

TUNKHANNOCK TOWNSHIP

MONROE COUNTY, PENNSYLVANIA

ZONING ORDINANCE

ADOPTED
MAY 23, 2012



This Zoning Ordinance was financed in part by grants from:

- The Shared Municipal Services Program, administered by the Pennsylvania Department of Community and Economic Development.
- The Monroe County Financial Assistance Program.

TUNKHANNOCK TOWNSHIP MONROE COUNTY
ORDINANCE NO. 2012-127

An Ordinance of Tunkhannock Township, Monroe County amending the Tunkhannock Township Zoning Ordinance No. 2005-13 of December 12, 2005, pursuant to 53 P.S. §10609;

WHEREAS, Tunkhannock Township has had a Zoning Ordinance since it as first enacted on March 14, 1988;

WHEREAS, the current comprehensive Zoning Ordinance was last enacted on December 12, 2005 to which there have been various minor amendments made thereto;

WHEREAS, the Board of Supervisors of Tunkhannock Township has decided to enact a comprehensive re-zoning in which the existing Zoning Ordinance will be amended by the attached Zoning Ordinance as allowed pursuant to 53 P.S. §10609;

WHEREAS, the Tunkhannock Township Planning Commission and the Monroe County Planning Commission have been given thirty (30) days notice to review the proposed Amendment to the Tunkhannock Township Zoning Ordinance and to give their comments to the Tunkhannock Township Board of Supervisors;

WHEREAS, the notice of public hearing and public meeting for the proposed Amendment to the Zoning Ordinance has been provided in accordance with 53 P.S. §106100 and 53 P.S. §10107 in the public notice was published in the Pocono Record for two (2) successive weeks and not more than thirty (30) days before the public hearing and public meeting and not less than seven (7) days from the date of

the public hearing and public meeting.

A copy of the proposed Ordinance was also available for review at the Tunkhannock Township Municipal Building, Tunkhannock Township's website, Pocono Record and Monroe County Law Library prior to the public hearing and public meeting..

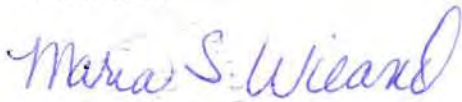
NOW THEREFORE, be it resolved that:

The attached Amendment to the Tunkhannock Zoning Ordinance be adopted.

ENACTED AND ORDERED this 23rd day of May, 2012.

This Ordinance shall become effective upon adoption by the Tunkhannock Township Board of Supervisors.

ATTEST:



Maria S. Wieand
Secretary/Treasurer

BOARD OF SUPERVISORS
OF TUNKHANNOCK TOWNSHIP



Maureen L. Sterner, Chairman



George Ewald, Vice-Chairman



Fran DePiano, Supervisor

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** 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 §1208)
 - ☛ **Special Exceptions** - review by Planning Commission, action by Zoning Hearing Board. (See §1206, §1208)
- ☛ The requirements for **Permit Applications** are found in §1202.
- ☛ The **Schedule of Development Standards** in Article IV sets the minimum lot size and property line and road setback requirements.
- ☛ The **Definitions** in Article III provide the meaning for specific terms.
- ☛ Many uses are subject to specific requirements of this Ordinance.
 - ☛ Article V includes requirements for decks, garages, sheds and other **Accessory Uses, Home Occupations** and **Off-Street Parking**.
 - ☛ Article VI governs **Residential Uses** -- conservation design, two-family dwellings, group homes, etc.
 - ☛ Article VII includes performance standards for **Commercial and Manufacturing Uses** and **Environmental Standards**.
 - ☛ Article VIII includes standards for **Specific Uses** ranging from the keeping of animals to wind energy.
- ☛ **Signs** are governed by Article XI and a business sign will require a permit.
- ☛ Applications for **Variances** are heard by the Zoning Hearing Board. The application must document *unnecessary hardship* and meet all of the applicable criteria in §1207.
- ☛ 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 governs 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 setback, water supply, sewage disposal and other applicable requirements. (See §912.)
- ☛ 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.
- ☛ **Fees** are set by Resolution of the Board of Supervisors per §1203 and are shown on the **Fee Schedule** available from the Zoning Officer.

ZONING PERMIT APPLICATION REVIEW PROCESS

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

PRINCIPAL PERMITTED

and

ACCESSORY USES

Zoning Officer issues or denies permit based on ordinance standards

Appeal to Zoning Hearing Board

CONDITIONAL USES

Planning Commission shall be given the opportunity to review the application

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

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

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

Appeal to Court of Common Pleas

SPECIAL EXCEPTIONS

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

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

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

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

Appeal to Court of Common Pleas

VARIANCES

Zoning Hearing Board may request Planning Commission to review the application

Zoning Hearing Board reviews application for compliance with variance requirements

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

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

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

Appeal to Court of Common Pleas

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

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

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BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Tunkhannock Township, Monroe 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

The Tunkhannock Township Zoning Ordinance, Ordinance No. 2005-13 of December 12, 2005, as amended,, is hereby amended and restated in its entirety as hereinafter set forth.

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, SETBACKS, 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 *TUNKHANNOCK 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 this Ordinance shall not 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 Existing Uses

Any legally established existing use of a building, structure, lot or parcel of land or part thereof, as of the effective date of this Ordinance may be continued.

103.2 Conformance

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

103.3 Authorization

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

103.4 Regulated Activities; Repairs and Maintenance

- A. Permits Required - 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, placement, extension or demolition 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;
 3. Creation of a lot or alteration of lot lines;
 4. An increase in the number of dwelling units or boarding house units;
 5. Repair or remodeling of a structure, replacement of structural parts and replacement of twenty-five (25) percent or more of shingles or siding;
 6. Establishing a transient retail business;
 7. Establishing a no-impact home-based business or a home occupation;
 8. Establishing an event parking area; and/or,
 9. Constructing or paving a driveway connecting to a Township road.
- B. Setbacks; Open Space - No setback or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
- C. Lot Conformity - No lot shall be formed from part of a lot already occupied by a building unless such building, all required setbacks and open spaces connected therewith, and the remaining lot conforms with all requirements prescribed by this Ordinance for the district in which said lot is located. No building permit shall be issued for

the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this Ordinance.

- D. Setbacks; Minimum Requirements - No setback or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

103.5 Municipal Authorities and Water Companies

A municipal authority, water company or any other municipality that plans to expand water, sanitary sewer or storm sewer service via a new main extension to a proposed development that has not received any municipal approvals within the Township shall:

- A. Notify the Township by certified mail, return receipt requested, of its intention and shall provide the Township an opportunity to provide written comment on whether the proposed expansion of service within the Township is generally consistent with this Ordinance.
- B. Comply with the other applicable requirements of §608.1 of the MPC.

103.6 Public Utility Commission

- A. 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.
- B. 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.

103.7 Effect of Official Map

All activities subject to this Ordinance shall also be subject to the reservations shown and established by the Tunkhannock Township Official Map which has been enacted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Code, as amended. The Applicant shall, prior to submitting an application, determine if in any of the land proposed for subdivision or land development is subject to the Township Official Map. If any of the land is subject to the Official Map, the options in the Township Official Map Ordinance are available to the Applicant. The Applicant is encouraged to contact the Township Zoning Officer prior to submitting the application.

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.

104.2 Conflict

A. Township Provisions

1. 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.

2. 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. Other Laws and Regulations - Whenever the provisions of any other law, regulation and/or statute require a greater width or size of setbacks, courts or other open spaces, or require a lower height of buildings and/or structures or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Ordinance the provisions of such other law, regulation and/or statute shall govern.
- C. Private Provisions
1. 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.
 2. 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, then such private provisions shall be operative and supplemental to these requirements.

104.3 Specificity

Whenever any regulations pertaining to a specific use or activity under authority of this Ordinance require a greater width or size of setbacks, courts or other open space, or require a lower height of buildings and/or structures or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required for the zoning district or generally required under this Ordinance, the greater or higher standards shall govern.

