGN** - A sign in which the area exposed to wind is less than fifty (50%) percent of such sign's aggregate gross surface area.

**PERMANENT SIGN** - A permanent sign displayed in the Township on and after the effective date of this Ordinance.

**POLITICAL SIGN** - A temporary sign identifying a political candidate, issues, or party.

**PORTABLE SIGN** - A sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place.

**PROJECTING SIGN** - A sign which is affixed to a building or wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than fifteen (15) inches.

**REAL ESTATE SIGN** - A sign which is used to offer for sale, lease, or rent that premises upon which such sign is placed.

**ROOF SIGN** - A sign erected or maintained in whole or in part upon, against, or directly above the parapet line or roof of the building.

**SERVICE ISLAND** - A set of one or more fuel dispensing pumps arranged in proximity to each other as a raised, concrete island surrounded by paving.

**SIGN** - Any identification, description, illustration, advertisement, or device illuminated or non-illuminated which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify, or convey information.

**SOLID SIGN** - A sign in which the area exposed to wind is fifty (50%) percent or more of such sign's aggregate gross surface area.

**TEMPORARY SIGN** - A non-permanent sign erected, affixed, or maintained on a premises for a short, usually fixed, period of time.

**WALL SIGN** - A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or supported.

**WARNING SIGN** - A sign containing no advertising material, warning the public of the existence of danger.

**WINDOW SIGN** - A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

#### 505.3 Basis of Which Signs are Regulated

The display of signs in the Township is hereby regulated on the basis of the following factors:

- A. The type of activity displaying the sign; and
- B. The following four (4) design features:
  1. the type of sign
  2. the area of the sign
  3. the height of the sign
  4. the location of the sign

In addition, certain signs and certain activities are regulated on the basis of additional factors, as set forth in this Ordinance.

#### 505.4 Illumination

All signs permitted by this Ordinance may be illuminated, provided that the provisions of this Section are strictly complied with.

- A. Sign Illumination - Signs may be internally or externally illuminated.
- B. Illumination of Buildings, Structures, and Areas
1. The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, to illuminate buildings, structures, outdoor sales areas, or outdoor storage area is prohibited except;
    - a. during the month of December for areas in which Christmas trees are offered for sale;
    - b. on a temporary basis for areas in which carnivals, fairs, or other similar activities are held;
  2. A building or other structure may be illuminated, but all lighting used for this purpose must be designated, located, shielded, and directed in such a manner that the light source is fixed and not directly visible from any adjacent publicly dedicated roadway and surrounding property.
- 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.

#### 505.5 Construction Specifications

All permanent signs permitted by this Ordinance shall be constructed in accordance with the provisions of this Section.

- A. Compliance with Applicable Codes - In addition to complying with the provisions of this Ordinance, all signs shall be constructed in accordance with the applicable provisions of any building code which may be in effect in the Township.
- B. Auxiliary Specifications - All signs permitted by this Ordinance shall be constructed in accordance with the following provisions:
1. 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.
  2. Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.
  3. 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.
  4. 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.
  5. 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.
  6. Road Rights-of-Way - No sign shall be erected or extend into or over any road right of way.

#### 505.6 Prohibited Signs

The following signs are hereby expressly prohibited for erection, construction, repair, alteration, or relocation within the Township except as otherwise permitted in this Ordinance.

- 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 §505.8 of this Ordinance.
- B. Banners and Pennants - Banners, pennants, streamers, balloons, and other gas-filled figures, except as a temporary sign, are provided for in §505.8 of this Ordinance.
- C. Moving and Flashing Signs - Signs which flash, revolve, rotate, swing, undulate, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes (except as permitted by §505.10.E), or through the impression of movement or flashing except for Time and Temperature indicators whose movement is either digital or analogue.
- D. Portable and Wheeled Signs - Portable and Wheeled signs, except as a temporary sign, as provided for in §505.8 of this Ordinance.
- E. Projecting Signs - 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.
- F. Signs and Parked Vehicles - Signs placed on or affixed to vehicles and/or trailers 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 nearby.
- G. Signs on Trees - Signs which are attached or otherwise affixed to trees or other living vegetation.
- H. 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.

#### 505.7 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 and four (4) square feet aggregate gross 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 and other 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.
- 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 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.
- 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 - Signs, 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, 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. Public Signs - Signs required by governmental bodies or specifically authorized for a public purpose by any law,

statute, or ordinance. Such public signs may be on any type, number, area, height, location, or illumination as required by law, statute, or ordinance.

- 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 and/or trailers, 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.

#### 505.8 Temporary Signs

Temporary signs may be erected and maintained in accordance with the provisions contained in this §505.8.

##### A. General Conditions

1. Permit Required - No person shall erect, construct, repair, alter, or relocate within the Township any temporary sign, except real estate and temporary construction signs, without first obtaining a permit from the Zoning Officer.
2. 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.
3. Illumination - Temporary signs may be illuminated, subject to §505.4.
4. Sign Types - Temporary signs shall be limited to non-projecting wall signs, attached ground signs, or portable and wheeled signs as defined herein.

##### B. Temporary Business Signs - Temporary business signs identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

1. 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.

2. Area

- (a) Residential Areas - In residential areas, temporary business signs shall not exceed two (2) square feet in gross surface area for each exposed face not to exceed an aggregate gross surface area of four (4) square feet.
- (b) Non-Residential Areas - In non-residential areas, temporary business signs shall not exceed thirty-two (32) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of sixty-four (64) square feet.

3. Location - Temporary business signs shall be located only upon the zoning lot upon which the special, unique, or limited activity, service product, or sale is to occur. 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 from a zoning lot to a public roadway.4. Height

- (a) Residential Areas - In residential areas, temporary business signs shall not project higher than seven (7) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.
- (b) Non-Residential Areas - In non-residential areas, temporary business signs shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

C. Temporary Construction Signs - Temporary construction signs identifying the parties involved in the construction to occur or occurring on the premises on which the sign is placed shall be subject to the following:1. 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.2. Area

- (a) Residential Areas - In residential areas, temporary construction signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face, not exceeding an aggregate gross area of thirty-two (32) square feet.
- (b) Non-Residential Areas - In non-residential areas, temporary construction signs shall not exceed thirty-two (32) square feet in gross surface area for each exposed face, not exceeding an aggregate gross surface of sixty-four (64) square feet.

3. 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 setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway.4. Height - Temporary construction signs shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.5. 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.

- D. 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:
1. 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 may exceed sixteen (16) square feet for each exposed surface or thirty-two (32) square feet in gross surface area. Any temporary event sign shall not be permitted to extend over or onto a public right-of-way.
  2. 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.
  3. 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.
- E. Political Signs - The erection of political signs shall not require a permit, but shall comply with the following:
1. Property Owner Permission - No political signs shall be erected without first obtaining the permission of the property owner(s) on which the signs are to be located.
  2. Number - Not more than two (2) political signs shall be permitted for each candidate on each property.
  3. Size - Any one (1) political sign shall not exceed thirty-two (32) square feet in size.
  4. Road setback - All political signs shall be located a minimum of five (5) feet from the edge of the macadam or curb line of any public or private road, and shall not create a traffic hazard.
  5. Public Property Prohibition - No political signs shall be permitted on any public property (Federal, State, County or Municipal).
  6. Support - Each political sign shall be erected on its own support and shall not be attached to any of the following: trees, utility poles, fences, guardrails, buildings or other structures.
  7. Date of Erection - Political signs may be erected no earlier than six (6) months prior to the election.
  8. Removal - All political signs must be removed within twenty-one (21) days following the election.
  9. Township Removal - Each political sign that is erected or displayed in violation of this Ordinance shall be subject to removal by the Township Zoning/Code Enforcement Officer.
- F. 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:
1. Number - There shall be not more than one (1) temporary real estate sign for each zoning lot except that where a lot abuts two (2) or more streets, additional signs, one (1) oriented to each abutting street, shall be permitted. On large parcels, one (1) temporary real estate sign may be erected along each five hundred (500) feet of road frontage.



2. Area

- a. Residential Areas - In all residential areas, temporary real estate signs shall not exceed six (6) square feet in gross surface area of twelve (12) square feet.
- b. Non-Residential Areas - In non-residential areas, temporary real estate signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of thirty-two (32) square feet.

3. 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 setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway.

4. Height - Temporary real estate signs shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

5. 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.

505.9 Residential Use - For all residential uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted use.

A. Residential Development Signs - Residential development signs indicating only the name of the development, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

1. Type - The residential development signs shall be ground signs.
2. Number - There shall not be more than two (2) residential development signs for each point of vehicular access to a development.
3. Area - Residential development signs shall not exceed twenty (20) square feet in gross surface area.
4. Location - Residential development 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 from a zoning lot to a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
5. Height - Residential development signs shall not project higher than seven (7) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

B. Exempt Signs - Exempt signs as specified in §505.7 of this Ordinance.

C. Temporary Signs - Temporary signs as specified in §505.8 of this Ordinance.

505.10 Commercial, Manufacturing, Public and Semi-Public Use Signs - Only the following signs are hereby permitted and then only if accessory and incidental to a permitted use:

A. Commercial, Manufacturing, Public and Semi-Public Use Signs - Other than those subject to special conditions in later parts of this section, such signs shall be subject to the following:

1. Wall Signs (See §505.10.E) for permitted electronic signs.)

- a. 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, additional such signs, one (1) oriented to each abutting street, shall be permitted.
  - b. Area - The gross surface area of a wall sign shall not exceed ten (10%) percent of the area of the building wall, including doors and windows, to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller. The gross surface area of a wall sign may be increased by twenty (20%) percent, except that the gross surface of the sign shall not exceed sixty-four (64) square feet, if such wall sign;
    - (1) 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
    - (2) 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.
  - c. Location - A wall sign may be located on the outermost wall of any principal building, but shall not project more than sixteen (16) inches from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.
  - d. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty (20) feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.
  - e. Special Conditions - Where a principal building is devoted to two (2) or more permitted uses, the operator of each such use may install a wall sign upon his/her proportionate share of the building wall to which the sign is to be affixed. The maximum gross surface area of each such sign shall be determined by calculating the proportionate share of the area of the building wall, including doors and windows, to which the sign is to be affixed and applying such proportion to the total permitted wall sign aggregate gross surface area for the building.
2. Ground Signs (See §505.10.E) for permitted electronic signs.)
- a. Number - There shall not be more than (1) ground sign for each lot.
  - b. Area - The gross surface area of a ground sign shall not exceed thirty-two (32) square feet for each exposed face, nor exceed an aggregate gross surface area of sixty-four (64) square feet.
  - c. Location - A ground sign 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 from a zoning lot to a public roadway.
  - d. Height - A ground sign shall not project higher than twenty-five (25) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is lower.
3. 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 §505.7.

- b. Area - The gross surface area of an awning, canopy, or marquee sign shall not exceed twenty-four (24) square feet, but limited to not more than fifty (50%) percent of the gross surface area of the smallest 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.

#### 4. Roof Signs

Roof signs shall not be permitted.

#### 5. Attraction Boards (See §505.10.E for permitted electronic signs.)

- a. Type - Attraction Boards shall be ground signs.
- b. Number - Each retail/wholesale commercial premise may erect a single attraction board identifying special, unique, limited activities, services, products, or sale of limited duration occurring on the retail/wholesale commercial premises on which the attraction board is to be located.
- c. Area - The gross surface area of a retail/wholesale commercial premises attraction board shall not exceed ten (10) square feet in gross surface area for each exposed face, nor exceed twenty (20) square feet in aggregate gross surface area.
- d. Location - A retail/wholesale commercial premise attraction board 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 from any zoning lot to a public roadway.
- e. Height - If the attraction board is separate from the main ground pole sign, the attraction board may 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. The attraction board shall be separated by a minimum of twelve (12) inches from the main ground pole sign.

#### 6. Billboards and Off-Premises Signs (See §505.10.E) for permitted electronic signs.)

- a. Number - One (1) billboard or off-premises sign may be erected, constructed, or maintained on any premises in the RU Zoning District only in accord with the following criteria:
- b. Area - An off-premises sign or billboard shall not exceed one hundred fifty (150) square feet in surface area, and each such sign shall have only one (1) exposed face.
- c. Spacing - An off-premises sign or billboard shall not be closer than five hundred (500) feet to another off-premises sign or billboard along the same side of any street or highway.
- d. Spacing at Intersections - An off-premises sign or billboard shall not be located within fifty (50) feet of any street intersection.
- e. Location - An off-premises sign or billboard shall only be permitted in the RU Zoning District. The sign shall be located in accordance with the setbacks for structures located in the general commercial zoning district.
- f. Height - An off-premises sign or billboard shall not project higher than twenty (20) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is lower.

- g. Site Plan - An application for an off-premises sign or billboard shall be accompanied by a site plan and contain all of the applicable requirements as required by this Ordinance.

7. Home Occupation and Home Based Business Signs

One (1) sign not exceeding four (4) square feet in surface area shall be permitted per property.

- B. Retail Fuel Sales - Retail fuel sales establishments shall additionally be permitted one (1) sign with up to four (4) fuel prices attached to the business sign permitted in §505.10.A.2. 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. (See §505.10.E) for permitted electronic signs.)

# of Products Advertised	1 or 2	3	4
Maximum Letter Height	24 inches	15 inches	12 inches

- C. Multiple Uses - Where a principal building is devoted to two (2) or more permitted uses, the operator of each such use may install a wall sign upon his/her proportionate share of the building wall to which the sign is to be affixed. The maximum gross surface area of each such wall sign shall be determined by calculating the proportionate share of the area of the building wall, including doors and windows to which the sign is to be affixed and applying such proportion to the total permitted wall sign aggregate gross surface area of the building.

- D. Wood Relief Sign Area Bonus - Ground signs permitted under §505.10.A.2 (Commercial, Manufacturing, Public and Semi-Public Uses) shall be eligible for an increase in size of fifty (50) percent provided:

1. Signs shall be wood or simulated wood relief only.
2. Signs shall be designed as an integral architectural element of the building and component of the site.
3. Sign colors, materials, and lighting shall be restrained and compatible with the building and site.
4. Signs shall not exceed a height of fifteen (15) feet.

E. Electronic Message Signs

1. The following types of signs may be an electronic message sign provided it complies with the requirements of this §505.10.E and the other applicable requirements of this Ordinance:
  - a. One (1) of the following signs permitted on the premises: the wall sign (§505.10.A.1), or the ground sign (§505.10.A.2), or the attraction board (§505.10.A.5)
  - b. A billboard or off-premises sign (§505.10.A.6).
  - c. Retail fuels sales signs (§505.10.B).
2. In addition to the other applicable requirements, electronic message signs shall comply with the following:
  - a. Electronic message signs shall not display animation, flash or blink and motion shall be limited to the transition from one message to another.
  - b. 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.

- c. 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.

#### 505.11 Permits

- A. Permit Required - Except for the following, no person may erect, alter, or relocate within the Township any sign without first obtaining a sign permit from the Zoning Officer and paying the required fee:
  1. Exempt signs as specified in §505.7.
  2. Real estate and temporary construction signs.
  3. 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.
- B. Permit Application - Applications for sign permits shall be submitted to the Zoning Officer and shall contain or have attached thereto the following information:
  1. 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.
  2. The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.
  3. A sketch plan of the property involved, showing accurate placement thereon of the proposed sign.
  4. 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, materials, and weight. Details on sign color shall be provided if the applicant proposes a sign area bonus in accord with §505.10.D.
  5. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.
  6. Such other information as the Zoning Officer may require to determine full compliance with this and other applicable ordinances of the Township.
- C. 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 of the Township and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign. 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.
- D. Permit Fees - Each sign required by this Ordinance requiring a sign permit shall pay a fee as established pursuant to a Resolution by the Board of Supervisors.

- E. Revocation of Permit - All rights and privileges acquired under the provisions of this Ordinance are mere licenses and, as such, are at any time revocable for just cause by the Township. All permits issued pursuant to this Section are hereby subject to this provision.

505.12 Reserved

505.13 Non-Conforming Signs

- A. 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 indefinitely as a legal non-conforming sign subject to compliance with the requirements of §505.13.B.
- B. 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. See §908 for reconstruction of a legal non-conforming sign which is damaged or destroyed.

505.14 Removal of Certain Signs

- A. Non-Conforming Signs - If the Zoning Officer shall find that any non-conforming sign, except for those legal non-conforming signs as specified in §505.13 is displayed, he shall give written notice to the owners, 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 effected within ten (10) days after receipt of the notice from the Zoning Officer. If such sign is not removed 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.
- B. 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 ten (10) days after receipt of the notice from the Zoning Officer. If such sign is not removed 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.

- C. 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 the period established in the notice, but not less ten (10) days nor more than thirty (30) 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 VI - RESIDENTIAL STANDARDS

### 601 Conservation Design Development

Conservation Design Development shall be required for all subdivisions and all residential land developments in accord with this Article VI and all other applicable standards. (See §601.3.C for applicability.)

#### 601.1 Concept

A key concept associated with conservation 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 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 design, the maximum lot size is the critical element, as it really defines the minimum open space that must be conserved.

#### 601.2 Purposes

In conformance with the Pennsylvania Municipalities Planning Code the purposes of this section, among others, are as follows:

- A. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands.
- B. To conserve areas critical to the visual integrity of the landscape by setting them aside from development.
- C. To conserve scenic views and elements of the landscape, and to minimize perceived density, by minimizing views of new development from public viewing points.
- D. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
- E. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
- F. To provide for a diversity of lot sizes and housing choices at the underlying zoning district density to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
- G. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Township Comprehensive Plan and the Township Open Space and Recreation Plan.
- H. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive plan.
- I. To protect productive forest land in the Township for continued use by conserving blocks of land large enough to allow for efficient forest management operations.
- J. To enable the creation of residential communities with direct visual access to open land and amenities in the form of open space.
- K. To provide for the conservation and maintenance of open land to achieve the above-mentioned goals and for



active or passive recreational use by residents.

- L. To provide multiple options for landowners in order to minimize impacts on environmental resources and sensitive lands such as streams, water bodies, wetlands, flood plain, and steep slopes, and minimize the disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls.
- M. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.

### 601.3 Districts; Development Options

- A. Requirement - Conservation design development shall be required in accord with this §601 in all Districts. (See §601.3.C.2, 3, 4 and 5 for exemptions.)
- B. Development Options - In order to achieve the purposes in §601.2, this §601.3 provides for flexibility in designing new residential subdivisions by allowing the following forms of *by-right* (principal permitted use) development referred to as *options*, as listed below:
  - 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.A, 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 and Conservation Open Space Table in §601.6.A, with not less than fifty (50) percent of the tract comprised of conservation open space.
  - 3. Option 3 - Greater Density with Greater Conservation providing residential lots/units at the density permitted by the Density and Conservation Open Space Table in §601.6.A, with not less than sixty (60) percent of the tract comprised of conservation open space.
  - 4. Option 4 - Standard Subdivision providing larger lots in accord with the standards in the Density and Conservation Open Space Table in §601.6.A and other applicable standards without providing open space. Any lots platted using this Option 4 shall be restricted from further subdivision.
- C. Applicability
  - 1. Ten Acres or More - All tracts of ten (10) acres of gross tract area or larger shall be subject to Conservation design development Development in accord with this §601.
  - 2. Exemption for Ten Acres or More - In lieu of the Four-Step Conservation Design Process in accord with the Township Subdivision and Land Development Ordinance the normal subdivision process as governed by the Township Subdivision and Land Development Ordinance may be applied to parcels of ten (10) acres of gross tract area or larger validly existing as of the effective date of this §601 provided all of the following are satisfied:
    - a. The applicant shall submit with the subdivision application the applicable USGS 7.5 minute series quadrangle showing the entire parcel the and a sketch of the entire parcel showing the proposed lots in relation to the entire parcel. This will enable the Township and the applicant to identify and discuss any effects the proposed subdivision may have on the long term use of the property, primary and secondary conservation areas, and the network of open land in the Township.

- b. The total number of lots subdivided from the original tract (i.e., the parcel as it existed at the time of the effective date of this §601 shall not exceed two (2) lots in any five (5) year period.
  - c. Each lot shall comply with the minimum area, depth, and width specified in Part 1 (Residential Lot Sizes) of the Schedule of Development Standards in Article IV and other applicable requirements of this Ordinance.
3. Less than Ten Acres - Separately deeded tracts of less than 10 acres of gross tract area validly existing as of the effective date of this §601 may be developed as:
- a. A Conservation design Development in accord with this §601.
  - b. A standard subdivision with each lot in compliance with the area, depth, and width specified in Part 1 (Residential Lot Sizes) of the Schedule of Development Standards in Article IV and other applicable requirements of this Ordinance.
4. Act 319 Lands - On lands enrolled in the Pennsylvania Act 319 (Clean and Green) Program, the subdivision of one lot per year meeting the minimum requirements of the Act 319 Program shall be exempt from the requirements of this §601, and the lot shall count against the two-lot maximum established in §601.3.C.2.b.
5. Existing Conservation Easements - Conservation easements which provide for the subdivision of lots shall be exempt from the requirements of this §601 provided such easement preexisted the effective date of this §601 and the lot size stipulated in the easement for the lots to be subdivided complied with the requirements of the zoning ordinance provisions in effect at the time the conservation easement was recorded.
- D. Conservation Design Process - All Conservation design development 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 Conservation design development Developments shall be governed by the following minimum standards:

- A. Ownership - The development tract 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

- A. Uses Permitted in Options 1 through 3 - The following uses shall be permitted in Option 1, Option 2 and Option 3 Conservation design development Developments:

1. Single-family detached dwellings.
2. Two-family dwelling units, townhouses or quadruplex units.
3. Conservation open space with the uses permitted by §601.9.
4. Home occupations and no impact home-based businesses in accord with §503.3.
5. Accessory uses on the same lot with and in accord with applicable district regulations.

B. Uses Permitted in Option 4 - The following uses shall be permitted in Option 4 conservation design development Developments:

1. Single-family detached dwellings.
2. Conservation open space with the uses permitted by §601.9.
3. Home occupations and no impact home-based businesses in accord with §503.3.
4. 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 formulas in §601.6.E, or by a Yield Plan detailed in §601.6.F. The applicant shall determine which approach is most suitable.

<b>DENSITY AND CONSERVATION OPEN SPACE ALL ZONING DISTRICTS</b>							
<b>OPTION 1</b> Basic Density and Basic Conservation <u>neutral density</u>		<b>OPTION 2</b> Increased Density with Increased Conservation <u>20% density bonus</u> (ATA/unit reduced by 20%)		<b>OPTION 3</b> Greater Density with Greater Conservation <u>30% density bonus</u> (ATA/unit reduced by 30%)		<b>OPTION 4</b> Standard Subdivision with no Conservation Open Space	
<b>Density Factor (SF ATA / DU<sup>1</sup>)</b>	<b>Minimum Conservation Open Space Required<sup>2</sup></b>	<b>Density Factor (SF ATA / DU<sup>1</sup>)</b>	<b>Minimum Conservation Open Space Required<sup>2</sup></b>	<b>Density Factor (SF ATA / DU<sup>1</sup>)</b>	<b>Minimum Conservation Open Space Required<sup>2</sup></b>	<b>Minimum Required Lot Size (SF)</b>	<b>Minimum Conservation Open Space Required<sup>3</sup></b>
87,120 (2 acres)	40% ATA	69,700 (1.6 acres)	50% ATA	60,980 (1.4 acres)	60% ATA	174,240 (4 acres)	none

<sup>1</sup> SF ATA = square feet of Adjusted Tract Area in §601.6.E.3.  
<sup>2</sup> Plus Constrained Land calculated in §601.6.E.2.  
<sup>3</sup> Minimum conservation open space is permitted but not required.

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 - In Option 1, Option 2 and Option 3 part of the required conservation open space may be in the form of common greens as follows:
  - a. A minimum of two percent of the required conservation open space when the average lot size is 15,000 square feet or more.

- b. A minimum of three percent of the required conservation open space when the average lot size is less than 15,000 square feet.
  - c. A maximum of five percent of the required conservation open space.
- C. Conservancy Lots - In Option 1, Option 2 and Option 3, up to eighty (80) percent of the required conservation open space may be in the form of conservancy lots of not less than ten (10) acres in size provided:
- 1. The conservancy lot is permanently restricted from further subdivision or development except as permitted in this §601, and it may be used for those uses listed in §601.9.
  - 2. The restriction shall be in the form of a conservation easement as provided in the Article V of Township Subdivision and land development Ordinance.
- D. Accessory Dwelling Units (ADUs) - In Option 4 one (1) ADU is permitted on a lot of 10-acres or larger in accord with the following standards:
- 1. The ADU shall be designed to harmonize with the appearance of the principle dwelling.
  - 2. The ADU shall be located within the principal dwelling unit or in existing or new outbuildings (such as barns, stables, carriage houses, garages and spring houses).
  - 3. The gross floor area of the ADU shall not exceed 900 square feet. An existing historic dwelling more than 50 years old that exceeds these floor area limits, up to a maximum of two thousand (2,000) square feet of living area, may be used as an ADU.
  - 4. The ADU shall meet all required setback standards.
  - 5. Permits for an ADU shall not be issued until the applicant demonstrates that a restrictive easement has been placed on the subject property prohibiting future enlargement of the ADU beyond that permitted herein. This restriction shall also be incorporated into the permit. Issuance of permits for ADUs shall be contingent upon approval of the Sewage Enforcement Officer for appropriate sewage disposal systems.
  - 6. ADUs shall not count toward the density limits set forth in §601.6.A.
- E. Adjusted Tract Area Approach (applicable to Options 1, 2 and 3) - If the adjusted tract area approach is used, the 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.

<b>CONSTRAINED LAND</b>				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
A	existing utility rights-of-way		x 1.00	=

<b>CONSTRAINED LAND</b>				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
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 0.50	=
E	wetlands as determined by a delineation		x 0.70	=
F	prohibitive steep slopes (25% or greater)		x 0.50	=
G	ponds, lakes and streams to the high water mark		x 1.00	=
<b>CONSTRAINED LAND = SUM OF A through G =</b>				
If two (2) or more resources overlap, only the resource with the highest protection factor shall be used.				

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

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

- 4. Maximum Number of Dwelling Units
  - a. 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.

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

- b. In Option 4, the number of dwellings shall be based on the minimum lot size listed in the Density and Conservation Open Space Table in §601.6.A and other applicable standards in this Ordinance and the Subdivision and Land Development Ordinance.

- F. Yield Plan Approach (applicable to Options 1, 2 and 3) - If the yield plan approach is used the following shall

apply:

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 Schedule of Development Standards, Part 1, residential lot Sizes in Article IV. The number of units permitted in the conservation 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. (Note: the 1.25 factor is based on the density bonus of 20% for Option 2 developments.)
- 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. (Note: the 1.43 factor is based on the density bonus of 30% for Option 3 developments.)

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.A 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-severed, 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.

- G. Total Number of Dwelling Units - The total number of dwelling units permitted on a development site equals the sum of the following, each of which shall be itemized separately in a table on the plans:
1. Maximum number of dwelling units permitted in §601.6.E or §601.6.F, as selected by the applicant.
  2. Under Option 4, accessory dwelling units permitted in §601.6.D.
- H. 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:
1. Such dwellings are at least seventy-five (75) years old;
  2. The dwelling is preserved in accord with the National Park Service historic preservation standards; and
  3. The dwelling is placed in a landscape context that respects its historical status and appearance, as determined by the Township.

<b>DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS</b>				
<b>Option 1, Option 2 and Option 3</b>				
<b>Type of water supply and sewage disposal →→</b>	<b>off-site water &amp; off-site sewage</b>	<b>on-lot water &amp; off-site sewage</b>	<b>off-site water &amp; on-lot sewage</b>	<b>on-lot water &amp; on-lot sewage</b>
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	30 feet		
- minimum rear	30 feet 20 feet where the rear setback adjoins conservation open space			
- minimum side	5 feet 30 feet aggregate	15 feet		

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

- A. Option 1, Option 2 and Option 3 - The standards in the Dimensional Standards for Single-Family Dwellings Option 1, Option 2 and Option 3 Table shall apply to Option 1, Option 2 and Option 3.
- B. Option 4 - The standards in the following Dimensional Standards for Single-Family Dwellings Option 3 Table shall apply to Option 3.

<b>DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS</b>	
<b>Option 4 - Standard Subdivision</b>	
minimum lot area	174,240 square feet
maximum depth to width ratio	5 to 1

minimum front setback	60 feet
minimum rear setback	100 feet
minimum side setback (each)	50 feet

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

<b>MAXIMUM IMPERVIOUS COVER FOR SINGLE-FAMILY DWELLINGS Option 1, Option 2, Option 3 and Option 4</b>	
<b>Lot Area</b>	<b>Maximum Ground Coverage</b>
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%

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

<b>DIMENSIONAL STANDARDS FOR TWO-FAMILY DWELLINGS AND TOWNHOUSES Option 1, Option 2 and Option 3</b>	
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

E. Water Supply and Sewage Disposal for Two-Family and Townhouses - Two-family dwellings and townhouses shall be served by an off-site water system and an off-site sewage disposal system.

F. Dwelling Lots / Conservation Open Space - No part of any dwelling lot shall encroach upon conservation open space except as provided in §601.6.C.

G. Setbacks - All new dwelling units shall meet the setback requirements in the following Dwelling Setbacks Table:

<b>DWELLING SETBACKS</b>		
<b>from:</b>	<b>Single-Family</b>	<b>Two-Family &amp; Townhouses</b>
external Township or State road rights-of-way	100 feet	150 feet



<b>DWELLING SETBACKS</b>		
<b>from:</b>	<b>Single-Family</b>	<b>Two-Family &amp; Townhouses</b>
other perimeter boundaries of the development tract	50 feet	100 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 of 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 in the Comprehensive Plan, 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 which are not in a conservation design development per §601 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 consists of two (2) dwelling units constructed with one(1) unit located on the second floor above a first floor dwelling unit, the lot size shall be 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**

Where permitted by the Schedule of Uses, multi-family dwellings which are not in a conservation design development per §601 shall comply with the requirements of this §603 and other applicable standards in this Ordinance.

#### 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.E and the density standards in §603.2 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 area plus all of the primary conservation areas in §601.4.B.
2. Standards - Open space areas shall meet the standards of §601.9 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.

<b>MULTI-FAMILY DWELLING STANDARDS</b>			
PROJECT STANDARDS	Townhouses & Quadruplexes	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	6	4	2
Density -- number of dwelling units per acre of useable land area (See §601.6.E for Adjusted Tract Area)	2	3	4
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 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 community water supply and a community 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, if applicable. 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, including the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time.

### **606 Reserved**

### **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. The purpose of this section is to provide for mobile homes in mobile home parks, rather than on individually-owned lots, in an appropriate, safe, sanitary, and attractive environment.

### 607.1 Project Design Process and Procedure

- A. Subdivision and Land Development - Mobile home parks shall be considered major subdivisions and land developments also subject to the Township Subdivision and Land Development Ordinance.
- B. Conservation Design - All mobile home parks shall be designed and processed in accord with the procedure for conservation design developments using the density factor in §607.3,C without the application of any density bonuses.
- C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all mobile home sites, 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 standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.

### 607.2 Use Regulation

The uses shall be mobile homes. Accessory uses such as storage sheds, refuse storage, laundromats, and recreation areas, as well as home occupations shall be permitted.

### 607.3 Density

The total number of mobile home units permitted on a project parcel shall be determined by applying the adjusted tract area approach in §601.6.E and then multiplying the remainder by the four (4) units per adjusted tract acre.

### 607.4 Primary Conservation Areas and Open Space

All primary conservation areas identified in §601.4.B shall be included in conservation open space

### 607.5 Open Space

A minimum of thirty (30) percent of the tract shall be preserved as conservation open space and the use regulations of §601.9 shall apply. The buffer area required by the Township Subdivision and Land Development Ordinance and constrained land identified in §601.6.E shall count toward the calculation of the 30-percent open space requirement.