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 Ordinance shall take effect immediately upon its adoption.

ARTICLE II COMMUNITY DEVELOPMENT OBJECTIVES AND GOALS

201 General Community Development Objectives

This statement of the Community Development Objectives is included under the authority of §606 of the Pennsylvania Municipalities Planning Code. The Community Development Objectives include 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 housing and 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 ensure efficient internal circulation and movement of through traffic, which will facilitate 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 Regional Comprehensive Plan for Coolbaugh Township, the Borough of Mount Pocono, Tobyhanna Township and Tunkhannock Township, 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 unregistered, unlicensed or abandoned automobile, truck, trailer, motorcycle, bus, farm machinery, or other motor vehicle which are partially dismantled, or wrecked or junked, or held or stored for scrap or for salvage. *Junk vehicle* shall not mean any motor vehicle classified as an antique motor vehicle by the Motor Vehicle Code of the State of Pennsylvania (75 Pa.C.S.A. § 101 et seq.); said classification consisting of any self-propelled vehicle, but not a reproduction thereof, owned and operated as an exhibition piece or collector's item, provided that such vehicle shall have noted on its registration record the fact that it is such a special-purpose vehicle, or any self-propelled vehicle manufactured more than 25 years prior to the current year, which is used for participation in club activities, exhibits, tours, parades, occasional transportation and similar uses, but is not used for general daily transportation.

Abused Person Shelter: See *domestic violence shelter*.

Accessory Use or Structure: A use of land or of a structure, or portion thereof, customarily incidental and subordinate in extent or purpose 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.

Addition: An extension or increase in floor area or height of a building or structure. See also *alteration* and *repair*.

Adjusted Tract Acreage (ATA): The tract area remaining when the specified constrained land has been deducted from the gross tract acreage. ATA is used to calculate both density and open space.

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. 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.
- C. Any of the following as defined in this Part 3:
 - 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

Additional definitions associated with *adult business* include:

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 5 or fewer persons per machine at any 1 time, and where the images so displayed are distinguished or characterized by the depicting or describing of *specified sexual activities* or *specified anatomical areas*. An *adult arcade* shall be considered an *adult business* for regulation by 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 1 or more of the following:

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video, 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 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.

An *adult entertainment use or facility* shall be 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*.
- B. Offers sleeping rooms for rent 3 or more times in 1 calendar day.

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

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.

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

Nude Model Studio: Any place, which is not excepted by §801, 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 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.

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*.

Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration activities between male and female persons and/or persons of the same sex when 1 or more of the persons is in a state of nudity or semi-nude. Considered an *adult business* for regulation by 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 areola.
- 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 A, B and C, above.

Adult Care Facility: See *nursing home*.

After Hours Club: A use that permits the consumption of alcoholic beverages by five (5) or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Agent: Any person other than the owner who, acting for the owner, submits an application for the purpose of obtaining approval in accordance with 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 or other animal 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 sawmills, tanneries, dairies and food canning and freezing operations.

Agritourism: Any activity carried out on a working agricultural operation such as a farm, orchard or vineyard that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities directly related to or part of the agricultural operation, including farming, wineries, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

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 right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

Alteration: Any construction or renovation to an existing structure other than a repair or an addition. See also *addition* and *repair*.

Amusement Arcade: A building or part of a building in which pinball machines, video games, or other similar player-operated amusement devices are maintained excluding the use of less than five (5) such devices accessory use to any lawful principal 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.

Animal Husbandry: The raising or keeping of livestock for home use or any commercial purpose.

Antenna, Standard: A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals.

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.

Application: Any application required to be filed for approval in accord with the requirements of this Ordinance.

Archery Range, Indoor Commercial: Any area within a fully enclosed building used for the shooting of arrows 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 *recreation facility, commercial* for regulation by this Ordinance.

Archery Range, Outdoor Commercial: Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes 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.

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.

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.

Attic: Non-living space in or above a dwelling unheated with head space of less than six and one-half (6.5) feet.

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

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 below the finished grade with at least one-half (0.5) of its floor-to-finished height above the average level of the adjoining finished grade, and with a floor-to-ceiling height of not less than six and one-half (6.5) feet. A basement shall be counted as a story for the purpose of the building height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet and/or if it used for business or dwelling occupancy or storage purposes and not solely for heating, mechanical and similar equipment. See *cellar*.

Bed and Breakfast Inn: An owner or operator-occupied single-family dwelling in which transient visitors to the area are lodged for compensation, meals for lodging guests may or may not be included, and no cooking facilities are provided in any rental room.

Billiard Hall: An establishment with the principal use of playing cue sports such as pool, snooker or carom billiard.

Bituminous Concrete Batch Plant: An operation which combines asphalt or bituminous materials and aggregates and heat to manufacture a bituminous seal coat or bituminous concrete product. Considered *industry* for regulation by this Ordinance.

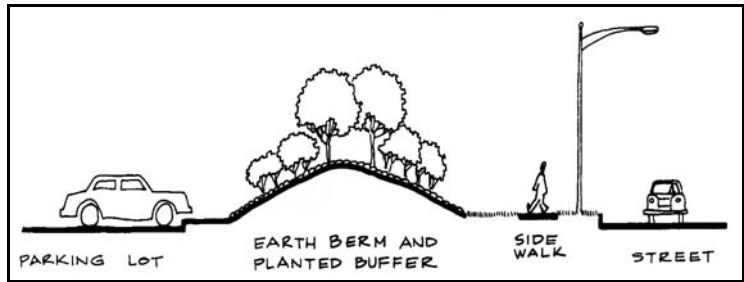
Block: A tract of land, a lot or groups of lots, bounded by streets, public parks, water courses, municipal boundary lines, unsubdivided land or by any combination of the above.

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 and no cooking facilities are provided in any rental room.

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

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

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



Buffer

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

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Footprint: The horizontal ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.

Building, Attached: A building which has one or more walls or portions thereof in common with an adjacent 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 breeze ways, but excluding open and uncovered patios and decks.

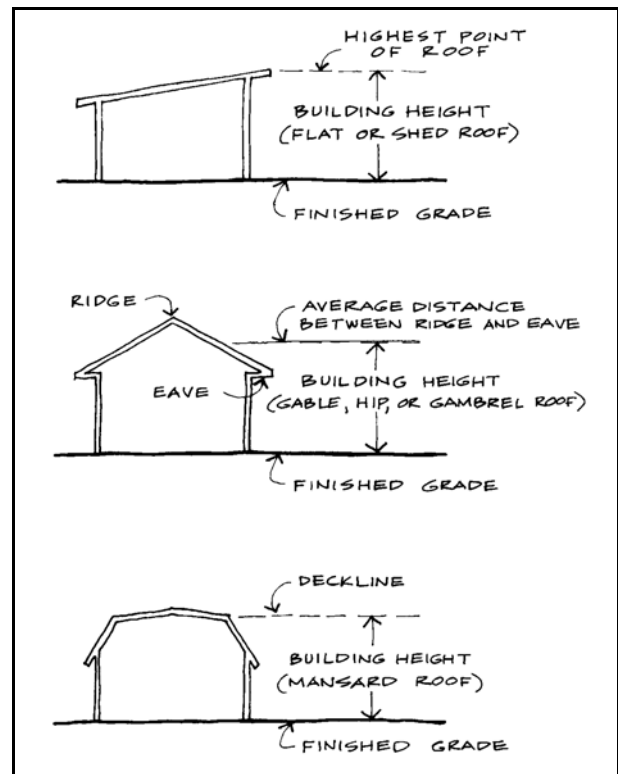
Building, Detached: A building surrounded by open space on all four sides within the same lot.

Building Envelope: An area on a lot or development parcel 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 shall be 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.

Building Permit or Construction Permit: See *permit*.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.



Building Height

Bulk Fuel Storage Facility: Any facility where gasoline is stored in bulk for distribution by delivery truck, or fuel, including, but not limited, to kerosene, home heating oil, diesel fuel, gasoline, or propane, is stored in large volume tanks for distribution to retail or wholesale establishments.

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.

Bus Shelter: Any shed-like structure, usually open on one or more sides, located along the regular route of a public bus, van or other vehicle, including an official school bus, whose purpose is to provide temporary shelter for the users of the vehicle while they are waiting.

Bus Station: An area and/or building where passengers load on and unload from buses, and where parking for passenger vehicles and ticket sales are normally part of the operation, but without bus maintenance and repair facilities.

Business/Commercial Use: An enterprise, an exchange of money, the performance of a contract, an occupation, a trade or a profession undertaken, either continuously or temporarily, for profit. The term *business/commercial use* shall include the occupancy or use of a building or premises or any portion thereof for the transaction of a business or the rendering or receiving of professional or personal service.

Business Office: A use comprised primarily of administrative and clerical services and involving no retail trade, lodging, warehousing or manufacturing. Such uses include, but are not limited to, financial services, legal services, travel agencies, insurance agencies, corporate offices and other similar uses.

Business Services: Establishments primarily engaged in rendering services to businesses including such activities as advertising and mailing, credit reporting and collection, duplicating, mailing, telemarketing, stenographic services, employment services, research and development and other similar services.

Camp/Retreat: A parcel or parcels of land with lodging facilities where transient clientele participate in organized recreation, receive instruction or training, or are afforded peace, quiet, privacy or security.

Campground or Recreational Vehicle Park: A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles, and which shall not be used for long term residency of occupants.

Camping, Temporary Event: The limited use of a parcel to rent campsites to patrons of a particular event such as a carnival, circus, concert, parade, race, rallies, sporting event or special event. Campsites are offered for a single weekend, or three nights only and not more than twice a year.

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.

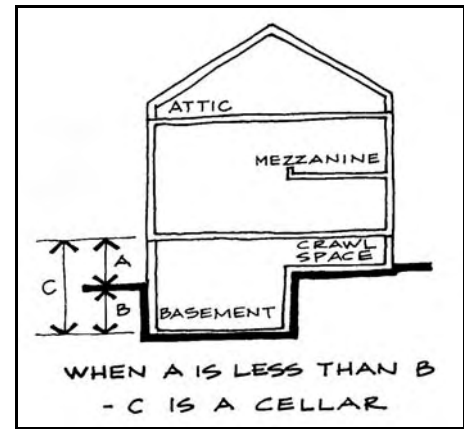
Car Wash: Any building or premises or portions thereof used for commercial purposes for washing motorcycles, passenger cars and other two-axle, four-tire, single-unit vehicles without trailers.

Cartway: The portion of a street right-of-way paved or unpaved intended for vehicular use, including the travelway and shoulders.

Cellar: An enclosed floor area partly or wholly below the finished grade with at least one-half (0.5) of its floor-to-finished height below the average level of the adjoining finished grade, or with a floor-to-ceiling height of less than six and one-half (6.5) feet . See *basement*.

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.

Certificate of Use/Occupancy: A document issued by the Township stating that a newly constructed or altered building, structure, and/or use complies with this Ordinance and the Uniform Construction Code and may be lawfully used.



Cellar

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

Charging Station: The physical device that provides a connection from a power source to an electric vehicle.

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.

Clinic: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients require a stay of less than twenty four (24) hours.

Club/Lodge, Private: An area of land or building used by a nonprofit civic, social, fraternal, religious, political, labor union, or educational association of persons (established via a meaningful and substantial membership system as opposed to a token system) to pursue common goals, interests, or activities usually with the payment of fees and dues, regular meetings, and a charter and bylaws. A *club/lodge private* shall not include commercial recreation clubs such tennis or racquetball clubs or any other use which is specifically defined by this Ordinance.

College: An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

Commercial Communication Device: Any structure, antenna, equipment, cabinet or other device which is intended for commercial or governmental use in transmitting or receiving wireless television, radio, telephone or other electronic communications, including internal or agency communications, but excluding the following which are not appropriate subjects of this Ordinance.

- 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.
- 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 auditory assistance

devices, biomedical telemetry devices, carrier current systems, Class A or B digital devices, field disturbance sensors, perimeter protection systems, power line carrier systems, microwave ovens or radio controlled devices regulated by 47 CFR 15.

F. Privately owned antennas for receiving commercial television or radio serving a dwelling.

F. Towers and equipment used exclusively for emergency services or government communications.

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 average grade to the highest point of the structure, including antennas.

Communications Support Structure Height: The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Commission: The Planning Commission of Tunkhannock Township, Monroe County, Pennsylvania.

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.

Community Association See *property owners association*.

Comprehensive Plan: The Coolbaugh Township, Borough of Mount Pocono, Tobyhanna Township, and Tunkhannock Township Regional Comprehensive Plan including all maps, charts and textual matter.

Concentrated Animal Feeding Operation (CAFO): Any livestock operation which is defined as a concentrated animal feeding operation by the regulations adopted by the Commonwealth of Pennsylvania.

Concrete Batch Plant: A facility in which materials (Portland cement, aggregates, water, admixtures) are combined by a central mixer to produce concrete for transportation to and use at another site, and shall include customary accessory uses, including offices, maintenance and storage garages, material storage facilities, equipment and truck storage areas, scales, conveyors, water storage and heating facilities, stormwater management, sediment basins, concrete recycling/reclamation equipment and other uses customarily necessary to produce, sell and transport mixed concrete. Considered *mineral processing* for regulation by this Ordinance.

Conditional Use: A use in a particular zoning district to be allowed or denied by the Board of Supervisors pursuant to public notice and hearing and recommendation of the Township Planning Commission as authorized by §603(c)(2) of the Municipalities Planning Code.

Condominium: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Conference Center: A facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health center, and retail stores

and services primarily for conference center guests.

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 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.

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.

Constrained Land: Those areas of environmentally sensitive land that are deducted from gross lot area to determine the required minimum lot area and are deducted from the gross development tract area to determine adjusted tract area in conservation design subdivisions.

Construction: The erection, 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 retail establishment selling prepackaged food products, household items, newspapers and magazines, candy, and beverages, a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption, self-service fuel or other goods commonly associated with the same.

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 a non-profit membership organization including recreational facilities, restaurant and meeting rooms, but not including property owner association facilities or other properties operated for profit.

County: The County of Monroe, Commonwealth of Pennsylvania.

County Planning Commission: The Planning Commission of Monroe County, Pennsylvania.

Coverage, Lot: See *lot coverage*.

Crawl Space: An enclosed portion of a building or an open pier area not exceeding six feet in height from floor to

ceiling, located below the first occupied floor of a building and not used for business or dwelling purposes. A crawl space shall not be counted as a story for the purpose of building height measurement or determining the gross floor area of a building.

Crematorium: A furnace or establishment for the incineration of human or animal corpses.

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 Ordinance.

Cultural Center: A public or non-profit operated building open to the public which contains exhibits of a cultural interest, such as a museum, art gallery, nature center, library, etc.

Day-Care Center: A facility which cares for seven or more children or adults for periods of less than 24 hours per day at any hours of any day of the year.

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

Decision: A final adjudication of any board or other body granted jurisdiction under this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to a court of competent jurisdiction.

Deck: An attached or unattached platform structure elevated more than six inches and constructed with no walls and with no roof.

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

DEP: The Pennsylvania Department of Environmental Protection.

Detached Building: See *building, detached*.

Detached Structure: See *structure, detached*.

Determination: Final action by an officer, body or agency charged with the administration of this Ordinance or applications hereunder, which has that authority as stated in various parts of this Ordinance. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer: Any landowner or agent thereof, or tenant or equitable owner under an agreement of sale having the permission of the 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 municipality 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 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/Truck Terminal: 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 operation. The operation may include the storage or parking of trucks awaiting cargo as well as facilities for servicing of trucks. Storage facilities, such as warehouses, incidental to the principal use may also be part of the operation. Retail sales, manufacturing and assembly, or product processing, are not considered part of a *distribution center/truck terminal*.