## **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 complete, permanent, frost-free foundation consisting of a full basement or a crawl space meeting the requirements of the PA Uniform Construction Code. Placement on a slab or piers with skirting shall not be permitted.

## **609 Reserved**

## **610 Bed and Breakfast Establishments**

Bed and breakfast establishments are considered conditional uses in certain districts as set forth in the Schedule of



Uses and 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.

### **611 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.

#### 611.1 Density

Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this §611 and this Ordinance, and other applicable Township regulations. However, in no case shall the project parcel be less than two (2) acres in size.

#### 611.2 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.
- C. No principal structure shall be located closer to an adjoining principal structure than the height of the highest adjoining structure.

### **612 Optional Transferable Development Rights (TDR)**

#### 612.1 Purpose

The primary purpose of establishing the transferable development rights (TDR) program is to permanently preserve open land, sensitive natural areas, and rural community character that would be lost if the land were developed. In addition, this section is intended to enable landowners who desire to preserve their land the opportunity to sell on the free market their right to develop to other areas of the Township deemed appropriate for higher density development based on the availability of community facilities and infrastructure.

#### 612.2 Basic Concept and Authorization

- A. Sending Properties and Receiving Properties - The provisions of this Zoning Ordinance which permit transferable development rights allow owners of parcels in the Township proposed for conservation, called *sending properties*, to sell the right to develop all or a portion of their land to the owners of qualifying parcels in The Township proposed for additional development, called *receiving properties*.

- B. Pennsylvania Municipalities Planning Code - The transferable development rights provisions set forth in this section are specifically authorized under §603(c)(2.2) and §619.1 of the Pennsylvania Municipalities Planning Code, under the terms of which development rights are acknowledged to be severable and separately conveyable from a *sending property* to a *receiving property*.
- C. Development Rights - When landowners sell their right to develop all or a portion of their land, they must restrict that portion of land from which development rights are sold against any future development as provided in this Ordinance, although the land may still be used for purposes that do not involve development, such as agriculture or forestry. When the owner of a *receiving property* buys the development rights from the owner of a *sending property*, they receive the right to build more dwelling units on their land than they would have been allowed had they not purchased development rights.
- D. Voluntary Agreement - The owners of the *sending property* and *receiving property* shall voluntarily commit to participate in the transfer of development rights. Once the required conservation easement is established, it shall be binding upon all current and future owners of the *sending property*. The applicant for the *receiving property* is responsible to negotiate with, and pay compensation to, the owner of the *sending property* for the conservation easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Township is under no obligation to pay the owner of the *sending property*.
- E. Conservation Easement
1. Land Sale and Development - The conservation easement imposed on the *sending property* will not prohibit the landowner's sale of the land after the development rights have been severed, although such land cannot thereafter be used for development purposes.
  2. Easement Holders- The easement shall be held by the Township and a bonafide nonprofit conservation organization (a nonprofit organization created in accord with U.S. Code Title 26, Subtitle A, Chapter 1, Subchapter F, Part I, §501(c)(3) which is devoted to the conservation of open Space acceptable to the Township.
  3. Conservation Organization Terms - It shall be responsibility of the *sending property* owners to meet all of the terms of acceptance of the easement by the conservation organization, including, but not limited to, baseline documentation, monitoring endowment, and legal fees.
- F. Disposition of Development Rights - The owner of the *sending property* from which the development rights are severed or any subsequent purchaser or purchasers of the development rights may declare the development rights for sale, may hold the development rights, or may resell the development rights. The only use which may be made of the development rights is the ultimate transfer to a developer with a *receiving property*. The Township shall have no obligation to purchase the development rights which have been severed from a *sending property*.
- G. Donations or Intermediaries - The development rights from a *sending property* may be purchased by or may be donated to the Township, the County or a bona fide conservation organization acceptable to the Township. A permanent conservation easement shall be established on the *sending property* at the time of such purchase or donation.
- H. Permanent Severance - Once severed from a *sending property*, development rights shall remain a separate estate in land and shall not be joined with the antecedent estate.
- I. Term of Development Rights - The development rights severed from a *sending property* shall have no term regardless of the number of intermediate owners unless such rights are legally extinguished.

### 612.3 Sending Property Qualifications, Calculations and Requirements

Owners of qualifying tracts may sell their development rights in accord with the following:

- A. Sending Property Qualifications - The *sending property* shall not be otherwise restricted from development and:
  1. The *sending property* shall be located in any CON Conservation District and shall be a minimum of twenty-five (25) acres in size.
  2. At least eighty (80) percent of the *sending property* or a minimum of one hundred (100) acres shall be restricted from future development by a conservation easement in accord with this §612.
  3. The restricted acreage shall be contiguous and shall not be less than seventy-five (75) feet in the narrowest dimension at any point except for such lands specifically serving as trail links.
  4. The portion of the parcel which will not be restricted shall be useable under the use, area, dimensional, performance and other standards of this and other Township Ordinances.
- B. Declaration of Transferable Development Rights and Certification by Township - Any owner of a qualified *sending property* may elect to declare the severance of development rights, and may request a written certification from the Township of the number of rights that may be severed, which certification shall not be unreasonably withheld. Such request shall be made to the Zoning Officer on the form provided by the Township.
- C. Calculation of Transferable Development Rights; Conditional Use - The calculation of transferrable development rights shall be considered a conditional use based on application made by the *sending property* owner.
  1. Determination of Number of Development Rights - The Township shall determine the total number of development rights available from a *sending property* by dividing the adjusted tract area as calculated for the property in accord with §601.6.E of this Ordinance by the density factor (adjusted tract area per dwelling unit) in the Calculation of Transferable Development Rights Table.

<b>CALCULATION OF TRANSFERABLE DEVELOPMENT RIGHTS</b> (See §612.3,C,2 below for parcels subdivided after the effective date of this §612)	
<u>Sending Property Location</u>	<u>Density Factor</u> (adjusted tract area per dwelling unit)
CON District	60,980 square feet (1.4 acres)*
*Same as Option 3 of Conservation Design, §601.6.	

2. Subdivision Prior to Transfer - The density factors in §612.3,C,1 shall not apply where the transfer of rights is proposed from any parcel to any other parcel created by a common subdivision approved after the effective date of this §612. Density in such case shall be determined using the density factors in §601 applicable to conservation design subdivisions.
3. Plan Requirement - The applicant shall provide a plan prepared by a professional consultant as defined by the Pennsylvania Municipalities Planning Code to document to the satisfaction of the Township the determination of Adjusted Tract area. At a minimum, the plan shall show the site features enumerated in §601.6.E of this Ordinance.
4. Partial Severance - If the severance of development rights would entail less than an entire parcel, the portion of the parcel from which the development rights are severed shall be clearly identified on a survey of the entire parcel made and sealed by a surveyor licensed in Pennsylvania.

5. Preserved Land - Land previously restricted against development by covenant, easement or deed restriction shall not be eligible for transferable development rights unless and until such time as said covenant, restriction or easement is dissolved or rescinded with agreement of all beneficiaries of such covenant, restriction or easement.

D. Severance of Transferable Development Rights

1. Severance - Transferable development rights which have been severed shall be conveyed by a Deed of Transferable Development Rights duly recorded in the Office of the Pike County Recorder of Deeds. The Deed of Transferable Development Rights shall specify the tract of land to which the rights shall be permanently attached or that the rights shall be transferred to the Township, retained by the owner of the *sending property*, or another person in gross.
2. Conservation Easement - The Deed of Transferable Development Rights which severs the development rights from the *sending property* shall be accompanied by a conservation easement which shall permanently restrict development of the sending property as provided below and which shall be recorded in the Office of the Recorder of Deeds at the same time as or prior to the Deed of Transferable Development Rights.
3. Township Approval of Easement - All Deeds of Transferable Development Rights and conservation easements shall be endorsed by the Township prior to recording, which endorsement shall not be unreasonably withheld.
  - a. Deeds submitted to the Township for endorsement shall be accompanied by a title search of the *sending property* and a legal opinion of title affirming that the development rights being transferred by the Deed have not been previously severed from or prohibited upon the *sending property* and that the *sending property* is not Preserved Land as described in §612.3.C.5 above.
  - b. A title report shall be prepared not less than ten (10) days prior to submission of the Deed, and the legal opinion of title must meet the reasonable approval of the Township Solicitor.

- E. Partial Sale of Severed Rights - If an agreement of sale of development rights would entail less than the entire number of development rights represented by a recorded Deed of Transferable Development Rights, the applicant shall indicate in the Deed the disposition of the remaining development rights.

- F. Sending Property Conservation Easement - Any *sending property* from which development rights have been severed must be permanently restricted from future development by a conservation easement provided to the Township which meets the following minimum requirements:

1. Development Restricted - Except where any development rights are retained, the restrictive covenant shall permanently restrict the land from future development for any purpose other than agricultural uses, public park land, conservation areas and similar uses.
2. Township Approval - The conservation easement shall be approved by the Board of Supervisors in consultation with the Township Solicitor.
3. Enforcement Rights - The conservation easement shall designate The Township, and a bona fide conservation organization acceptable to the Township, as the beneficiary/grantee, but shall also designate the following parties as having separate and independent enforcement rights with respect to the easement:
  - a. All future owners of any portion of the *sending property*, and
  - b. All future owners of any portion of any parcel to which the transferable development rights are

permanently attached.

4. Specification of Rights Sold and Retained - The conservation easement shall specify the number of development rights to be severed as well as any to be retained.
5. Lot Area and Setback Prohibition - No portion of the tract area used to calculate the number of development rights to be severed shall be used to satisfy minimum setback setbacks or lot area requirements for any development rights which are to be retained or for any other development.
6. Other Provisions - The conservation easement shall include all other necessary provisions to address the specific circumstances of the subject property in terms of meeting the requirements of this Section.
7. Legal Interest Owners - All owners of all legal and beneficial interest in the tract from which development rights are severed shall execute the conservation easement. All lien holders of the tract from which development rights are severed shall execute a joinder and/or consent to the conservation easement.
8. Development Approval - Final approval for any subdivision or land development plan using transferred development rights shall not be granted prior to the recording of the required conservation easement and other applicable documents at the Pike County Recorder of Deeds.

#### 612.4 Receiving Property Qualifications, Calculations and Requirements

Owners of tracts which meet the following requirements may use development rights that are purchased from *sending property* owners.

- A. Receiving Property Prohibition - Development rights may be transferred to any property in accord with this §612.
- B. Conservation Design Required - All *receiving properties* shall be governed by the Conservation Design Development standards in §601.
- C. Receiving Property Base Residential Density - The base residential density of the *receiving property* shall be determined by dividing the adjusted tract area as calculated for the property in accord with §601.6.E of this Ordinance using the Option 3 density factor in §601.6.A.
- D. Receiving Property Increase in Permitted Residential Density - The number of dwelling units on a *receiving property* may be increased above the *receiving property* base density only to the extent that all applicable standards, including, but not limited to, the minimum required open space are satisfied.
- E. Minimum Conservation Open Space - Conservation open space shall not be less than thirty (30) percent of the adjusted tract area calculated in accord with §601.6.E plus all of the constrained land calculated in accord with §601.6.E.2.
- F. Modification of Area and Bulk Standards via Conditional Use - For any development where at least twenty (20) transferable development rights are received, applicable area and bulk requirements may be modified up to fifty (50) percent subject to conditional use approval by the Board of Supervisors. Any conditional use approval to permit such modification(s) shall be subject to the following criteria:
  1. Ordinance Consistency - The design and modifications shall be consistent with the purposes and the design standards contained in this Ordinance.
  2. Street System - The design and modifications shall not produce lots or street systems that would be impractical in terms of layout or circulation, or detract from the appearance of the development or

surrounding community, and shall not adversely affect emergency vehicle access.

3. Quality of Design - The applicant shall demonstrate to the Board of Supervisors that the proposed modification(s) will produce equal or better development design and open space conservation results than could be achieved without the requested modification.
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 modification of the requirements. The Board of Supervisors may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance.

#### 612.5 Plan Submission Process

- A. Plans Required - All applicants for use of transferable development rights shall submit subdivision or land development plans in accord with the Township Subdivision and Land Development Ordinance for the development to which the transferable development rights will be added. A conditional use application shall be submitted where applicable. Such plans shall, in addition to meeting all other applicable provisions, include the following:
  1. Proof of Available Development Rights- A Deed of Transferrable Development Rights or an agreement of sale for all development rights proposed to be purchased from the *sending property*.
  2. Dwelling Unit Numbers - A note on the plan showing the total number of dwelling units proposed on the *receiving property*, the total number that could be built not using TDR's, and the incremental difference between the two.
  3. Plan - The Adjusted Tract area plan of the *sending property* required by §612.3,C,3 for the site(s) from which the applicant proposes to purchase development rights. If the applicant is purchasing development rights from a portion of a *sending property*, the plan show the areas of severed rights. If the development rights have previously been severed from a *sending property*, a copy of the recorded Deed of Transferable Development Rights shall be submitted.
  4. Title Search - A title search of the *sending property* sufficient to determine all owners of the tract and all lien holders. If the development rights have previously been severed from the *sending property*, a title search of the rights set forth in the Deed of Transferable Development Rights sufficient to determine all of the owners of the development rights and all lien holders shall be provided to the Township.
- B. Final Approval; Conservation Easement - In order to receive final plan approval, the Applicant must provide documentation that the required conservation easement has been recorded for all *sending property* lands whose development rights are being used by the applicant. These restrictive covenants must meet the requirements stipulated herein. The restrictive covenant on the *sending property* shall be recorded first, followed by a Deed of Transfer, in accord with the provisions of the Pennsylvania Municipal Planning Code, which transfers the development rights from the *sending property* landowner to the *receiving property* landowner.
- C. Public Acquisition - The Township may purchase development rights and may accept ownership of development rights through transfer by gift. All such development rights may be resold or retired by the Township. Any such purchase or gift shall be accompanied by the conservation easement required by §612.3.E.

#### 612.6 Amendment and/or Extinguishment

- A. Amendment - The Township reserves the right to amend this Ordinance in the future, and expressly reserves the right to change the manner in which the number of development rights shall be calculated for a *sending property* and the manner in which development rights can be conveyed.
- B. Termination - The Township further expressly reserves the right to terminate its transferable development rights program at any time.
- C. Claims - No owner of the land or owner of development rights shall have any claim against the Township for damages resulting from a change in this Ordinance relating to the regulations governing the calculation, transfer and use of development rights or the abolition of the transferable development rights program.
- D. Vested Rights- If the transferable development rights program is abolished by the Township, only those rights which were severed prior to the effective date of the ordinance abolishing the transferable development rights program may be attached to any *receiving property*. This shall also apply in the case where an application for severance in conformity with the provisions of this §612 was filed prior to the effective date of such ordinance, and the application thereafter is continuously processed to approval.

**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 with appropriate landscaping and buffering;
- B. Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern using wood or wood-like siding (exposed cinder-block construction shall not be permitted);
- C. 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;
- D. Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons;
- E. 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;
- F. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,
- G. 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 development.
- 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 architectural 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 (see §601.4) 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 Applicable to All Uses in All Districts**

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. The standards in this §701 shall not apply to agricultural uses unless explicitly referenced by a specific section.

701.1 Setbacks and Buffers

- A. Increased Buffer - Unless otherwise regulated by this Ordinance, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any RES District the minimum size of the abutting setback shall be increased by fifty (50) percent and a landscaped buffer not less than fifteen (15) feet in width shall be provided in accord with this §701.1. Storage of equipment, supplies, products or any other materials shall not be permitted in any front, side or rear setback area.
- B. Conditional Uses and Special Exceptions - In the case of conditional uses and special exceptions, landscaped buffers may be required by the Township in any setback area in order 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 ten (10) 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. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
5. In any case, 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 not incompatible.
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 Reserved

701.3 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 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 - Outdoor storage for other uses may be approved as a conditional use and 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 one hundred (100) feet from any existing residential structure or any RES District, unless a greater setback is required by this Ordinance.
- D. Storage in Setback Area - Storage of equipment, supplies, products or any other materials shall not be permitted in any required setback areas.
- E. Storage in Containers
  1. Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted.
  2. Trailers may be used as accessory structures provided all wheels and axles are removed, the trailers are erected and maintained as structure, and are screened from view from adjoining properties in accord with §701.1 of this Ordinance.
  3. Trailers, maintained in good condition, shall be permitted for storage for a temporary period on the site of an on-going construction project. The placement of said trailers shall be for a specified time as stated in

the required permit from the Township, shall meet the setback requirements of this Ordinance and shall not be used for the storage of any flammable or hazardous material except in accord with applicable state and federal regulations.