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

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

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

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.

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

Driveway: A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage or legal access on the said road.

Dump: See *solid waste landfill*.

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

Dwelling, Apartment Unit: One 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 with each unit limited to one (1) family.

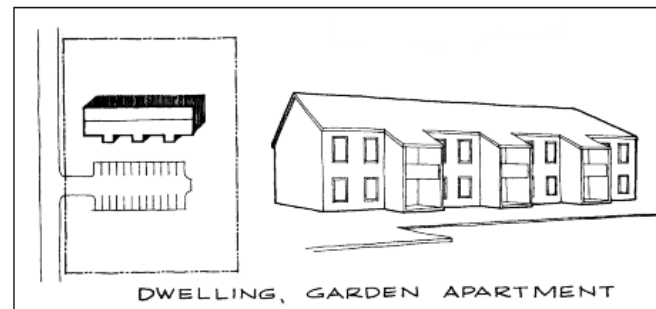
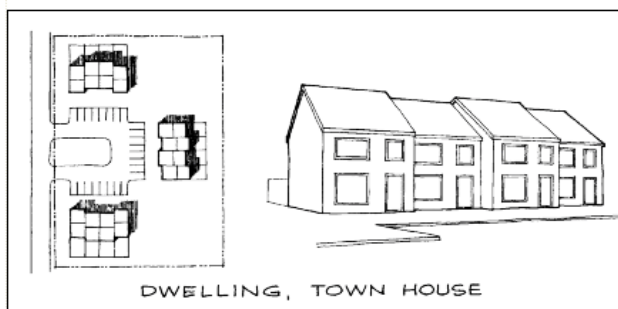
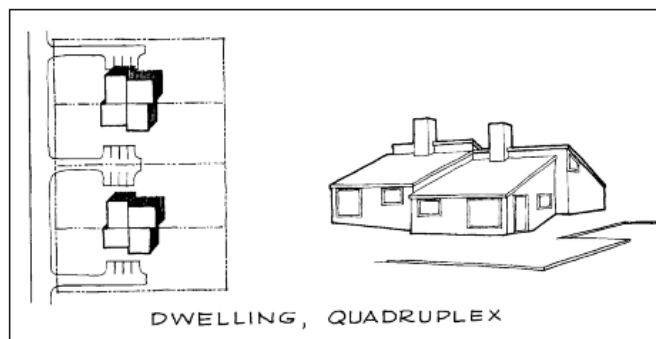
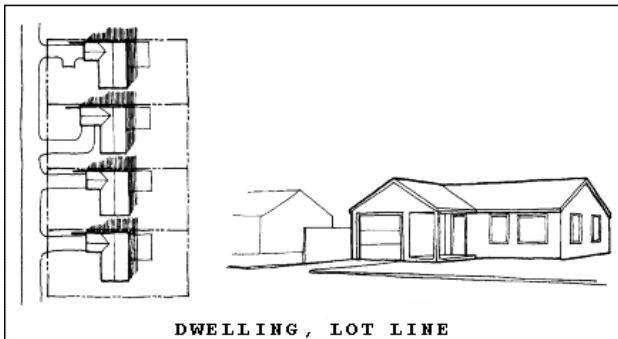
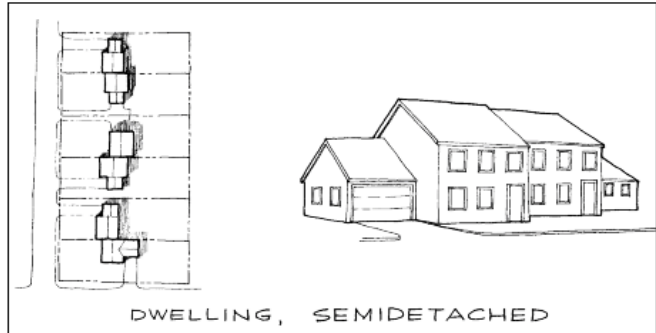
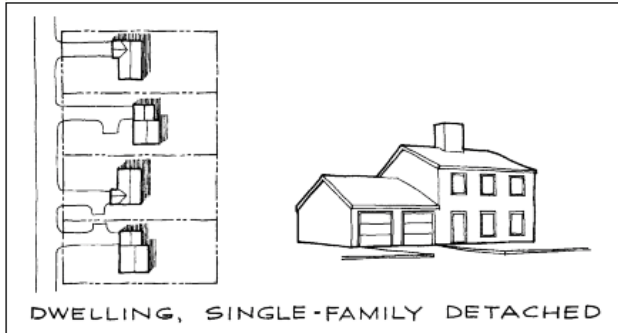
Dwelling, Lot Line: A single-family, detached dwelling on an individual lot, with the building set on, or close to, one side property line, so that the lot essentially has only one side setback. This side setback and the rear setback constitute the primary outdoor living areas for the dwelling. Typically, 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: (See also *multi-family project*.) A building or buildings designed for occupancy by three or more families living independently of each other in separate dwelling units with each unit limited to one (1) family. The term *multi-family dwelling* shall include condominium as well as non-condominium housing units including the following construction types:

- A. Townhouse: A dwelling unit located in a multi-family dwelling structure not exceeding 2.5 stories or 35 feet in height in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire

resistant walls.

- B. Garden Apartment Building: A multi-family dwelling structure, originally designed as such, containing three to ten apartment units and not exceeding 2.5 stories or 35 feet in height, with access to each apartment unit usually from a common hall with the apartment units located back-to-back, adjacent, or one on top of another.
- C. Apartment Building: A multi-family dwelling structure, originally designed as such, containing three or more apartment units which is more than 2.5 stories but not exceeding the height limitations (in feet) of this Ordinance.
- D. Residential Conversion to Apartment: The conversion of an existing single family detached dwelling into three to five dwelling units.



Dwelling, Quadruplex: 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 Detached: A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, Single-Family Semidetached: A single-family dwelling unit that is attached to one other single-family dwelling unit by a common vertical wall with each dwelling located on a separate lot.

Dwelling, Two-Family: A building containing two dwelling units either attached side by side through the use of a vertical party wall and having one side setback adjacent to each dwelling unit; or upstairs/downstairs units. The building is designed for occupancy by two families, each family living independently of each other in a separate dwelling unit with each unit limited to one (1) family. (See also *multi-family project* for two-family dwellings in a multi-family project.)

Dwelling Unit: One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. Any part of a dwelling structure which is not connected with full unrestricted access to all other parts of the dwelling structure is considered a separate dwelling unit.

Dwelling Unit, Accessory: An additional dwelling unit permitted in association with a single-family dwelling on a lot of ten (10) acres or more in a conservation design subdivision.

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.

Earth Disturbance Activity: Any activity, including, but not limited to, construction, mining, farming, timber harvesting and grubbing, which alters, disturbs and exposes the existing land surface.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

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 or affix any building or structure.

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, utility cabinets, 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 any other use specifically defined by this Ordinance shall not be considered essential services. (For essential services requiring enclosure in a building see *semi-public building or use*.)

Exercise Club: An establishment that offers facilities such as weight rooms, exercise equipment, a pool and racquetball courts.

Family: A person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

A. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial

relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin;

- B. Three (3) unrelated people;
- C. Two (2) unrelated people and any children related to either of them;
- D. Not more than eight (8) people who are residents of a group home meeting the requirements of §606.
- E. Not more than eight (8) people who are granted a special exception as a single nonprofit housekeeping unit (a functional family) pursuant to §611.

The definition of a family does not include:

- A. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
- B. Any group of individuals whose association is temporary or seasonal in nature; and
- C. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

Farmer's Market: The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

Farm Stand: A booth or stall on a farm, nursery or greenhouse and from which produce and farm products grown on the premises are sold to the general public.

Fence or Wall: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land or to be used as a means of protection or confinement; also, a structure which permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property. 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: Any sales activity conducted in the open air or under any pavilion or other building, tent or structure which is not fully enclosed where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Flood (and related definitions): See the Township Floodplain and Building Permit Ordinance.

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.

Floor Area, Habitable: That portion of the gross floor area within a building having a distance between floor and ceiling of at least seven feet for residential structures and at least seven and one-half (7.5) feet for nonresidential structures, and not including garage or accessory building space.

Forestry: The management of forests and timberlands when practiced in accord with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any of the following: a land development, the operation of a sawmill or the operation of any other wood manufacturing business.

Fraternity or Sorority House: A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity or sorority members and their guests or visitors and affiliated with an institution of higher learning.

Frontage: See *lot frontage*.

Funeral Home: 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 meeting the foundation, floor and other applicable requirements of the Uniform Construction Code.

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.

Garage Sale: See *yard sale*.

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

Gazebo: An unenclosed or partially enclosed, 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 *recreation facility, commercial* for regulation by this Ordinance.

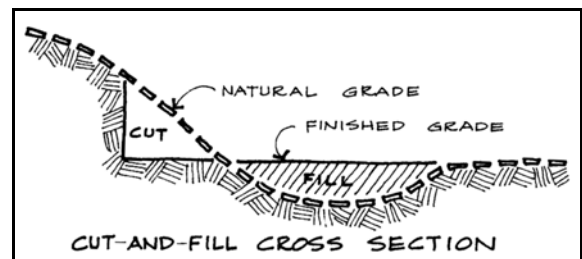
Golf Driving Range: A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green. Considered a *recreation facility, commercial* for regulation by this Ordinance.

Governing Body: The Board of Supervisors of Tunkhannock Township.

Grade: The average finished ground elevation adjoining a building.

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.



Grain Storage, Distribution, Processing and Milling Operations: A facility, including necessary structures, where grain is received and stored on site until it is prepared for reshipment or is prepared for use as an ingredient in other products, and is then shipped to other manufactures. Considered *agricultural products processing* for regulation by this Ordinance.

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 or retail distribution; and including associated structures for office space and storage; but not including retail sales of any products or services.

Greenhouse, Private: An accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, for private noncommercial use.

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 §606, and meets all other standards of such section.
- B. Involves persons functioning as a common household.
- C. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental impairment or other handicap* as defined by applicable Federal law.

D. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

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

Group Home, Institutional: A use that would otherwise meet the definition of *group home* but which includes more than the permitted number of residents specified in §605.

Group Quarters: All buildings used primarily for the housing of persons non-related by blood or marriage including, but not limited to, dormitories, fraternities, sororities, and all other structures occupied by groups of persons sharing a dwelling. Rooming houses, boarding houses, hotels, motels, and resorts, group homes, jails, prisons and detention facilities, medical clinics, health facilities and any use specifically listed in a zoning district in Article IV shall not be considered *group quarters*.

Guard Shack: An accessory building or structure, together with any associated gates and related equipment, which is designed, occupied and operated for the purpose of controlling vehicular access.

Health Facility: An establishment primarily engaged in providing services for human health maintenance including medical and dental clinics and hospitals whether publicly or privately operated.

Hearing: An administrative proceeding conducted by the Planning Commission, Governing Body, or Zoning Hearing Board pursuant the requirements of this Ordinance.

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 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*.)

Homeowners Association: See *property owners association*.

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

Hospital: An institution or establishment providing primary health services and medical or surgical care to persons, primarily inpatients, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, training facilities, medical offices, or staff residences. Considered a *health facility* for regulation by this Ordinance.

Hotel: A facility offering temporary (generally for periods of two weeks or less and not intended to be used as a residence) 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/Fishing Clubs or Camps: Land and/or a stream or body of water and adjacent area on any bank thereof,

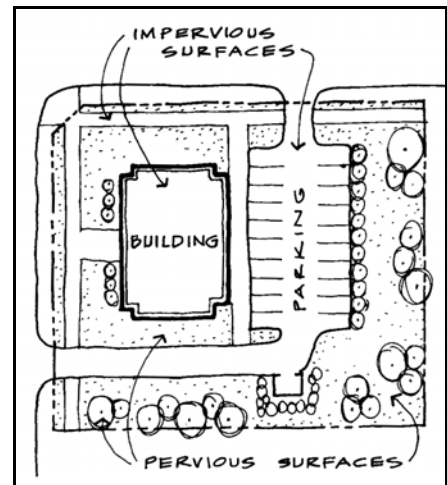
owned or leased by a person or group of persons duly formed as a club, used principally for hunting/fishing, open only to members and guests and involving no buildings other than those for lodging, eating and sanitary facilities for members and guests and accessory structures.

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: A surface that prevents the percolation of water into the ground such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking, and compacted fill, earth or turf to be used as such.

Improvements: See *development improvements*.

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.



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 manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, mineral processing, and any facility involving processes resulting in the non-incident storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

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.
- 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 this Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

Junkyard: 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. Vehicle sales lots managed by licensed vehicle dealers operated in accord with this Ordinance shall not be considered junkyards. The following shall also be considered junkyards:

- 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.

Kenel: 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: Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. The definition of land development shall 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:
 - 1. 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.

D. The definition of land development shall not include the following:

1. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Township.

Landfill: See *solid waste facility*.

Landowner: The legal or beneficial owner or 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 the landowner, or other person having a proprietary interest in land.

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

Livestock Operation: See *animal husbandry*.

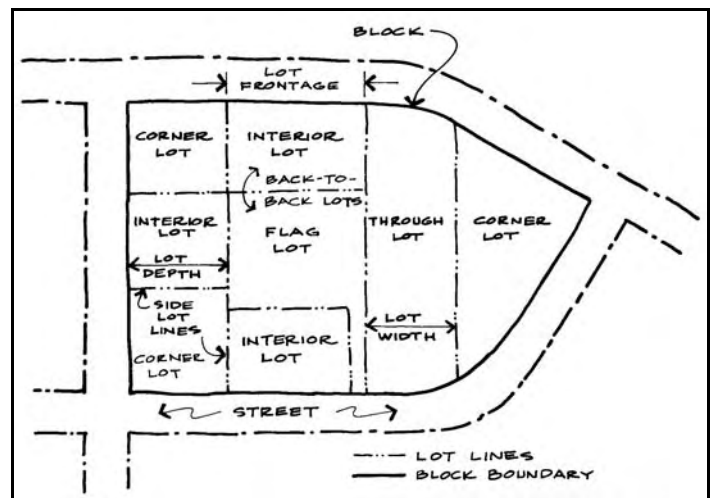
Loading/Unloading Space: An interior or exterior off-street space or berth used for the loading or unloading of people, cargo, products, or materials from vehicles.

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

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

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 County Recorder of Deeds prior to the effective date of the original Township Zoning Ordinance.

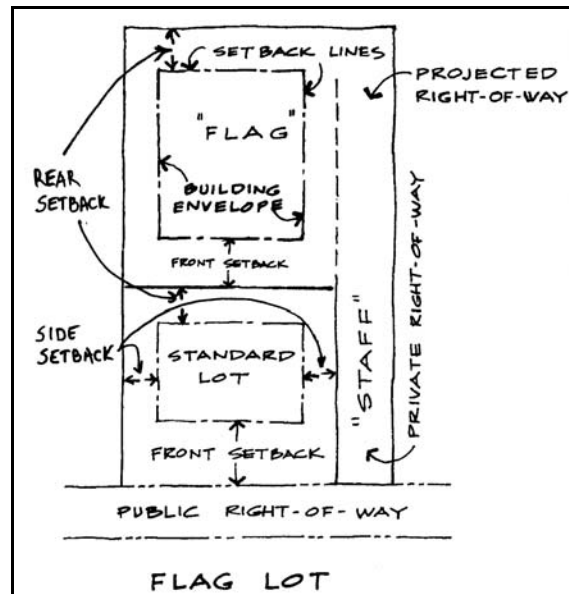
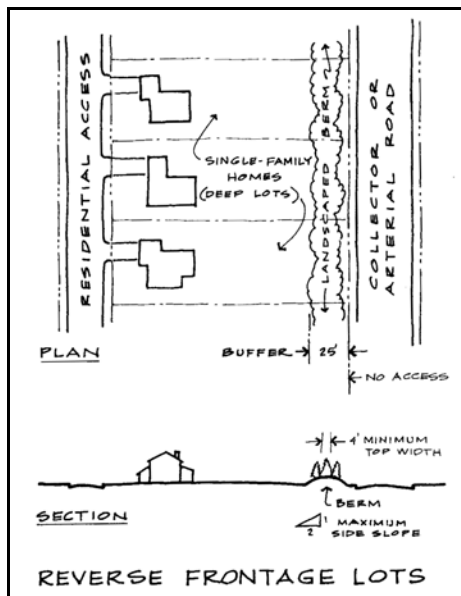


Lot, Flag: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

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 fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.