#### 701.4 Fire and Explosion Hazards

- A. Safety Devices: Suppression - All activities involving any manufacturing, production, storage, transfer or disposal of, inflammable 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.
- B. Burning - Burning of waste materials in open fires is prohibited.
- C. Other Requirements - The relevant provisions of Federal, State and local laws and regulations shall also apply.
- D. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the Township.
- E. Conditional Uses and Special Exceptions - In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas, fencing or other safety elements may be required by the Township if the nature of the proposed use as determined by the Township so requires.

#### 701.5 Radioactivity or Electric Disturbance

No activities shall be permitted which emit radioactivity, electrical disturbance or electromagnetic radiation which exceeds permissible state and federal regulations

#### 701.6 Noise

Most rural communities are noted for their low levels of environmental noise. Environmental noise is part of the character of a community, and as such is a legitimate object for municipalities to regulate under a zoning ordinance. Previous standards were based on EPA guidelines designed to protect against adverse impact on human health and activities. However, those environmental noise level limits greatly exceed the typical rural noise levels, and those limits would allow land use activities that would destroy the quiet, rural character of the community. This standard is designed to prevent the noise produced from any single property from dominating the environmental noise at any point in the Township, thereby preserving the character of the community.

- A. 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 §701.6 by providing documentary evidence as follows:
  - 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.
  - 2. Environmental noise measurements from similar operations and sites (same number and types of equipment, comparable topography and prevailing weather conditions).
  - 3. Given the inherent vagaries of acoustic predictions and the variability of acoustic measurements, the Board of Supervisors in the case of conditional uses and the Zoning Hearing Board in the case of special exceptions may apply conditions which are more conservative than would be indicated by the studies.
  - 4. In any case, the acceptance of proposed control or mitigation measures does not relieve the applicant from complying with the standards provided in this §701.6 and/or a conditional use/special exception approval.
- B. Definitions - The following definitions shall apply to this section:

1. A-weighted Noise Level - A single number measurement of a noise level that approximates the human ear's response to an equal-loudness contour of 40 phons. (A *phon* is a unit of apparent loudness, equal in number to the intensity in decibels of a 1,000-hertz tone judged to be as loud as the sound being measured.)
2. Background Environmental Noise Level - The environmental noise level without the suspected offending noise source.
3. Environmental Noise Level - The equivalent continuous noise level measured at any specified point which is representative of the noise level of that environment.

4. Equivalent Continuous Noise Level (ECNL) - The constant A-weighted noise level that would produce the same energy density exposure as a continuously varying noise level. ECNL is calculated from a series of measurements by the following formula:
 
$$ECNL = 10 \log \left( \frac{\sum \Delta t_i 10^{L_i/10}}{\sum \Delta t_i} \right)$$

where  $L_i$  is an A-weighted noise level, and  $t_i$  is the time over which that level occurs, or, for measurements taken over an equal, fixed time interval:

$$ECNL = 10 \log \left( \sum 10^{L_i/10} \right)$$

5. Intentional Radiator - A source of sound, or noise source, which is designed or operated to produce sound, as its primary function. For example, sirens, air horns, and loud speaker systems are all intentional radiators.
6. Noise Source - A single piece of equipment, or a collection of equipment under the control and operation of a single entity, 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.
7. Radiated Noise Level - The noise produced by a single radiator, measured under controlled conditions, at a fixed distance from the radiator. Radiated noise level measurements characterize the acoustic performance of that radiator. Radiated noise levels are the subject of state and federal regulations. For example, radiated noise levels from boats are regulated by the Pennsylvania Fish and Boat Commission using SAE Standards J2005 and J34.
8. Suspect Source - A noise source that may be in violation of this chapter, identified by the nature of sound or a correlation with the times of operation and the alleged violation.
9. Unintentional Radiator - A source of sound, or noise source, which is not designed or operated as its primary function to produce sound, but produces sound as an unintentional byproduct of its operation. For example, chain saws, rock crushers, wood chippers, vacuum cleaners, and lawn mowers are all unintentional radiators.

C. Limits.

1. Between the hours of 10 PM and 7 AM (local time), no intentional or unintentional radiator shall raise the ECNL at any point in the township outside the boundaries of the property on which it is located by more than 3 dB.
2. Between the hours of 7 PM and 10 PM (local time), no intentional or unintentional radiator shall raise the ECNL at any point in the township outside the boundaries of the property on which it is located by more than 5 dB.

3. Between the hours of 7 AM and 7 PM (local time), no intentional or unintentional radiator shall raise the ECNL at any point in the township outside the boundaries of the property on which it is located by more than 10 dB.

D. Measurement Equipment. 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 or Type 2 instruments. The instrument shall have been field calibrated according to the manufacturer’s directions within the periodicity required by the manufacturer prior to the measurements. All measurements shall be taken using the FAST response time and A-weighting. For automatic recording instruments, a calibration mark shall be recorded before the start of any measurements, and reported with the other data.

E. Investigation of Complaints.

1. 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. 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 operator of the suspect source that the complaint has not been validated.
2. If, by the nature of the sound, or correlation with the operation of the suspect noise source, the Zoning Officer determines a complaint to 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. 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. The Zoning Officer shall conduct a background noise level measurement before and after the operation of the suspect source. 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. 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.

The background noise level shall be the power weighted average of the two background level measurements, calculated using the formula:

$$L_{background} = 10 \log \left( \frac{10^{L_{before}/10} + 10^{L_{after}/10}}{2} \right)$$

F. Measurement of Background Environmental Noise Levels. The background environmental noise level shall be measured without the suspect source in operation. The weather conditions at the time of measurement shall be as near the weather conditions reported at the time of the complaint (wind direction and speed, temperature, temperature gradient, etc.). Background activities shall be representative of those expected in the neighborhood for the time of day and day of the week.

Measurements of the background environmental noise level shall be made for the length of time the suspected offending source will be in operation, but need not be any longer than 15 minutes. If manual measurements are being taken, the measurements shall be recorded every 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.

G. Operation of Intentional Radiators for Test. The environmental noise level with an intentional radiator shall be measured with the suspect source in operation according to the following options:

1. Mechanical or pneumatic sources shall be operated at the design speed, amplitude or pressure, and with all units in operation (depending on the equipment specification), or the approved speed, amplitude or pressure, and with the maximum number of units allowed from the conditional use approval.
2. Electrical powered sources shall be operated from the normal power supply at the design voltage, or the approved supply voltage from the conditional use approval.
3. Electronic sources shall be operated from the normal power supply, at the design power output, into the design load, with all normally connected speakers in operation. If the system is subject to a conditional use approval, the system shall be operated at the approved power output, not the design power output. If the program is selectable, a 1000 Hz tone or the closest available constant level signal shall be selected for the test.

H. Measurement of Intentional Radiators. The weather conditions at the time of measurement should be as near as possible to the weather conditions reported at the time of the complaint (wind direction and speed, temperature, temperature gradient, etc.). Background activities should be representative of those expected in the neighborhood for the time of day and day of the week. These measurements should be conducted within a few minutes of obtaining the background noise level measurements.

Measurements of the equivalent continuous noise level with the suspect source in operation shall be made for the length of time the suspect source will normally be in operation, but in any case shall not be less than 2 minutes, and need not be longer than 10 minutes. If manual measurements are being taken, the measurements shall be recorded every 10 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.

I. Operation of Unintentional Radiators for Test. The environmental noise level with an unintentional radiator shall be measured with the suspect source in operation at its design or approved conditional use capacity (tons per hour, cubic feet per minute, etc.), with design supply conditions (voltage, current, pressure, speed, etc.).

J. Measurement of Unintentional Radiators. The weather conditions at the time of measurement should be as near as possible to the weather conditions reported at the time of the complaint (wind direction and speed, temperature, temperature gradient, etc.). Background activities should be representative of those expected in the neighborhood for the time of day and day of the week. These measurements should be conducted within a few minutes of obtaining the background noise level measurements.

Measurements of the equivalent continuous noise level with the suspect source in operation shall be made for the length of time the source will normally be in operation, but in any case shall not be less than 5 minutes, and need not be any longer than 15 minutes. If manual measurements are being taken, the measurements shall be recorded every 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.

K. Report. The Zoning Officer's report shall include:

1. The instrument type, serial number, field calibration date, time, background noise level, calibration level and any adjustments made during the most recent field calibration of the sound level meter.
2. The type and serial number of the field calibrator used at the last field calibration of the sound level meter.
3. The location of the environmental 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 background environmental 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 table of times and sound levels as reported on the meter
    - the calculated ECNL for each set of measurements
  10. For automatic measurements:
    - a notation of the time the instrument was started and the time stopped
    - the reported ECNL
    - 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
    - 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.
- L. Exceptions. These standards 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.

#### 701.7 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 and mineral extraction operations in compliance with state regulations.

#### 701.8 Lighting and Glare

Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The standards of the Illuminating Engineering Society shall be used 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 §701.8 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 so as to be visible at the property line.
- 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 nor lights intended solely to illuminate an architectural feature of a building.
- G. Flashing - Flashing, flickering or strobe lights are prohibited, except for non-advertising seasonal lights between October 25th and January 10<sup>th</sup>.
- H. Building Lighting - The exterior accent lighting of commercial, industrial, institutional and other nonresidential buildings shall be permitted in accord with the following:
  - 1. The lighting accentuates an architectural or aesthetic element of the building, not the entire building.
  - 2. The light shall only be directed onto the building facade and shall not spillover beyond the plane of the building.
  - 3. Upward aimed lighting is prohibited. The lighting shall be aimed downward, shall be fully shielded and shall be mounted as flush to the wall as possible.
  - 4. Lights that outline property lines, sales areas or any portion of a structure, or any other lighting which has the effect of advertising or drawing attention to the property or a particular business or commercial activity, shall not be permitted.



701.9 Smoke

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

701.10 Odors

No emission shall be permitted of odorous gases or other odorous matter except in full compliance with PA Department of Environmental Protection requirements.

701.11 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.

701.12 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.

A. Report - The Township may require the applicant to submit a report from a qualified engineer or geologist detailing:

1. The geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality.
2. 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.
3. The use of ground water and any processes that could result in the depletion of ground water supplies.

B. Large Volume Use - 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.

C. Conditional Uses and Special Exceptions - In the case of conditional uses and special exceptions 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.

701.13 Storm Water Management and Soil Erosion Control

A. Stormwater Management - Stormwater management shall be provided in accord with the Township Stormwater Management Ordinance and the Township Subdivision and Land Development Ordinance.

B. Soil Erosion and Sedimentation Control

1. All soil erosion and sedimentation control plans shall meet the specifications of the Pike 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 Pike County Conservation District. Failure to install and maintain the controls shall constitute a violation of this Ordinance.

#### 701.14 Waste Materials

- A. Storage - No liquid, solid, toxic or hazardous waste shall be stored, 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.
- B. Discharge - 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.
- C. Disposal - 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 structures which are associated with any manufacturing or industrial process, any sewage or waste disposal process, or agricultural manure management operation 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 structure 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:

- A. Describe the specific services to be offered, type of patients and/or residents, to be served, and the staff to be employed for this purpose.
- B. 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.
- C. At a minimum, provide for the reasonable restriction of 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.
- D. Include measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

#### 701.18 Building Colors

This §701.18 shall apply to all non-residential structures, but shall not apply to agricultural structures. Building exteriors shall 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, along with the conditional use application, samples of the color(s) proposed for the building(s) exterior for approval by the Township. The approval of the colors used shall be a condition of approval by the Township.

701.19 Monitoring of Conditional Uses and Special Exceptions

If a reasonable doubt exists that a conditional use or special exception would violate the performance standards or any condition of approval, the Supervisors or Zoning Hearing Board may require a use to fund such reasonable and necessary monitoring to ensure its compliance.

701.20 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 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 (as defined by PA DEP) shall maintain a setback of not less than:
    - a. One hundred (100) feet from any property line or public road right-of-way.
    - b. Two hundred fifty (250) 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. 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.
- D. Re-certification of On-lot Systems - Any septic system is required to be reviewed and/or tested by the Sewage Enforcement Officer for adequacy if a change of use or expansion of use would cause an increase in sewage flows or create a potential problem based on the new character of the wastewater.

### **703 Placement and Screening of Waste Containers**

#### **703.1 Screening**

All trash dumpsters shall be screened on three (3) of four (4) sides (not including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.

#### **703.2 Setback**

Any solid waste container with a capacity over fifteen (15) cubic feet shall be kept a minimum of fifteen (15) feet from any property line.

#### **703.3 Food Sales**

Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide at least one (1) outdoor solid waste receptacle for customer use at a convenient location outside of the main exit door of the property. The operator of such use shall be responsible for regular emptying and maintenance of such receptacle.

#### **703.4 Enclosed Containers**

Solid waste receptacles stored outdoors shall be adequately enclosed and covered to control the attraction of rodents and insects.

### **704 Environmental Impact Statement**

The intent of this §704 is to provide the identification of environmental and community impacts and means of mitigation of impacts of development projects in the Township. The Board of Supervisors, Planning Commission, 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 impact statement (EIS) for the following types of developments and uses:

1. Industrial parks
2. 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. Any use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas
10. 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
11. Any use involving development in any floodplain area
12. Wind farms

The requirements of this §704 may 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 in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may waive certain components of the EIS should such components be deemed unnecessary for certain uses.

704.1 Purpose of EIS

The purpose of this EIS 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.

704.2 Contents of EIS

An Environmental Impact Statement 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 EIS 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 EIS 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 Pike 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 and Water Surface Use and Community Character

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.
3. Type and concentration of existing water craft uses.

- L. Critical Impact Areas - Any area, condition, or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes greater than 15%, highly acidic or highly erodible soils, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas
- M. Historic Resources - Identification of structures or sites of historic significance and probable effect of project.
- N. Transportation Network - Existing network traffic volumes and capacities and need for improvements required by project.
- 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.
- P. Additional Requirements - In addition to the above requirements the Planning Commission and/or Township 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.

704.3 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.

704.4 Qualifications

The EIS 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.

704.5 Procedures for Evaluating the Environmental Impact Statement Shall be as Follows

- A. Upon receipt of the application the Township shall forward the EIS 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 EIS and shall report its comments to the Planning Commission and Board of Supervisors or Zoning Hearing Board.
- C. The Planning Commission and/or Board of Supervisors or Zoning Hearing Board may require the opinion of experts in their review of the EIS.

- D. Fees for the costs of such consultation as described in §A and §C above shall be paid by the applicant.
- E. Copies of the EIS shall be on file and available for inspection in the Township office.
- F. The Planning Commission shall evaluate the proposed project and the EIS and recommend action on same to the Board of Supervisors or Zoning Hearing Board.

**705 Special Conservation Standards**

All uses permitted by this Ordinance shall be subject to the following special conservation performance standards which shall apply to any lands that are characterized as steep slopes, wetlands or flood plains. The procedures and standards are as follows:

**705.1 Steep Slope Areas**

Steep slopes shall be defined as slopes in excess of twenty-five percent (25%) grade as determined by the Zoning Officer, from United States Geological Survey topographic maps or USDA Natural Resource Conservation Service maps. In cases where the slope cannot be specifically determined by said means, the Zoning Officer may require the applicant to provide certification from a Professional Engineer or Registered Land Surveyor of the slope in question. Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed. Any use or 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 and Planning Commission shall be satisfied that the following performance standards have been or will be met:

- 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. Impervious surfaces are kept to a minimum.
- 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. No more than seven thousand (7,000) square feet of area may be totally cleared for building purposes including house, garage, accessory structures, driveway or other impervious areas.
- G. 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.
- H. Soils characterized by the Natural Resource Conservation Service as highly susceptible to erosion shall be avoided.
- I. Roads and utilities shall be installed along existing contours to the greatest extent possible.
- J. Any steep slope areas also characterized by seasonal high water tables shall be avoided.