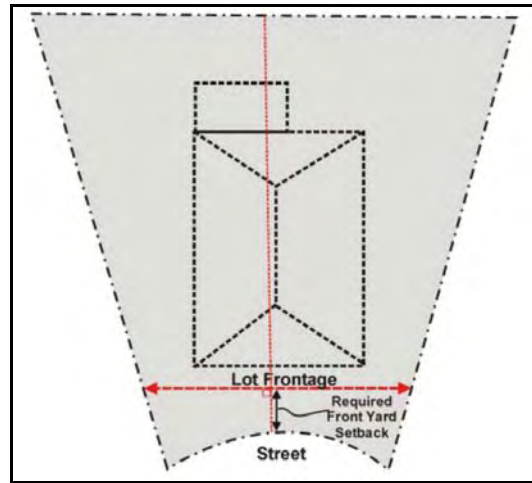
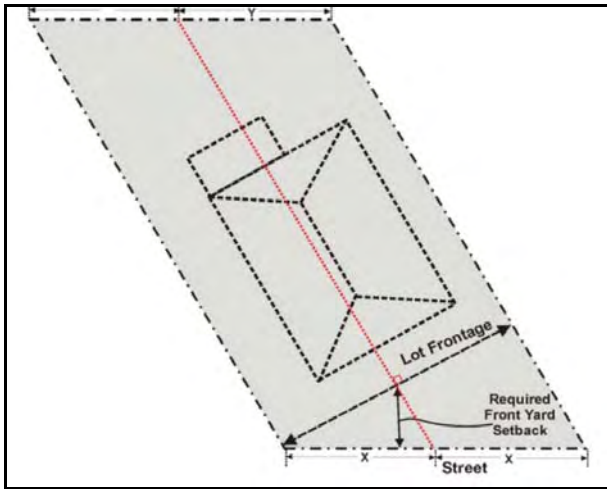
Lot Area: The horizontal land area contained within the property lines of a lot measured in acres or square feet.

Lot Area, Required Minimum: (This applies to the creation of new lots. It does not apply to the determination of lot size nonconformity; instead, the definition of *lot area* is applied.) The horizontal land area contained within the property lines of a lot expressed in acres or square feet after deducting the following areas of constrained land from the total lot area:

CONSTRAINED LAND				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
A	existing utility rights-of-way		x 1.00	=
B	that portion of lands under conservation easement that are restricted from further development		x 1.00	=
C	floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)		x 1.00	=
D	floodplain area (if not mapped by FEMA area is included in floodway above)		x 0.50	=
E	wetlands as determined by a delineation		x 0.95	=
F	prohibitive steep slopes (25% or greater)		x 0.85	=
G	precautionary steep slopes (15% to less than 25%)		x 0.25	=
H	ponds, lakes and streams to the high water mark		x 1.00	=
I	CONSTRAINED LAND = SUM OF A through H =			

Lot Coverage: That portion of the lot covered by all created improvements, including but not limited to primary buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools and other impervious areas provided that where a municipal boundary bisects a lot, the total area of the lot, regardless of the municipal boundary, shall be

used for the purpose of determining compliance with the permitted lot coverage.



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

Lot (or Street) Frontage: The horizontal distance between side lot lines or the projection of the side lot lines, measured along a straight line drawn perpendicular to a line joining the midpoints of the front and rear lot lines at a point equivalent to the minimum front setback applying to the lot.

Lot Line: A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. See also *setback*.

Lot Line, Front: The lot line(s) separating the lot from any street.

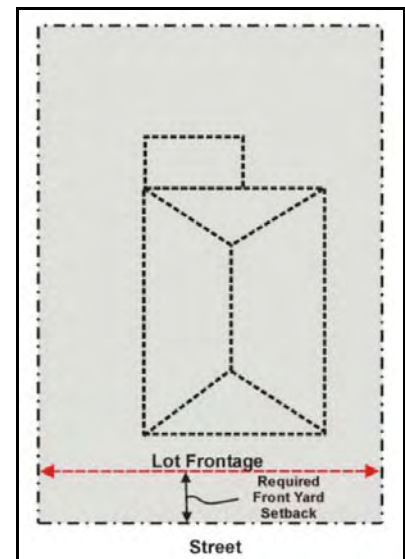
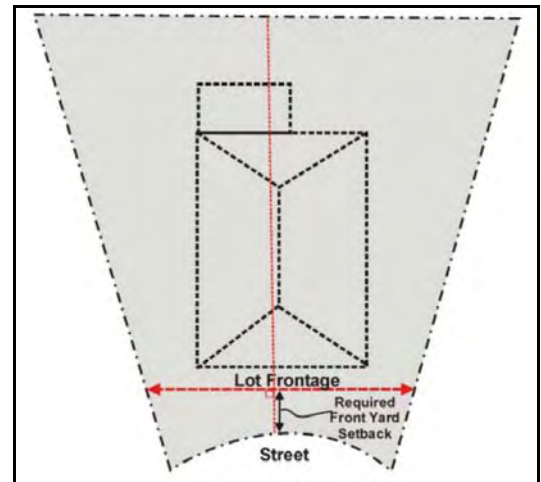
Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

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

Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required or approved front and rear building lines. In the case of a lot fronting on a cul-de-sac turnaround or curve, along a chord perpendicular to a radial line located equidistant between the side lot lines, the said chord shall intersect the radial line at a point located at the required or approved building setback line.

Lumbering: See *forestry*.

Lumberyard: An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.



Manufacturing, Light: Facilities involving generally unobtrusive processes carried on entirely within a fully enclosed building and not resulting in the non-incidental 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 does 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: An establishment that meets all of the following criteria: (Considered a *service establishment* for regulation by this Ordinance.)

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

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Meeting, Assembly, or Banquet Halls: A structure designed for an assemblage of persons to service gatherings such as weddings, parties etc.

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

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

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

Mineral Extraction: The mining, removal or recovery by any means whatsoever (including, but not limited to, open excavations and quarries, and subsurface mining) of minerals as defined in this Article 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:
 1. Extraction, handling, processing or storing are conducted concurrently with construction.
 2. The area mined is limited to the area necessary to construction.
 3. The construction is reasonably related to the use proposed for the site.

Mineral Processing: The refinement of minerals 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 *industry* for regulation by this Ordinance.

Mini-Mart: See *convenience store*.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy 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, and which is subject to U.S. Department of Housing and Urban Development regulations.

Mobile Home Lot: A parcel of land in a mobile home park which is leased by the park owner to the occupants of the mobile home erected on the lot and which is improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

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.

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. Rooms in the facility shall not be used as a principal residence.

MPC: The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as enacted and amended.

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 being permitted in the district where the multiple occupant building is proposed.

Municipal Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the municipality.

Municipality: Tunkhannock Township, Monroe County, Pennsylvania.

Natural Gas Compressor Station: See §27-838.

Natural Gas Processing Plants: See §27-838.

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.

Nightclub: An establishment dispensing food and drink and in which music, dancing, or entertainment is an integral and significant part of the operation.

Nonconforming: See Article IX.