- K. Natural vegetation shall be preserved to as great a degree as possible.
- L. 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).

705.2 Buffers for Wetlands and Vernal Pools

- A. If the Township determines that wetlands may be present or may be impacted by the proposed development, the Township may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Protection, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service, and vernal pools to be delineated on any application proposing a new use or expanded use of land.
- B. The applicant shall be responsible for said delineation and shall warrant that said wetlands have been properly delineated
- C. A buffer of fifty (50) feet in width shall be maintained for all wetlands. The buffer shall be measured perpendicular to and horizontally from the edge of the delineated wetland for the required distance.
  - 1. Unpaved trails and non-clear cut forestry enterprises (e.g., selective regeneration harvest) shall be permitted in accord with this Zoning Ordinance shall be permitted.
  - 2. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
  - 3. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
- D. If no wetlands are present, the applicant shall provide a certified statement to that effect. No development shall be undertaken by the applicant except in accord with all State and Federal wetland regulations; and the applicant shall provide to the Township evidence of such compliance.
- E. No zoning approval granted by the Township shall in any manner be construed to be an approval of compliance by the applicant with any State or Federal wetland regulations; and the Township shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.
- F. In residential subdivisions the buffer shall be protected via a protective easement.

705.3 Buffers for Lakes and Ponds

A buffer of not less than fifty (50) feet in width, measured perpendicular to and horizontally from the edge of the water body, shall be maintained from the edge of all lakes and ponds one-half (0.5) acre or more in size. The buffer for lakes and ponds less than one-half (0.5) acre in size shall be not less than twenty-five (25) feet.

- A. Unpaved trails and stormwater conveyance facilities required by the Township shall be permitted.
- B. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
- C. Residential accessory structures, boat docks and accesses, and tree trimming for lake front views shall be permitted provided that no more than thirty-five (35) percent of the buffer area is affected.
- D. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.

E. In residential subdivisions the buffer shall be protected via a protective easement

#### 705.4 Stream Buffer

Unless other regulations require a greater width, a buffer of not less than fifty (50) feet in width shall be maintained along all streams. The buffer shall be measured perpendicular to and horizontally from the top of bank of the stream for a distance of fifty (50) feet.

- A. Encroachments and obstructions as defined and approved by DEP, stormwater conveyance facilities required by the Township, and unpaved trails shall be permitted.
- B. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
- C. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted except as permitted by the Township Floodplain Ordinance.
- D. In cases where Township Flood Plain Regulations or other state or federal regulations require larger buffers, such regulations shall control.
- E. In residential subdivisions the buffer shall be protected via a protective easement.

#### 705.5 Floodplain

Floodplain shall be governed by the floodplain regulations contained in the Township Floodplain Ordinance.

### **706 Reserved**

#### **707 Property Line Buffer Areas**

It is the intent of this section to preserve the rural character of the Township by requiring the conservation of trees and other vegetation, especially during the land development process, and by requiring property line buffers. This effort will also minimize the detrimental effects of soil erosion and sedimentation and storm water run-off. The Township's agricultural and other open land are vital to the rural character of the Township, which is the keystone of the local economy, and the preservation of that character will protect and promote the public welfare. This section is not intended to prescribe specific cutting practices; or to prevent or hinder any landowner from realizing financial return from the sale of trees; or to prevent or hinder commercial tree harvesters from operating in the Township. (Note: This §707 shall not apply to agricultural uses and lands owned by the Commonwealth of Pennsylvania or the Pennsylvania Game Commission.)

#### 707.1 Natural Vegetation

In order to minimize soil erosion and storm water run-off, and to preserve the rural character of the Township, natural vegetation shall be maintained to the greatest extent possible.

- A. Clearing of vegetation shall be limited to those areas of the site needed for proposed and required improvements.
- B. Any part of a site where existing vegetation has been disturbed and which is not used for buildings, structures, loading or parking spaces and aisles, sidewalks, designated storage areas or other improvements, shall be provided with an all-season ground cover and shall be landscaped.
- C. In the case conditional uses and special exceptions, additional landscaping, screening and/or buffers may be required by the Township where the same are determined by the Township as necessary to protect adjoining uses.

707.2. Buffer Areas

In addition to the requirements of §707.1, the following requirements shall apply to all parcels in COM and RU Districts, and to all parcels of four (4) acres or more in all other districts:

- A. Until such time as a development plan is approved for the parcel in accord with this Zoning Ordinance, a buffer of not less than seventy-five (75) feet in width shall be maintained along all property lines and any road right-of-way. Existing vegetation in this buffer area shall not be disturbed except that trees may be harvested to the extent that the basal area of trees in the seventy-five foot buffer area shall not be reduced below fifty (50) percent of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at four and one-half (4.5) feet above the ground, normally measured by a calibrated prism or angle gauge.
- B. Clearing of vegetation and landscaping for a development project shall be in accord with an overall plan to be submitted with the zoning and land development plan application. Such clearing shall not be initiated until the application is approved by the Township. For the purposes of installation, landscaping shall be considered an improvement in accord with the Township Subdivision and Land Development Ordinance. The clearing and landscaping plan shall show the type and extent of existing vegetation, the area proposed for clearing and proposed landscaping.

**ARTICLE VIII**  
**STANDARDS FOR SPECIFIC USES**

**801 Adult Businesses**

801.1 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 in the RU District

Adult businesses are classified as conditional uses in the RU District, which provides a suitable area for the development of such uses away from areas designated for residential development.

#### 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:

1. One hundred and fifty (150) feet from any public road right-of-way (or any property line coterminous with or within a public road right-of-way) unless the standards in §3 and §4 of this §801.4.A require larger setbacks;
  2. One hundred and fifty (150) feet from any property line (not coterminous with or within a public road right-of-way; see §801.4.A.1) unless the standards in §3 and §4 of this §801.4.A require larger setbacks;
  3. Five hundred (500) feet from any:
    - a. residence
    - b. group care facility
    - c. commercial enterprises catering primarily to persons under eighteen (18) years of age
    - d. public or semi-public building or use
    - e. public park or public recreation facility
    - f. health facility
    - g. any establishment that sells alcoholic beverages; and,
  4. One thousand (1,000) feet from any:
    - a. church or synagogue
    - b. public or private school
- B. Similar Businesses - Adult businesses shall not be located within two hundred and fifty (250) lineal feet of any existing 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 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 Subsection "E" above. 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 Subsection "A" above is developed within the required setback distance. Any additions or expansions of the use shall comply with Subsection "A" above.
- H. Alcohol - No adult business shall be operated in combination with the sale and/or consumption of alcoholic beverages on the premises.
- 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 §505 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: It is a defense to prosecution under this §801 that a person appearing in a state of nudity did so in a modeling class operated:
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 Livestock Operations**

Agricultural uses, including crop production and livestock operations, shall be permitted in all Districts; except in the RES and COM Districts where livestock operations shall not be permitted. 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 Livestock Operations

Livestock operations shall be permitted only in those districts as designated on the Schedule of Uses.

### 803.3 Minimum Lot and Setback Requirements

- A. Setbacks - Barns, silos, sheds and related structures shall conform to the setback requirements for principal buildings.
- B. Odor or Dust - Stables, pens, coops or similar housing for animals or fowl or for the storage of manure or other odor- or dust-producing substances, or use of manure or other odor- or dust-producing substances, shall not be permitted within two hundred (200) feet of any road or lot line. This shall not prohibit spraying, dusting or spreading of materials to fertilize or protect vegetation in any area of the tract.

### 803.4 State Protected Agricultural Operations

Nothing in this §803 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.

## **804 Airports And Heliports**

The standards in this §804, in addition to other applicable standards in this Zoning Ordinance, shall apply to all existing and proposed airports and heliports as defined and regulated by this Ordinance.

#### 804.1 Conditional Use

The existence of airport hazard zones limits the uses of surrounding landowners. No airport shall be permitted to make any change which would effect the location of airport surface zones, approach zones, or hazard zones, and no new airport shall be developed unless conditional use approval has been granted. In addition to the requirements of §1108 of this Zoning Ordinance, the following procedures and criteria shall apply to any airport conditional use application. The following shall constitute changes at an airport requiring conditional use approval prior to the change:

- A. Any extension of a runway's length or location;
- 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 acting on 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 Township's Comprehensive Plan;
- G. The provision of hazard lighting and marking;
- H. The importance of aircraft safety.

#### 804.7 Runway and Landing Pad Setbacks

The edges and ends of any runway and/or helicopter landing pad shall be a minimum of two hundred and fifty (250) feet from any property line.

### **805 Animals, Keeping of**

#### 805.1 Commercial Kennels

Kennels are considered conditional uses in the District(s) established in the Schedule of Uses and shall be subject to §1108 of this Ordinance and the following conditions:

- A. Parcel Size - A minimum parcel of two (2) acres shall be required.
- B. Setbacks - Any structure used for the keeping of dogs shall meet the setbacks on Table 805-1.
- C. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each non-resident employee and one (1) space per four (4) dogs kept on the premises.
- D. 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 (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.

<b>TABLE 805-1 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES</b>				
Type of Use	Minimum Lot Size (acres)	Property Line Setback (ft)	Road* Setback (ft)	Existing Building** Setback (ft)
Private or Boarding Stable (permitted in any district)	2	75	75	100
Commercial Stable (permitted in CON and RU only)	5	100	75	100
Commercial Kennel (permitted in CON and RU only)	2	125	100	200
*Applies to any public or private road right-of-way.				
**Applies to any existing principal residential or commercial building not located on the project premises.				

- E. Hours Outdoors - All animals shall be restricted from using kennel areas not fully enclosed in a building from 8:00 P.M. to 8:00 A.M.
- F. Nuisances - All animal wastes shall be stored in an area meeting the setbacks in §B of this §805.1 and shall be disposed of properly. The kennel shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

805.2 Stables, Private and Boarding Stables

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

- A. Parcel Size - A minimum parcel size of two (2) acres shall be required for the residence and stable.
- B. Number of Horses - No more than two (2) horses shall be kept except that one (1) additional horse may be kept for each additional full one (1) acre of land in excess of the minimum lot size required in Table 805-1.
- C. Manure Management - The applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Township.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means.
- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one (1) space provided per two (2) horses boarded on the premises which are not owned by the residents of the dwelling.
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 805-1. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.
- G. 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 on Table 805-1, 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.

- H. Trails - Riding trails shall be separated from adjoining properties and any public road by a vegetative buffer of not less than fifteen (15) feet in width.
- I. Nuisances - The operation of the horse farm shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.
- J. Uses Permitted - The following types of uses shall be permitted as part of the 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, which are set back a minimum of one hundred and fifty (150) feet from all neighboring and adjoining property lines and any public or private road right-of-way.
  3. Boarding of horses, and necessary buildings and structures.
- K. Uses Prohibited - The following types of uses shall not be permitted as part of the horse farm operation:
1. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
  2. Commercial horse racing.
  3. Sale of horses other than the horses raised or boarded on the premises.
  4. Retail or wholesale sales of any goods or merchandise except as may otherwise be permitted in accord with this Zoning Ordinance.

#### 805.3 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 five (5) 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 three (3) horses are kept with the exception that one (1) additional horse may be kept for each additional one (1) full acre of land in excess of five (5) acres.
- C. Manure Management - The applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Township.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means.
- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated

confinement of animals or manure storage shall meet the setbacks on Table 805.1. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback

- G. Trails - Riding trails shall be separated from adjoining properties and any public road by a vegetative buffer of not less than fifteen (15) feet in width.
- H. Nuisances - The commercial stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.
- I. 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, which are set back a minimum of one hundred and fifty (150) feet from all neighboring and adjoining property lines and any public or private road right-of-way.
  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.
- J. Uses Prohibited - The following types of uses shall not be permitted as part of the horse farm operation:
1. Commercial horse racing. (See definition of “private recreation facilities”.)
  2. Retail or wholesale sales of any goods or merchandise except as may otherwise be permitted in accord with this Zoning Ordinance.

#### 805.4 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 must 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 - The applicant shall provide for adequate disposal of all waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application.

#### 805.5 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 - Clinics for large animals shall be located on a tract of land of not less than five acres. 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 §805.1.
- 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 §805.1.

#### **806 Reserved**

#### **807 Bulk Fuel Storage Facilities; Retail Home Heating Fuel Distributors**

##### 807.1 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. Parcel Size - Bulk fuel storage facilities shall be located on a tract of land not less than three (3) acres in area.
- B. Setbacks - Storage tanks shall be located not less than one hundred and 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.
- C. 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.
- D. 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.

**807.2 Retail Home Heating Fuel Distributors**

- A. Use Regulations - Retail home heating fuel distributors shall be limited to the storage and delivery of kerosene, home heating oil, and propane to individual dwellings or commercial establishments for use on that premises and not for resale. The storage of fuel on the site of the retail home heating fuel distributor shall not exceed a combined total of twenty-thousand (20,000) gallons. NOTE: Any operation 1) involving the bulk storage of gasoline for distribution by delivery truck; 2) any operation involving the bulk storage of any kerosene, home heating oil, diesel fuel, gasoline, or propane for distribution to retail or wholesale establishments; or 3) any operation storing a total combined volume of more than twenty thousand (20,000) gallons of kerosene, home heating oil, or propane, 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.

**808 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.

**809 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 Section 809 and the Schedule of Uses.

**809.1 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.

#### 809.2 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 RU Districts and CON Districts and shall require conditional use approval in accord with this Section 809.
- 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.

### 809.3 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 Subsection 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. 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.
- 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.

## **810 - 812 Reserved**

### **813 Correctional Facilities**

In addition to all other applicable standards, correctional facilities shall be in strict conformity with the following specific requirements and regulations.

#### **813.1 Parcel Size**

In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of fifty (50) acres undivided by any highway, right-of-way of any type, stream, lake or any other natural or man made features.

#### **813.2 Setbacks**

The building shall be set back a minimum of two hundred and fifty (250) feet from the right-of-way line of any abutting public road and property lines.

### 813.3 Security Fencing

A perimeter security fence may be required by the Township. Any required or proposed security fencing shall be not less than two hundred (200) feet to any residential structure or RES District.

### 813.4 Security

All applications for institutions shall include a plan in accord with §701.17 addressing security needs to protect the health and safety of the public as well as residents of the proposed facility.

### 813.4 Accessory Uses and Ancillary Activities

Accessory uses permitted in conjunction with an institution shall include laboratories, offices, snack bars, educational facilities and programs, vocational training facilities and programs, recreational and sports facilities and other accessory uses ordinarily provided in conjunction with such institutions.

## **814 - 815 Reserved**

### **816 Gambling and Betting Uses**

Gambling and betting uses shall be permitted only in those Districts as specified in the Schedule of Uses and, in addition to the standards in Article VII, §1108, and other applicable regulations, shall comply with the following requirements:

#### 816.1 Setbacks

Such an establishment shall not be located less than two hundred (200) feet from any CON or RES District or any residence and not less than one thousand (1,000) feet from any:

- A. Group care facility.
- B. Commercial enterprises catering primarily to persons under eighteen (18) years of age.
- C. Public or semi-public building or use.
- D. Public park or public recreation facility
- E. Health facility
- F. Any establishment that sells alcoholic beverages.
- G. Church or synagogue
- H. Public or private school.

The distance between any such establishment and any of the protected land shall be measured in a straight line, without regard to intervening structures, from the closest point of the structure in which such establishment is located to the closest point on the property line of such protected land use.

#### 816.2 Parking

Off-street parking shall be provided at the rate of three (3) spaces per each one hundred (100) square feet of floor area open to customers of such gambling or betting establishment, including, but not limited to, related dining, restaurant, bar, and snack bar areas, plus one (1) space per each employee on the largest shift.

#### 816.3 Hours of Operation

The gambling or betting establishment shall not be open for operation between the hours of 11:00 p.m and 10:00 a.m.

#### 816.4 Nuisances

The gambling or betting establishment shall ensure that noise from the property shall not reach neighboring properties, and shall not permit loitering outside the establishment; and, a litter control plan shall be established, maintained and paid for by the property owners to ensure that the property shall not become littered.

#### 816.5 Plan

The application shall be accompanied by a preliminary plan containing the information and satisfying the standards

as required for a major subdivision under the Township Subdivision and Land Development Ordinance.

### **817 Industrial Wastewater Treatment Facilities**

Industrial wastewater treatment 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 §817 shall apply.

#### 817.1 Location Requirements

The facilities shall comply with the following location requirements:

A. Setbacks - The following setbacks shall be maintained:

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 property owner 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.

#### 817.2 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.

#### 817.3 Informational Requirements

The applicant shall provide the information required by this §817.3 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 §1108.4 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 §817, all required application information, 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.

#### 817.4 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.

### **818 - 819 Reserved**

#### **820 Junk Yards**

Junk yards shall be considered conditional uses in the RU District only and, in addition to the standards in Article VII, §1108 and other applicable regulations, shall comply with the following requirements:

##### 820.1 Annual License

On and after the effective date of this Ordinance, no person shall establish, maintain or operate, or continue to maintain or operate a junk yard; and no person shall establish, maintain or operate, or continue to maintain or operate any premises in such manner which constitutes a junk yard under the terms of this Ordinance; except as authorized by this ordinance and without a license issued by the Township. All licenses shall be valid for a period of one (1) year beginning January 1<sup>st</sup> and expiring January 1<sup>st</sup> of the following year. All licenses must be renewed annually on or before January 1<sup>st</sup> of each year.

- A. Application - Any person intending to operate or currently operating a junk yard in The Township shall make annual application for a license. Said application shall be made on a form prescribed by the Township and shall, at a minimum, contain the following information. Said application shall be made concurrently with that for any required zoning approval.
  - 1. Name of applicant
  - 2. Address and telephone of applicant
  - 3. The location of the junk yard
  - 4. Property owner if different than applicant
  - 5. Any criminal record of the applicant, owner or associates involved in the business
  - 6. Signature of the applicant and owner
- B. Plan - The application shall include a plan of the proposed junk yard showing, at a minimum, the following information:
  - 1. All information required for land developments by the Township Subdivision and Land Development Ordinance.
  - 2. The location of principal structures on all properties within one thousand (1,000) feet of the junk yard premises.
- C. Annual Fee - The operator of every junk yard shall pay an annual license fee for the issuance or renewal of every license. The fee shall be established by Resolution of the Board of Supervisors.

- D. Annual Bond - The operator of every junk yard shall, as part of the annual license requirement, provide a bond to cover the cost of any junk removal undertaken by the Township in response to violation of this Ordinance. Nothing herein shall legally bind the Board of Supervisors to effect the removal of any junk and the remediation of any environmental problems associated with any junk, which shall remain the ultimate responsibility of the owner of the property upon which the junk is located and the owner of the junk.
1. Amount - A surety bond shall accompany every application for license. The amount of the bond shall be established by the Board of Supervisors based upon the size and nature of the proposed junk yard, but in no case shall the amount be less than twenty thousand dollars (\$20,000).
  2. Form - The Bond shall be executed by a surety company authorized by the laws of the Commonwealth of Pennsylvania to transact business within the Commonwealth of Pennsylvania. The Township may, in lieu of such surety bond, accept a bond executed by the applicant for license if such bond is secured by the deposit with the Township Secretary of a cashier's check, treasurer's check, or certificates of deposit of a banking institution in the total sum as established by the Board.
  3. Annual Renewal - The bond shall be renewed and refiled annually along with the annual license renewal.
  4. Term - The bond shall be executed in favor of the Township and shall be for the use of the Township. The term of the bond shall be for one (1) year.
  5. It shall be the condition of the bond that if upon and after the issuance of such license the said licensee does not fully and faithfully observe and comply with the provisions of this Ordinance and any other applicable approvals or regulations, the Board of Supervisors shall have the authority to use such bond to effect the required compliance and/or the removal of junk.
- E. Determination of Issuance - Upon receipt of a completed application and fee, the Board of Supervisors, at a duly advertised meeting, shall take action to grant or deny the license application or renewal. Said action shall be based upon the suitability of the premises for the operation of a junk yard; the character of adjacent properties and the likely effect of the junk yard; the general health, safety and welfare of Township residents; the potential hazards to neighboring properties and structures; and the past performance of the licensee in the case of renewals. No license shall be issued for a new junk yard unless and until the proper zoning and land development approvals are granted by the Board of Supervisors. If approval is granted, the licenses shall be issued and shall be conspicuously posted on the junk yard premises. Any license shall be for the operation of the junk yard only upon the premises for which the license is issued and no license shall be transferable by any means.
- F. Records - Every licensee shall maintain written records of the following information for all junk purchased, acquired or received:
1. Date and approximate time of purchase, acquisition or receipt of junk
  2. Full and complete description including trade names and serial numbers, if any
  3. Name and address of person from whom junk was obtained

Such records shall be maintained for a period of five (5) years and shall, at all times, be subject to the inspection of the Township.

- G. Revocation - Any license issued under this Ordinance may be revoked by the Board of Supervisors in the event the said licensee is found to have given any false information or in any way misrepresented any material fact upon which the Township has relied in granting the license; or, where the licensee violates any provisions of this Ordinance. No fee refunds shall be made in such case.

#### 820.2 Property Owner Responsibility

It shall be the ultimate responsibility of the property owner of the premises upon which any junk is situated and the owner of any such junk to comply with this Ordinance; and to provide for the removal of such junk and remediation of any environmental problems associated with any junk.

### 820.3 Operating Standards

All existing and proposed junk yards licensed under the provisions of this Ordinance shall be established, maintained, and operated in accord with the following standards:

- A. Federal and State Regulations - Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.
- B. Fencing - All junk yards shall be completely enclosed by a chain link fence not less than eight (8) feet in height. Said fence shall be completed within six (6) months after the effective date of this Ordinance for existing junk yards and prior to the issuance of a license for a new junk yard. All gates shall be closed and locked when closed for business. All fences and gates shall be maintained in good repair and in such a manner as not to 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 of land is not being used for the storage of junk as defined in this Ordinance.
- C. Screening - All junk yards shall be screened, to the satisfaction of the Board of Supervisors, from any adjoining or neighboring property, any public road right-of-way, or any other premises; and, natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Board of Supervisors. All screening shall be maintained in such fashion as to continue to provide the required screening.
- D. Setbacks - The fence enclosing any junk yard and any structures associated with the junk yard shall be located not less than one hundred (100) feet from any public road right-of-way, one hundred (100) feet to any property line or one hundred and fifty (150) feet from any principal residential or commercial structures existing at the time of adoption of this Ordinance. The requirements of this §D shall not apply to junk yards existing prior to the effective date of this Ordinance and which fully complied with prior Township regulations applicable to junk yards. However, the expansion of any such existing junk yard into an area already not used for the storage of junk shall comply with this §D.
- E. Dumping - The area used for a junk yard shall not be used as a dump area for any solid waste as defined by this Ordinance.
- F. Burning - No burning whatsoever shall be permitted on the premises.
- G. Water Bodies - No junk yard shall be located less than two hundred (200) feet from any body of water, stream, wetland or well.
- H. Hazardous Materials - In cases where the junk yard includes ten (10) or more junk vehicles or where the Board of Supervisors deems it necessary to meet the intent of this Ordinance, and to further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two (2) working days after arrival to the premises and shall be disposed of in a manner meeting all state and federal requirements. Such liquids and materials, while stored on the premises, shall be kept separately in leak-proof containers at a central location on the premises.
- I. Water Quality - In cases where the junk yard includes ten (10) or more junk vehicles or where the Board of Supervisors deems it necessary to meet the intent of this Ordinance, 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 (3) 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 sample shall be taken from the stream at a point upstream of the junkyard drainage area and one 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 collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected.

- J. Fire Lanes - Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.
- K. Hours of Operation - Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. During business hours, an adult attendant shall, at all times, remain on the premises.
- L. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than six (6) feet.
- M. Nuisances - 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. Within two (2) days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.
- N. Waste - Waste shall not be stored outside and shall not be accumulated or remain on any premises except temporarily awaiting disposal in accord with this Ordinance. No junk yard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.
- O. Fireproof Structures - Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

## **821 Reserved**

## **822 Landings/ Haul Roads**

The intent of this section is to provide standards for accesses to public roads, setbacks for landings, and the restoration and stabilization of landings, haul roads, skid roads and skid trails associated with:

1. The cultivating, harvesting, transporting and selling trees for commercial purposes (see definition of *forestry* in Article III).
2. The removal, collection, transporting and selling of flag stone, landscaping stone, and wall stone from existing stone walls or quarries which contain already quarried material. (Note: Such uses are considered natural resources uses as defined in Article III and are permitted as conditional uses only in accord with the Schedule of Uses. Mineral extraction uses which involve the removal or recovery of materials other than existing stone walls or already quarried stone shall comply with the requirements of §825.
3. Construction projects.

### **822.1 Access to Public Roads**

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.



- B. Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- C. Weight Limitations - All operations shall comply with all posted weight limits and road bonding regulations.
- D. Use of Public Roads - Felling or skidding on or across any public road shall be prohibited without the express written authorization of the Township or the Pennsylvania Department of Transportation, as applicable.
- E. Road Ditches - Ditches on the public road shall be cleaned and graded as necessary to be maintained to pre-harvest condition.

#### 822.2 Landings

Landings shall comply with the following requirements:

(*Landing*: A cleared area to which trees, flag stone, landscaping stone, or wall stone are hauled and stored before being transferred to trucks for transport of the premises; or where material, equipment or vehicles are stored.)

##### A. Setbacks

- 1. Residential and Nonresidential Buildings - Landing areas shall not be less than two hundred (200) feet from any existing residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the landing is located.
  - 2. Property Lines - Landings shall not be less than fifty (50) feet from any property line other than a property line along a public road right-of-way.
  - 3. Public Roads - Landings shall not be less than fifty (50) feet from any public road right-of-way.
  - 4. Streams, Water Bodies and Wetlands - Landings shall not be less than fifty (50) feet from any stream, water body, stream, or wetland.
- B. Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
  - C. Slope - Landings shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

#### 822.3 Restoration and Stabilization- Litter and Refuse

- A. Restoration and Stabilization - Following completion of the operation, all landings, skid roads and disturbed areas shall be smoothed to be free of ruts and shall be seeded to reestablish cover or shall be otherwise stabilized. Storm water diversion measures shall be used where necessary to prevent soil erosion.
- B. Litter and Refuse - Litter and refuse, including but not limited to, oil cans, paper, plastic, and tires resulting from any operation shall be gathered, removed from the site, and disposed of properly.

#### 822.4 Permit, E & S Plan

- A. Permit - All operations governed by this §822 shall require a zoning permit and the application shall include a sketch accurately showing the location and setbacks for any landings.
- B. E&S Plan - The applicant shall provide a copy of the soil erosion and sedimentation control plan and a copy of the plan approval letter from the Pike County Conservation District.

**823 - 824 Reserved****825 Mineral Extraction**

In addition to other applicable standards of this Ordinance, this §825 shall apply to mineral extraction and oil and gas well operations.

**825.1 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 Section 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 no 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 Section 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.

**825.2 Intent and Exemption**

- A. **Intent** - 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.
- B. **Oil and Gas Wells; Horizontal Capture of Natural Gas** - Oil and gas wells shall comply with this §825 and the other applicable requirements of this Ordinance. However, the horizontal capture of natural gas under the surface of a property where no surface disturbance is involved on the horizontal capture property is exempt from regulation by this Zoning Ordinance.

**825.3 Use Classification; Mineral Extraction, Minor; Mineral Processing a Separate Use**

- A. **Use Classification** - Mineral extraction and oil and gas wells shall be permitted only in those Districts as listed in the Schedule of Uses.
- B. **Mineral Extraction, Minor** - The intent of this section is to permit mineral extraction operations limited in area, duration and mechanical operations.
  - 1. **Extent of Operation** - Mineral extraction operations with an open face of ten thousand (10,000) square feet or less which will not result in a total disturbed area of more than two (2) acres on any one parcel over the life of the operation, and which do not involve on-site screening, washing, crushing and grading, and/or any mineral processing or the use of manufacturing equipment, shall be hereinafter referred to as *mineral extraction, minor*.
  - 2. **Duration** - The duration of the minor mineral extraction process shall not exceed one-hundred eighty (180) days and reclamation of the entire site shall be completed within one (1) year of the issuance of the zoning use permit.
  - 3. **Subdivision** - The subdivision of a parcel to qualify for additional *mineral extraction, minor* uses shall not be permitted.
  - 4. **Plan Exemption** - Mineral extraction, minor uses shall be exempt from the reporting requirements of §825.7; however, said operations shall comply with the other standards of this §825.

5. Oil and Gas Wells - No oil or gas well shall be considered mineral extraction, minor.

C. Mineral Processing (See also §826.)

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 as *manufacturing* 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.

825.4 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 operations shall comply with the following:

A. Oil and Gas Wells in Certain Districts; Number of Wells

1. Certain Districts - A minimum parcel size of five (5) acres shall be required for oil and gas wells.
2. Number of Wells - Multiple wells may be permitted on one (1) drilling pad.

B. Setback - A setback of one hundred (100) feet shall be maintained between any disturbed area associated with any mineral extraction, mineral extraction, minor or oil and gas well operation and adjoining properties and public road rights-of-way.

C. 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.

D. 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-five (25) 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.

E. 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.

- F. 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.

#### 825.5 Local, State and Federal Regulations

Mineral extraction, mineral extraction, minor and oil and gas well 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.

#### 825.6 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 DEP Rules and Regulations.

#### 825.7 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.

#### 825.8 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 §825.

#### 825.9 Township Road Bond

The Township may require a written agreement, or a bond, letter of credit or other financial guarantee, to ensure that any damage to Township roads caused by the operation is repaired at the cost of the person causing such damage. The amount of the guarantee shall be based on the extent of the operation, the Township roads used by the operation, and the recommendation of the Township Engineer, and the term and form of the guarantee shall be approved by the Township Solicitor. The Township may establish a fee to cover all administrative and engineering costs associated with the application of this section.

#### 825.10 Access to Public Roads

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.

**826 Mineral Processing**

Mineral processing is considered a conditional use in certain districts; and, in the RU District, mineral processing shall be permitted only in association with a conforming mineral extraction operation. In addition to all other applicable standards of this Ordinance, the following standards shall apply:

**826.1 Parcel Size**

The minimum parcel size shall be five (5) acres. In the case of mineral processing associated with a mineral extraction operation conforming to the requirements of this Ordinance, the mineral processing may be included on the mineral extraction parcel. (See also §825.3.)

**826.2 Setbacks**

The following setbacks shall be maintained for any mineral processing operation: two hundred (200) feet to adjoining properties and public road rights-of-way, and three hundred (300) feet to any existing residential structure not located on the project parcel.

**826.3 Water Bodies**

No operation shall be located less than two hundred (200) feet from any body of water, stream, wetland or well.

**826.3 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. In determining the type and extent of the buffer, 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-five (25) 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.

**826.4 Township Road Bond**

The Township may require a written agreement, or a bond, letter of credit or other financial guarantee, to ensure that any damage to Township roads caused by the operation is repaired at the cost of the person causing such damage. The amount of the guarantee shall be based on the extent of the operation, the Township roads used by the operation, and the recommendation of the Township Engineer, and the term and form of the guarantee shall be approved by the Township Solicitor. The Township may establish a fee to cover all administrative and engineering costs associated with the application of this section.

**826.5 Access to Public Roads**

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.

**826.6 Hours of Operation**

Any activity associated with the mineral processing operation that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m.

**826.7 Burning**

No burning whatsoever shall be permitted on the premises except as part of an approved mineral processing activity.

**826.8 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.

**826.9 Information Requirements**

The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Township 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. The applicant shall provide a copy of all applications and information required by DEP.

**826.10 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.

**827 Model Homes, Development Sales Offices and Sample Homes****827.1 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 years from the date of issuance and may be renewed, upon application, for an additional two years; thereafter, the limited commercial activity shall cease and the use shall revert to a single-family residence. Only one 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.