Nuisance: A condition or situation that results in an interference with the enjoyment and use of property.

Nursery, Retail: See *garden center*.

Nursery, Wholesale: The growing, cultivation, storage, and sale of garden plants, flowers, trees, and shrubs to landscapers, developers, builders, and retail establishments. Considered *crop production* for regulation by this Ordinance.

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

Occupancy: Any use of or activity upon a particular premises; or holding real property by being in possession.

Office or Office Building: A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity it may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and day care facilities.

Official Map: A map adopted by Township ordinance in accord with Article IV of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as enacted and amended.

Official Zoning Map: The Official Zoning Map of Tunkhannock Township, Monroe County, Pennsylvania.

Off-Track Wagering Facility: A facility licensed pursuant to the provisions of the Racehorse Reform Act for the purpose of gaming authorized at a non-primary location pursuant to the provisions of the Racehorse Reform Act. Considered a *gaming establishment* for regulation by this Ordinance.

Oil and Gas Well Development (and related terms): See §27-838.

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, forest land, 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.

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. See *garage*.

Parking Area, Event: The limited use of a parcel to rent parking to patrons of a particular event such as a carnival, circus, concert, parade, race, or sporting event, which does not include overnight parking.

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: A parking area available to the public, with or without payment of a fee.

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 impervious or semi-pervious, uncovered structure with an average elevation no greater than six inches above grade.

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

Permit: A document issued by the proper authority documented on the required application which authorizes the applicant to undertake certain activities in compliance with all the applicable codes and ordinances.

- A. Zoning Permit: Indicates that a proposed use, building or structure as documented in the development application will comply with the requirements of this Ordinance. Issued by the Zoning Officer for principal permitted uses, accessory uses and signs following confirmation of compliance with applicable standards, for conditional uses following approval by the Board of Supervisors, and for special exceptions following approval by the Zoning Hearing Board. .
- B. Building Permit or Construction Permit: Issued by the Township Building Code Official and indicates that a proposed construction, alteration, or reconstruction of a structure will comply with the Township construction code.

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.

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.

Personal Care Home: A residential use providing residential and support services primarily to persons who are over age sixty (60), and/or physically handicapped and/or the developmentally disabled and which is licensed as a personal care center by the Commonwealth of Pennsylvania.

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 Tunkhannock Township, Monroe County, Pennsylvania.

Plat or Plat Plan: A map or plan of a subdivision or land development, whether preliminary or final.

Porch: An attached, roofed accessory structure projecting from a wall of a building which may be open or screened and with walls no higher than four (4) feet above the floor level.

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.

Prime Agricultural Land: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

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

Principal Use: The primary or predominate use of a lot.

Professional Office: The office of a member of a recognized profession such as an accountant, architect, author, dentist, engineer, insurance agent, landscape architect, lawyer, minister, optometrist, planner, physician, or realtor.

Property Owners Association: A nonprofit corporation organized by the developer or lot owners for the purpose of establishing an association of all property owners in a planned development which purposes shall include the ownership and maintenance of open space common areas and all development improvements.

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 uses 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 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 30 days and the second publication shall not be less than seven days from the date of the hearing.

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 active recreation by individuals, and including, but not limited to, trails, picnic areas, community gardens, and lawns.

Recreation Facility, Commercial: Outdoor or indoor areas or structures, operated by private nonprofit 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, shooting ranges, zoological parks, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, and the like, but excluding golf courses, theaters, public parks and playgrounds.

Recreation 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. See *public buildings and uses*.

Recreational Vehicle: A vehicle primarily designed and utilized as temporary living quarters for recreational, camping or travel use, whether self-propelled or mounted on, or drawn by another vehicle, and including travel trailers, recreational trailers, camping trailer, truck camper, motor homes and similar types of vehicles.

Recreational Vehicle Park: See *campground or RV park*.

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

Religious Quarters: A dwelling associated with a place of worship in which reside individuals directly involved with the administration or function of a place of worship including clergy and staff and immediate family members.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. See also *addition and alteration*.

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

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

Resort: A business combining lodging, eating and recreational facilities for lodgers and/or non-lodgers as a single enterprise offered to the public at large or any segment thereof, not including *bed and breakfast establishments, campgrounds, recreational vehicle parks or mobile home parks*. Amenities may include conference centers, retail sales, spas, beauty salons, barber shops, restaurants, indoor and outdoor recreational facilities, health centers, day care centers, facilities for commercial special events, and employee living quarters.

Resort Community: A residential and resort community with the following characteristics:

- A. Single-family, duplex or two-family, and multi-family dwellings are erected upon approved subdivided lots;
- B. Occupancy of the single-family, two-family and multi-family units is limited to persons who do not permanently reside therein.
- C. The development contains a minimum of one hundred (100) acres of contiguous property.

Restaurant: An establishment where food and drink are prepared, served, and consumed, mostly within the principal building which may include limited forms of musical entertainment to accompany the dining experience; however, restaurants that provide dancing and stage shows shall be considered a *nightclub*.

Restaurant, Outdoor: Any part of a food establishment located outdoors, not used for any other purposes, and open to the sky, with the exception that it may have a retractable awning or umbrellas, and may contain furniture, including tables, chairs, railings, and planters that are readily moveable.

Restaurant, Take-Out: 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.

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

Retail Business, Large Scale: A retail business with a gross floor area of 100,000 square feet or more.

Retail Home Heating Fuel Distributors: An establishment that delivers kerosene, home heating oil, and propane to individual dwellings or commercial establishments for use on that premises and not for resale, and where the storage of fuel on the site of the retail home heating fuel distributor does not exceed a combined total of twenty-thousand (20,000) gallons.

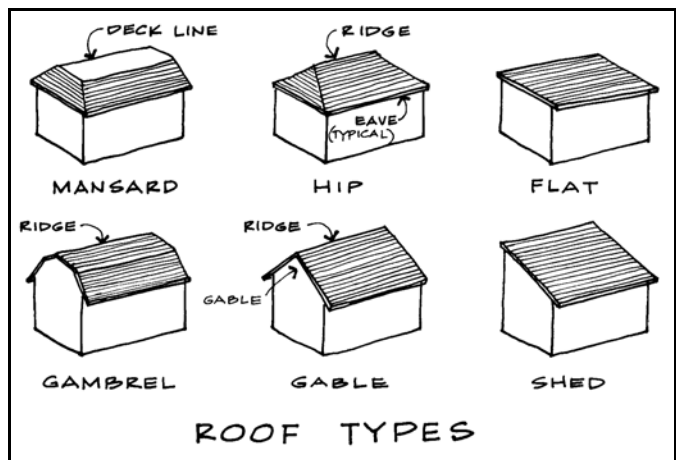
Retaining Wall: A solid or integrated vertical structure in excess of four (4) feet in height designed for the separation or retention of varying ground levels.

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

Roof: The outside top covering of a building.

Row House: See *dwelling, townhouse*.

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*.) The display and sale of such homes is considered a *retail business* for regulation by this ordinance.



Satellite Dish Antenna or Satellite Antenna: Apparatus designed for transmitting radio energy to satellites or receiving it from satellites and including any attached mountings or brackets.

School, Public or Private Primary or Secondary School: An educational institution that primarily provides State-required or largely State-funded educational programs. This term shall not include *trade schools*.

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 topography, fencing, berms, natural and planted vegetation or other means approved by the Township.