**827.2 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. Occupancy Permit - The occupancy permit for the limited commercial activity shall be valid for a period of five years from the date of issuance and may be renewed, upon application, for a successive five-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 such occupancy permit for the limited commercial activity may be issued to any developer in any single development or separately approved phase.

### 827.3 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 will 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.

### 828 Natural Gas and Other Pipeline Compressor Stations

Natural gas and other pipeline compressor stations (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 §828 shall apply.

#### 828.1 Location Requirements

The facilities shall comply with the following location requirements:

- A. Building; Noise - All compressors and associated mechanical equipment shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise levels established by §701.6. The standards in §701.6. or as otherwise established as a condition of approval. In any case, the operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within three hundred (300) feet of the compressor station building(s). The applicant and or operator shall be responsible for establishing and reporting to the Township the

pre-development ambient noise level prior to the issuance of the zoning permit for the station.

B. Setbacks - The following setbacks shall be maintained:

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.

C. 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.

828.2 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.

828.3 Informational Requirements

The applicant shall provide the information required by this §828.3 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 §1108.5 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 §828, all required application information, 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 Pennsylvania Department of Environmental Protection Rules (DEP) Rules and Regulations.



**828.4 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 15 days of the date of the document or report.

**829 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 RES or CON 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.

**830 to 840 Reserved****841 Self-Storage Facilities**

Self-storage facilities shall comply with the following standards in addition to all other applicable standards of this Ordinance.

**841.1 Bulk Requirements**

Minimum lot size, lot width and setbacks, and maximum lot coverage and building height shall conform to District standards. Minimum distance between buildings shall be twenty (20) feet.

**841.2 Setback Areas**

There shall be no storage, use or structure within the setback area, with the exception of the access drive(s).

**841.3 Fence**

The Board of Supervisors may require the facility to be surrounded by a fence of such height and design as to restrict access, and said fence shall not be less than six (6) feet in height and shall be located between the warehouse and any required vegetative screening.

**841.3 Habitation**

No storage unit shall be used for habitation or residential purposes and individual mini-warehouse units shall not be served by a water supply or a sewage disposal system.

**841.4 Storage Limitations**

- A. No storage unit shall be used for any other purpose except storage and shall not be used for any other type of commercial or manufacturing activity.
- B. No vehicles (with the exception of the vehicles required for the operation of the facility), boats, trailers, material, supplies, equipment or goods of any kind shall be stored outside of storage structures, except in a designated area approved as part of the conditional use. Any vehicle, boat or trailer stored outdoors shall have a valid state registration. Screening may be required for any outdoor storage area.
- C. No items stored outside shall be junk as defined by this ordinance.

#### 841.5 Lighting

All facilities shall be provided with adequate outdoor lighting for security purposes; and such lighting shall be so directed as to prevent glare on adjoining properties.

#### 841.6 Fire - Water Damage

All storage units shall be fire-resistant and water-resistant.

#### 841.7 Materials Stored

All self-storage facility proposals shall include detailed information on the nature and quantity of materials to be stored on the premises. Proposed space rental agreements shall be submitted with the conditional use application and shall provide specific rules and regulations to insure that the requirements of this §841 are or will be satisfied.

### **842 to 843 Reserved**

### **844 Shooting Ranges and Archery Ranges -- Outdoor Commercial**

This §844 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.

#### 844.1 Setbacks

- A. All outdoor shooting ranges shall be situated not less than five hundred (500) feet from any property line and not less than seven hundred and fifty (750) feet from any principal residential or commercial structure existing on the effective date of this §844. This shall not apply to structures on the same parcel as the shooting range.
- B. 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 commercial structure existing on the effective date of this §844. This shall not apply to structures on the same parcel as the shooting range.

#### 844.2 Safety Design

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting projectiles and stray arrows, and the Township may require such additional safety features deemed necessary to meet the intent of this §844. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

#### 844.3 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 §701.6 of this Ordinance unless more restrictive standards are required by the Township as a condition of approval.

#### 844.4 Hours of Operation

No firearm shall be discharged outdoors between the hours of 9:00 PM and 9:00 AM prevailing local time. However, the Township may establish more restrictive time limits as a condition of approval.

#### 844.5 Fence

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

#### 844.6 Posting

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

**844.7 NRA, State and Federal Regulations**

The applicant shall provide evidence of compliance with any applicable National Rifle Association guidelines and state and federal regulations.

**845 to 846 Reserved****847 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.

**847.1 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.

**847.2 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 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.

**847.3 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 must 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 will 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 will 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 must 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.

#### 847.4 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.

#### 847.5 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 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 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 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 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.

847.6 Review Fees

Fees for applications submitted under this §847 shall be established by resolution of the Board of Supervisors.

**848 Solid Waste Facilities**

848.1 Intent

The intent of this §848 is to minimize the effects of solid waste facilities on the environment, the community and the public health, safety and general welfare by:

- A. Controlling the location of facilities and establishing setbacks to minimize dispersal of material, provide adequate open space, minimize odors and limit the spread of vermin.
- B. Requiring fencing and buffers to prevent the dispersal of material and minimize odors.
- C. Establish base line testing and water quality safeguards to limit the leaching of any liquids into surface and ground water and minimize air and soil pollution.
- D. Establishing reporting procedures to ensure the proper operation and maintenance of the facility.

848.2 Compliance; Application

A. Compliance

- 1. Solid waste facilities, including transfer stations, and staging areas, herein referred to as 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 §848.
- 2. Where a difference exists between applicable State regulations and Township regulations, it is intended for the purposes of this §848 that the more stringent requirements shall apply.

- B. Application - In addition to the application requirements of this ordinance, the facility application shall include copies of all information, documents, plans and reports required by PA DEP.

848.3 Setbacks and Buffers

- A. Setbacks - The facility shall comply with PA DEP requirements, but in no case shall any facility be operated less than :

- 1. One hundred (100) feet from a public or private right-of-way or property line.
- 2. Nine hundred (900) feet from any occupied principal building unless the owner of the building has provided a written waiver consenting to the facility being closer than nine hundred (900) feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner. A closed landfill that submits an application to reopen and expand shall also be subject to this requirement.

- B. Buffers - The setback areas shall remain unoccupied with no improvements except required fencing and access

road(s). A buffer not less than twenty (20) feet in width shall be provided in all setback areas in accord with §701.1 of this Ordinance and additional buffers and setbacks may be required.

#### 848.4 Fencing

All facilities shall be completely enclosed by a chain link fence not less than ten (10) feet in height. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.

#### 848.5 Environmental Assessment

As part of the application process, the Township may require the applicant to prepare and submit an Environmental Assessment pursuant to §703 of this Ordinance.

#### 848.6 Storage and Loading/Unloading

Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Any solid waste stored for more than three (3) hours shall be stored in an enclosed building. For any facility other than a sanitary landfill, all transfer, loading and unloading of solid waste shall only occur within an enclosed building with negative pressure, and over an impervious surface which drains into a holding tank that is then adequately treated.

#### 848.7 Effluent Treatment

The facility shall provide for treatment and disposal for all liquid effluent and discharges generated by the facility due to the storage, loading or unloading, transfer, container or vehicle washing, or other activity undertaken in processing or transporting the solid waste. All such activities shall be conducted only over an impervious surface and all drainage shall be collected for treatment. Any water discharge from the facility after being treated by the wastewater treatment system shall meet all applicable Department of Environmental Protection regulations and Sewer Authority requirements.

#### 848.8 Dangerous Materials

No radioactive, hazardous, chemotherapeutic or infectious materials may be disposed of or stored or processed in any way, except for types and amounts of hazardous substances customarily kept in a commercial business for on-site use. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

#### 848.9 Emergency Access

The operator of the facility shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided and maintained.

#### 848.10 Hours of Operation

Under the authority granted to the Township under State Act 101 of 1988, all such uses shall be permitted to operate only between the hours of 7:00 a.m. to 7:00 p.m. and are not permitted to operate on Sundays, Christmas Eve Day, Christmas Eve, New Year's Day, Memorial Day, 4th of July, Labor Day, or Thanksgiving Day. All deliveries of solid waste shall be made during the hours between 7:00 a.m. to 5:00 p.m. and not on Sundays or the above specified holidays.

#### 848.11 Nuisances

Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors. The applicant shall prove to the satisfaction of the Township that the use would not routinely create noxious odors off of the tract. The operator shall regularly police the area of the facility and surrounding street to collect litter that may escape from the facility or truck. The applicant shall provide documentation to the satisfaction of the Township that proposed facility shall operate in such a manner as to not create a general nuisance, endanger the public health, safety and welfare or inhibit the public's use or enjoyment of their property.

**848.12 Attendant and Inspections**

An attendant shall be present during all periods of operation or dumping. The applicant shall, if granted a permit, allow access at any time to the facility for inspection by appropriate Township Officials and provide the Township with the name and phone number of a responsible person(s) to be contacted at any time in the event of an inspection.

**848.13 O & M and Reporting**

- A. O & M - The operation and maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit issued by the Township. Violations of this condition shall also be considered to be violations of this Ordinance.
- B. Reporting - If the facility is approved by the Township, the operator shall concurrently submit to the Township a copy of all information, documents, plans and reports required by PA DEP, and shall forward to the Township a copy of all correspondence, notices and documents received from DEP which are related to the ongoing operation, maintenance and compliance of the facility.
- C. Violation - The failure to comply with the requirements of this §848.13 shall be a violation of this Ordinance.

**849 - 855 Reserved****856 Vehicle and Equipment Related Uses**

Vehicle related uses shall, in addition to all other applicable standards, shall comply with the standards in this §856.

**856.1 Car and Truck Wash Facilities**

In addition to all other applicable standards, all automatic car and truck wash facilities shall be subject to the following specific regulations and requirements:

- A. Setback - The building housing said facility shall be set back a minimum of sixty (60) feet from the road or street right-of-way line and fifty (50) feet from the side or rear property lines.
- B. 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.
- C. Access - The facility shall have adequate means of ingress and egress to prevent adverse effects to either vehicular or pedestrian traffic. All access drives shall be not less than twenty (20) feet or more than thirty-five (35) feet in width. When a wash facility occupies a corner lot, the access driveways shall be located at least eighty (80) feet from the intersections of the front and side street right-of-way lines.
- D. Buffers - Buffers shall be provided in accord with §701.1.
- E. Waiting Line Area - The site shall be sufficiently large to accommodate cars awaiting washing during peak period so that the lines of automobiles along with adjacent road or street shall be avoided.
  - 1. Waiting line area for ten (10) automobiles shall be provided for each automatic wash machine as a minimum.
  - 2. Waiting line area for three (3) automobiles shall be provided for each self washing stall as a minimum.

**856.2 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. Building Setbacks - The principal building housing the said station shall be setback a minimum of sixty (60) feet from the road or street right-of-way line and fifty (50) feet from the side or rear property lines.
- B. Repair and Service
1. 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.
  2. 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.
- C. Exterior Storage
1. Long term, over thirty (30) days, exterior storage of licensed or unlicensed vehicles, dismantled vehicles, tire, auto parts or similar materials shall not be permitted.
  2. 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 exterior area.
  3. Exterior storage of vehicles waiting for service shall be limited to four (4) per service bay.
  4. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- D. Parking - No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- E. Tires; Parts - New, worn and recapped tires and new and used parts shall be stored within a completely enclosed building or shall be screened from public rights-of-way and adjoining properties. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.
- F. Flammable Materials
1. Exterior, above ground 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.
- G. Accessory Goods - Accessory goods for sale may be displayed on the pump island and the building island only and the display of oil cans and/or antifreeze and similar products on the said islands shall be provided for in a suitable metal stand or rack.
- H. Bulk Storage - The storage of gasoline and flammable oils in bulk shall be in compliance with state and federal regulations.
- I. Pumps - Gasoline pumps and other service appliances may be located in the required front setback but shall not be situated closer than thirty feet (30) from the road or street right-of-way line.
- J. 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.

### 856.3 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 five hundred (500) feet from any property line or public road right-of-way, and shall not be less than seven hundred fifty (750) feet from any RES Zoning 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 §856.3, the following additional standards shall apply to animal race tracks:
  1. The race course for any animal race track shall not be less than two hundred (200) 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 will 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.

**857 Reserved****858 Wind Energy Facilities**

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to wind energy facilities:

**858.1 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.

**858.2 Number**

The number of wind turbines on a particular parcel shall be governed by compliance with all setback, separation and height requirements.

**858.3 Permits; Use Regulations**

- A. Permits - A zoning permit shall be required for every wind energy facility and wind turbine installed in the Township.
- B. Associated Use - All other uses ancillary to the wind energy facility (including a business office, maintenance depot, etc., greater than 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.

**858.4 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 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 §858, *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 §858, *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 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 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 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 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 1.1 times the height of the turbine tower or 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 must 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 waiving, 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 comply with the requirements of §701.6.
  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 Subsection 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 will 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.

#### 858.5 Certification

The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed wind

energy facility and support structure will 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.

858.6 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.

858.7 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 18 months of installation.

## ARTICLE IX NONCONFORMITIES

### **901 Purpose, Applicability, Registration, and Continuation and Change**

#### 901.1 Purpose

It is the purpose of this Article to recognize that if, prior to the adoption of the original Porter 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, reconstruction, reestablishment, extension, 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 is to limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or extension of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this Zoning Ordinance, when failure to allow such change, alteration, reconstruction, reestablishment, or extension 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

It shall be the responsibility of the party asserting a nonconformity to provide the evidence that the nonconformity is legal. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence. The Zoning Officer may submit any application for a Certificate of Nonconformance to the Planning Commission for the Commission's review and recommendation with regard to the evidence of nonconformity.

#### 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. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this Article.

### **902 Definitions**

#### 902.1 Nonconforming Lot

Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Pike County Recorder of Deeds prior to the effective date of this Zoning Ordinance, as amended.



**902.2 Nonconforming Structure**

A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure lawfully existed prior to the enactment of this Zoning Ordinance, as amended; and including, but not limited to, non-conforming signs.

**902.3 Nonconforming Structure, Alteration or Expansion**

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.

**902.4 Nonconforming Structure, Reconstruction**

The rebuilding of a nonconforming structure damaged or destroyed by casualty to the exact or less nonconforming condition which existed prior to the casualty.

**902.5 Nonconforming Use**

A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was Lawfully in existence prior to the enactment of this Zoning Ordinance, as amended.

**902.6 Nonconforming Use, Change**

The conversion of a nonconforming use to a different use classification as enumerated on the Schedule of Uses of this Zoning Ordinance.

**902.7 Nonconforming Use, Extension**

The expansion 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.

**902.8 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 Zoning 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 nonconforming, or otherwise create more incompatibility with the surrounding permitted uses. 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 Conditional Uses**

All changes of nonconforming uses shall be considered conditional uses subject to the specific procedures and review criteria contained in Article XI of this Ordinance and the review factors in §912 of this Article. A nonconforming use may only be changed to a use of equal or less nonconformity (i.e. more restrictive classification) as determined by the Planning Commission and Board of Supervisors in accord with classification of the uses in the Schedule of Uses of this Ordinance. 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. For example, a change from a nonconforming retail store in an RES District to a bank may be permitted; however, a change to a manufacturing use would not be permitted.

**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 Extension of Nonconforming Uses****907.1 Conditional Uses**

All extensions of nonconforming uses into more area of a structure or onto more area of property shall be considered conditional uses subject to the specific procedures and review criteria contained in Article XI of this Ordinance, and the review factors in §912 of this Article.

**907.2 Extension onto Other Properties of Record in the Same Ownership; New Structures**

Extensions of a non-conforming use shall be on land contiguous to the existing use and shall be limited to the same parcel of property on which the non-conforming use is situated as said parcel existed on record at the time of the adoption of this Ordinance. For any non-conforming uses not involving a non-conforming structure, no new structures shall be permitted as part of an extension.

**907.3 Extension Limitation**

In the CON District and RES District, an extension of land or structure utilized for the non-conforming use shall be limited to a total increase not to exceed twenty-five (25) percent of land and twenty-five (25) percent of structure beyond what existed on the effective date of this Ordinance, as amended. In all other Districts such extension shall be limited to a total increase not to exceed fifty (50) percent of land and fifty (50) percent of structure beyond what existed on the effective date of this Ordinance. All such extensions of a non-conforming use may be permitted in successive increments for a total up to the increase permitted; and each increment shall be a separate application. In the case of non-conforming uses not involving structures, in all Districts an extension of such a non-conforming use may only be permitted in increments of twenty-five (25) percent or less, for a total up to the permitted extension limit; and each increment shall be a separate application. Applications for successive increments shall only be entertained by the Township upon the completion of the previously approved addition or extension.

**907.4 Prohibited Extensions**

Should the use proposed for extension be one which is specifically prohibited as a new use in the Township or is a use judged by the Township to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested extension shall be denied. The Board shall consider past operating performance in making its decision.

**908 Reconstruction****908.1 Time Limit**

If any nonconforming structure or use is damaged or destroyed it may be restored or reconstructed to its preexisting condition of nonconformity provided:

- A. The application for a building permit is submitted and the reconstruction is completed within eighteen (18) months of the date of the casualty.
- B. The nonconformity is not increased and no new nonconformity is created.

**908.2 Procedure - Permits**

All applicable permits for the reconstruction of a nonconforming use shall be required. Such reconstruction shall be considered a conditional use if the reconstruction involves a change or extension of use as regulated by §906 and §907 of this Ordinance, respectively.

**908.3 Reconstruction Prohibited**

Any structure not reconstructed 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.

**908.4 Extension**

The Board of Supervisors may, as a conditional use and if deemed appropriate by the Board in accord with the Township Comprehensive Plan and the standards in §1108 of this Ordinance, grant a one-time extension of not more than one (1) year for the re-establishment of the non-conforming use. Said extension shall only be considered by the Board upon written application for same submitted by the property owner.

**909 Abandonment and Reestablishment of Nonconformities****909.1 Abandonment**

Unless extended in accord with this §909, if a nonconforming use of land or structure ceases operations, is discontinued, is vacated or is otherwise abandoned for a period of eighteen (18) months or more, then this shall be deemed to be an intent to abandon such nonconforming use, 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. 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.

**909.2 Extension**

The Board of Supervisors may, as a conditional use and if deemed appropriate by the Board in accord with the Township Comprehensive Plan and the standards in §1108 of this Ordinance, grant a one-time extension of not more than one (1) year for the re-establishment of the non-conforming use. Said extension shall only be considered by the Board upon written application for same submitted by the property owner.

**910 Alterations and Expansions of Nonconforming Structures****910.1 Alterations**

The alteration or expansion of nonconforming structures shall be permitted only in accord with this §910.

**910.2 Procedure - Permits**

All applicable permits for the alteration or expansion of a nonconforming structure shall be required. Such alteration or expansion shall be considered a conditional use if the alteration or expansion involves a change or extension of a nonconforming use as regulated by §906 and §907 of this Ordinance, respectively.

**910.3 Nonconforming Setbacks**

Should a building have a lawful nonconforming side or rear building setback, the structure may be altered to increase the height above such setback or to extend other portions of the building up to such nonconforming setback line provided no additional nonconformity is created. However, such additions shall not be permitted to any non-residential structure which abuts a residential use.

**910.4 Increase in Area or Bulk Nonconformity**

In the case where a proposed alteration or expansion 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 Use of Nonconforming Lots of Record****911.1 Single Family Dwelling**

A single-family dwelling may be erected or expanded on any lawful nonconforming lot of record in any District, provided:

- A. Setbacks - The required front setback is maintained as required for the District in which the lot is located, and side and rear yards are maintained in the same proportion as the ratio of the lot size of the nonconforming lot to the lot size requirement for the District. However, no side yard or rear yard shall be reduced to less than fifty (50) percent of the requirement of the District.
- B. Other Standards - All other applicable standards in this Ordinance are satisfied.
- C. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- D. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.

**911.2 Commercial Uses**

A commercial use may be developed on any lawfully existing nonconforming lot where permitted by the Schedule of Uses provided:

- A. Setbacks - All setbacks normally required in the District are maintained.
- B. Lot Size Requirement - This Ordinance does not require a lot size for the specific use which is greater than the lot size for the district.
- C. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- D. Other Standards - All other applicable standards in this Ordinance are satisfied.
- E. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.

**912 Review Factors**

In addition to the standards in §1108, Article VII, and other applicable requirements, the Township shall consider any nonconformity conditional use application in terms of the effect on the following factors:

**912.1 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.

**912.2 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 §B below.
- 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. Yards and buffers shall be provided in accord with §701.1 of this Ordinance.
- C. Yards and 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.

**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  
ADMINISTRATION**

**1100 Applicability**

1100.1 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.

1100.2 Authorization

This Ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania MPC (hereinafter referred to as MPC).

1100.3 Regulated Activities; Exemption

- A. 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:
  - 1. Erection, construction, movement, relocation, placement or extension of a structure, building or regulated sign;
  - 2. Change in the type of use or expansion of the use of a structure or area of land; and/or,
  - 3. Creation of a lot or alteration of lot lines.
- B. Exemption - A permit shall not be required for a structure less than five (5) feet in height and/or less than thirty-two (32) square feet in gross floor area.

1100.4 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.

**1101 General Procedure for Permits**

1101.1 Principal Permitted Use

Within ninety (90) 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 applicable reason verbally or in writing to the applicant or his/her representative.

#### 1101.2 Reviews

Certain activities require review and/or approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission. In such case, the Zoning Officer shall not issue a Zoning Permit until such required review or approval occurs.

#### 1101.3 Appeal

See §1105.2 which describes processes to appeal actions of the Zoning Officer to the Zoning Hearing Board.

#### 1101.4 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. (See use permit process in §1102.7)

### **1102 Permits and Certificates**

#### 1102.1 Applicability See §1000.

#### 1102.2 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 review by the Township Planning Commission and a public hearing conducted by the Zoning Hearing Board.

#### 1102.3 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 Pike 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.
- I. Conditional Uses and Special Exceptions - See §1108.1.B 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.

#### 1102.4 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.

#### 1102.5 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.

#### 1102.6 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.

#### 1102.7 Certificate of Use

- A. Required - A Certificate of Use 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 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 such Certificate shall be made on an official Township form. If such use is in conformance with Township ordinances and approvals, such Certificate should be issued in duplicate within ten (10) days of a properly submitted and duly filed application. 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 such Certificate. If the Zoning Officer determines, to the best of his/her current knowledge, that such work conforms with this Ordinance and applicable Township codes, approvals and permits, then the Certificate of Use shall be issued.
- D. Availability - The applicant shall show a valid Certificate of Use to the Zoning Officer upon request.

### **1103    Fees**

#### 1103.1    Application Fees

As authorized by §617.2(e) and §908(1.1) of the Pennsylvania Municipalities Planning Code, 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 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.

#### 1103.2    Stenographer Fees

The appearance fee for a stenographer shall be shared equally by the applicant and the Township. 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 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.

### **1104    Zoning Officer**

#### 1104.1    Appointment

The Zoning Officer(s) shall be appointed by the Board of Supervisors. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices not in conflict with the State Planning Code.

#### 1104.2    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.

#### 1104.3 Qualifications

Pursuant to §614 of the PA Municipalities Planning Code, the following minimum qualifications shall apply to any Zoning Officer(s) 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 zoning.
- B. The person shall be familiar with Constitutional issues concerning search and seizure and with the process of filing actions with the District Justice.
- C. The person shall exhibit an ability to thoroughly evaluate site plans and building plans.
- D. The person shall demonstrate excellent oral and written communication skills.
- E. The person shall be familiar with the PA Municipalities Planning Code.

#### 1104.4 Other Township Officials

Police officers, firefighters, construction inspectors, other Township staff and Township officials and the general public may report possible zoning violations to the Zoning Officer for his/her determination.

**1105 Zoning Hearing Board**1105.1 Appointment and Qualifications

- A. Appointment - The Board of Supervisors shall appoint 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 Pennsylvania Municipalities Planning Code as enacted or hereafter amended.
- B. Recommended Qualifications - Each Zoning Hearing Board member should:
1. Demonstrate a working knowledge of zoning prior to appointment.
  2. Become familiar with the PA Municipalities Planning Code.
  3. Attend at least one (1) seminar and/or workshop pertaining to municipal planning and/or zoning within each calendar year.
- 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 PA Municipalities Planning Code.
- E. Organization.
1. Officers - The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
  2. Quorum - For the conduct of any hearing and 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 the PA. Municipalities Planning Code. The quorum may be met by alternate members, serving as permitted by the PA Municipalities Planning Code.
  3. Rules - The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law.

1105.2 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.

## **1106 Zoning Hearing Board -- Hearings and Decisions**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with §908 of the Pennsylvania Municipalities Planning Code, as amended, and the following:

### 1106.1 Notice of Hearings

Notice of all hearings of the Board shall be given as follows:

- A. Advertisement - Public notice shall be published, as defined by §107 of the PA. Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature and property address of the matter to be considered.
- B. Posting - Notice of such hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. Such notice shall state the time and place of the hearing and a general description of the request.
- C. Persons Given Notices - All notice under this sub-section should be intended to be received or posted at least five (5) days prior to the hearing date.
  - 1. Written notice shall be mailed or personally delivered to the Applicant or his/her representative listed on an official application form.
  - 2. Notice may be delivered or mailed to the Chairperson of the Planning Commission or Township Secretary, and the last known address of owners of record of property abutting or directly across the street from the boundaries of the subject property. The applicant shall provide the Township with a list of such property-owners. Failure of the Township to notify all such persons shall not invalidate any action by the Board.
  - 3. Also, such notice shall be mailed or delivered to the address of any other person or group (including civic or community organizations) who has made a written timely request (including an address) for such notice.
- D. Adjacent Municipalities - In any matter which relates to a lot which lies within two hundred and fifty (250) feet of the boundary of another municipality, and where the Zoning Officer determines the proposed activity may have significant impact on that municipality, the Township staff may transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on such matter prior to the hearing date. Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing. Failure of the Township to notify such municipality shall not invalidate any action by the Board.
- E. Fees - The Board of Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Ordinance and b) those persons requesting any notice not required by the Ordinance.

### 1106.2 Parties in Hearings

The Zoning Hearing Board shall have the authority, if it chooses to exercise it, to determine who has standing on each case before the Board. (Note-Standing generally means a party being sufficiently affected or threatened by affects by a controversy to obtain judicial resolution of that controversy.)

- A. Parties - The parties to a hearing shall be the Board of Supervisors, the Planning Commission, any person affected by the application who has made timely appearance of record before the Board, representatives of any legitimate civic or community organization, and any other person permitted to appear before the Board.
- B. Entry of Appearance - The Board shall have power to require that all person who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- C. Standing The Board shall determine that a person or business does not have standing if the Board finds that such person or business is apparently motivated primarily by an attempt to inhibit competition in an area of business, and that such person or business would not otherwise be threatened with substantive harm from the application.

### 1106.3 Oaths and Subpoenas

The Chairperson of the Board or Hearing Officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.

### 1106.4 Representation by Counsel

The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.

### 1106.5 Evidence and Record

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the Hearing Officer, as applicable, shall keep a record of the proceedings as required by State law.

### 1106.6 Communications Outside of Hearings

- A. Site Visit; Communications - The Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
- B. Written Materials - The Board shall not take notice of any communications, reports, staff memoranda, or other materials directly affecting a proposed application unless the parties are afforded an opportunity to examine and contest the material so noticed or unless such materials are already a matter of public record. This restriction shall not apply to advice from the Board's solicitor.

### 1106.7 Advisory Review

The Zoning Hearing Board may request that the Planning Commission, County Conservation District or Township Engineer provide an advisory review on any matter before the Board.

### 1106.8 Initiation of Hearings

A hearing required under this Ordinance shall be initiated within sixty (60) days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time. A request for a hearing by an applicant shall not be accepted prior to submission of a duly filed application.



### 1106.9 Decision/Findings

- A. In Writing - The Board shall render a written decision or make written findings (when no decision is called for) on each application within forty-five (45) days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
- B. Findings of fact - The decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
- C. Section references - Any conclusion based on any provision of the PA Municipalities Planning Code or of this Ordinance shall contain a section reference to that specific provision.

### 1106.10 Notice of Decision

A copy of the final decision or a copy of the findings (when no decision is called for), shall be personally delivered or mailed to the applicant or his or her representative or their last known address not later than the day following its date in accord with §908(10) of the PA Municipalities Planning Code. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

### 1106.11 Solicitor Conflict

- A. Notice - If a conflict of interest exists for the Zoning Hearing Board Solicitor on a particular application, the Zoning Hearing Board Solicitor shall notify the Chairperson of the Board at least thirty (30) days before the scheduled hearing date.
- B. Alternate Solicitor - The Board of Supervisors may appoint an Alternate Solicitor to the Zoning Hearing Board to serve as needed for a specific application or for a term of office.

## **1107 Variances**

The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).

### 1107.1 Standards

The Board may grant a variance only within the limitations of the Municipalities Planning Code. **The applicant shall have the burden of proof to show compliance with such standards.** As of 1993, the Municipalities Planning Code provided that **all** of the following findings must be made, where relevant in a particular 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.

#### 1107.2 Variance Conditions

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

### **1108 Conditional Uses and Special Exceptions**

#### 1108.1 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 §1108.4 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 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 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 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 Pike 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 must be shown of compliance with the Department of Environmental Protection, PennDOT highway occupancy standards and Department of Labor and Industry Standards.
  6. 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.

### 1108.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in §1108.4 and any other applicable standards in this Ordinance.

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 §1108.4, 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 must 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 Pike County tax assessment records.

#### 1108.3 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 §1108.4.

- 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.
4. 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.
5. 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 §1106 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.

#### 1108.4 Standards and Criteria

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 §1108.4 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.

#### 1108.5 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.

#### 1108.6 Limitation of Approval

Any conditional use approval granted by the Township Supervisors and any special exception approval granted by the Zoning Hearing Board shall expire one (1) year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, the said approval, and any permit issued subsequent thereto, shall be deemed null and void and the developer shall be required to submit another application for the same. The Board of Supervisors or Zoning Hearing Board as the case may be, however, may grant an extension of the time limitations, for good cause.

#### 1108.7 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.

#### 1109 **Reserved**

#### 1110 Mediation

Parties to proceedings authorized by this Ordinance and the Pennsylvania Municipalities Planning Code may use the Mediation Option as authorized by and in accord with §908.1 of said Code.

#### 1111 Time Limits for Appeals

The time limitations for appeals shall be as follows:

##### 1111.1 Zoning Hearing Board -- County Court

No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the decision by the Zoning Officer that is being appealed has been officially issued, or appeal with the County Court of Common Pleas later than thirty (30) days after a decision of the Zoning Hearing Board has been officially issued, except as may be provided under §914.1 of the PA Municipalities Planning Code.

##### 1111.2 Temporary Permits

This thirty (30)-day time limit for appeal shall not apply to the revocation of a permit under §1102.5.

#### 1112 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 Pennsylvania Municipalities Planning Code, respectively.

#### 1113 Public Utility 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

#### **1114 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.

#### **1115 Amendments**

The Board of Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. 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 governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code.

#### **1116 Violations**

##### **1116.1 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 Permit, shall be violations of this Ordinance.

##### **1116.2 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.

##### **1116.3 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 §1116.3, 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 §1116.3.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 must be commenced and the date before which the steps



must be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this 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.

## **1117 Penalties and Remedies**

### **1117.1 Causes of Action**

In case any building, structure 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 municipality, 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 (in the name of the Township) any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure 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.

### **1117.2 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 therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 (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 be payable until the date of the determination of a violation by the district magisterial 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 district magisterial judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district magisterial judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.
- 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.

## **1118 Liability**

Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, 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 XII  
ADOPTION**

This Ordinance ordained and enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the Board of Supervisors of Porter Township, Pike County, Pennsylvania, to be effective immediately.

\_\_\_\_\_  
Bill Powell, Chairman

\_\_\_\_\_  
Rob Hellyer, Vice-Chairman

\_\_\_\_\_  
Theresa Koch, Supervisor

ATTEST:

\_\_\_\_\_  
Theresa Koch, Secretary