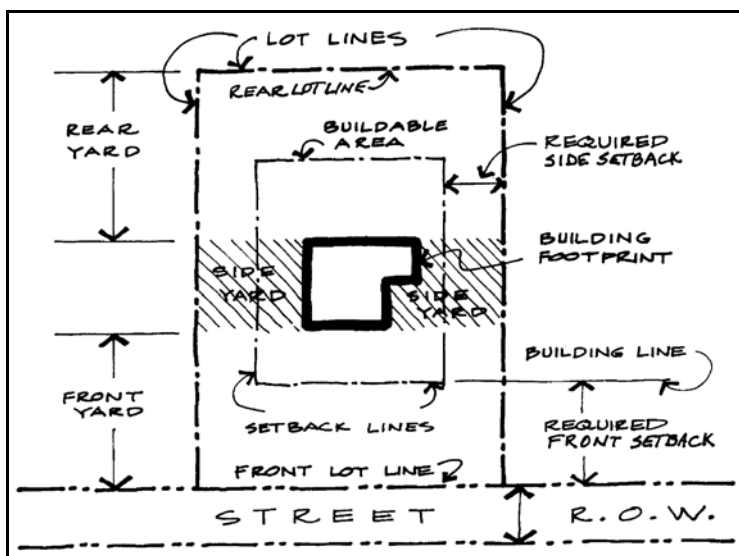
Screening: A method of visually shielding or obscuring a structure or use from another by topography, fencing, walls, berms, planted vegetation or a combination of these methods.

Self-Storage Facility: A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

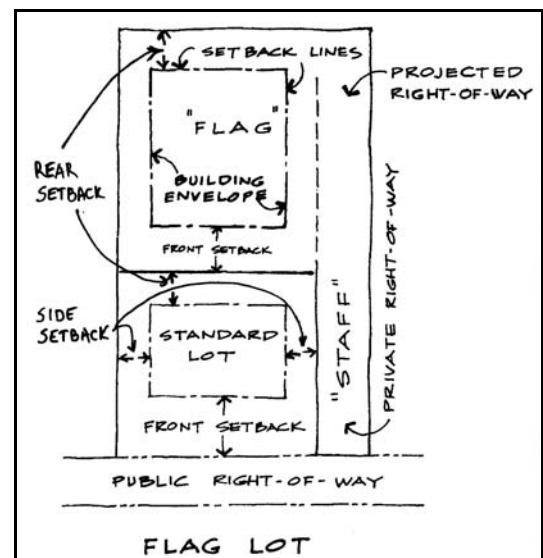
Semi-Public Building or Use: A building or use operated by nonprofit, community-based organizations for the general use of Township residents, including churches, fire houses, ambulance buildings, private schools, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics. It shall also include essential services and public utilities that require enclosure within any structure or building.

Senior Citizen Housing: A building or structure containing dwelling units designed for, and limited to, occupancy exclusively by persons age sixty-two (62) or over, living independently, in his or her own dwelling unit. Such structures may include multi-family, garden apartments, apartments, or such other configurations, but shall not include assisted living facilities, personal care facilities, or nursing homes.

Service Establishment: An establishment engaged in providing services involving the care of a person or a person's goods or 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.



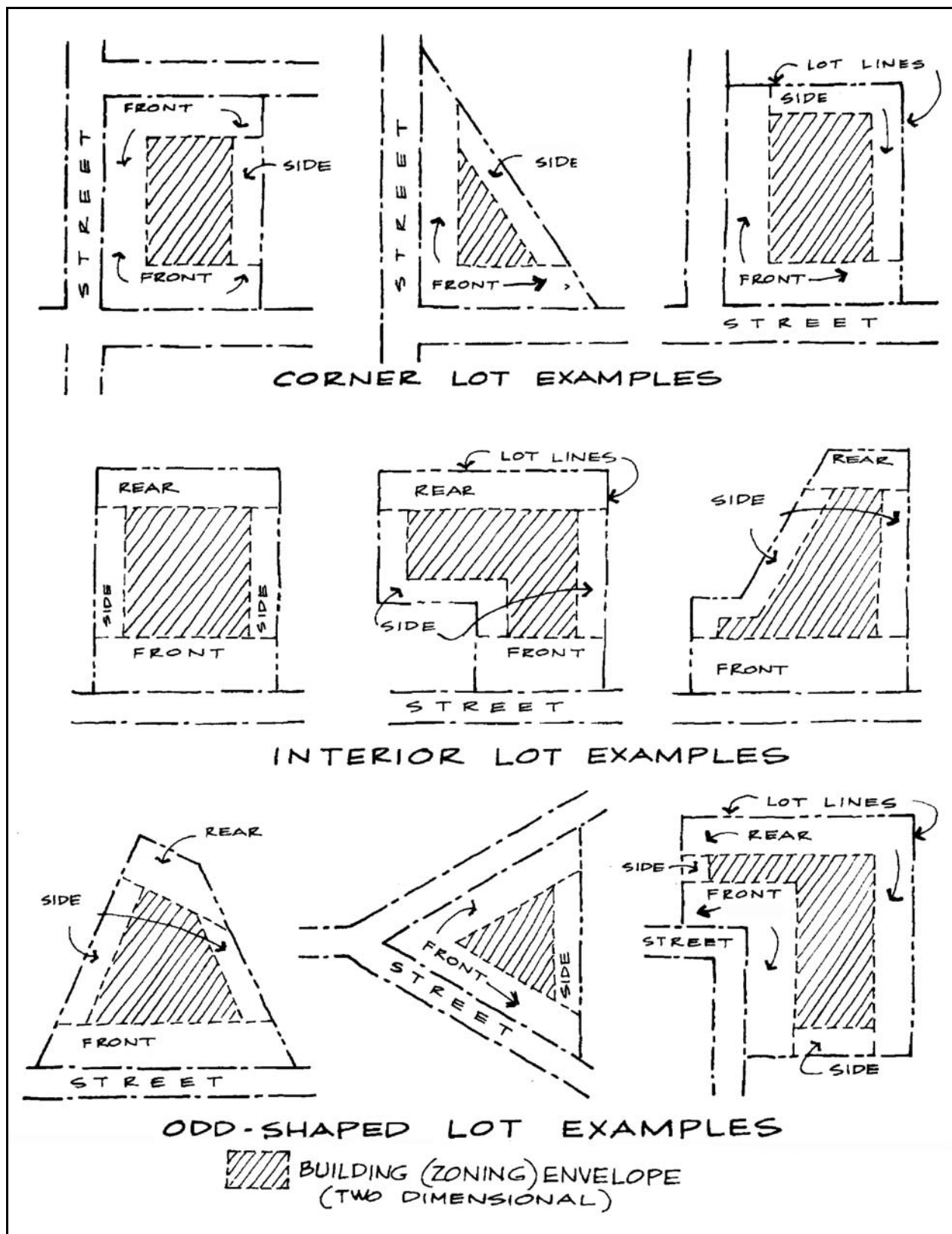
Required Setbacks and Associated Yards



Setback, Front: A required 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: A required 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

Setback, Side: A required 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 Disposal, Central, Off-Site or Community: A sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal system or sewage treatment plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as off-site sewage.

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

Sewage Enforcement Officer (SEO): The Township official certified by the Pennsylvania Department of Environmental Protection who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the Pennsylvania Sewage Facilities Act, as amended, and conducts investigations and inspections that are necessary to implement the Act and the regulations thereunder.

Shed: A detached accessory structure used for the storage of tools, minor equipment, and materials, but too small for the storage of an automobile.

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 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.

Shopping Center or Mall: A group of independent (i.e., not dependent on each other for operation) commercial establishments (otherwise allowed in the District of location) occupying spaces separated by walls which are 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, landscaping, and signs.

Single-Family Dwelling: See *dwelling, single family*.

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*.

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 Collector, Accessory: A device, or combination of devices, structures, or part of a device or structure that

transforms direct solar energy into thermal, chemical, or electrical energy and which is sized and intended to be used for the principal structure to which it is accessory.

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

Solar 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.

Special Event, Commercial: An event or function held at a business located within the Township, such as grand openings, tent sales and sidewalk sales.

Special Event, General: An event or function which is held in the Township and of general interest to the community, such as bazaars, fairs, festivals and activities generally viewed as fund-raisers for the benefit of nonprofit organizations and volunteer activities.

Special Exception: A use in a particular zoning district to be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing and recommendation of the Township Planning Commission as authorized by §603(c)(1) of the Municipalities Planning Code.

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

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.

State: The Commonwealth of Pennsylvania and its agencies.

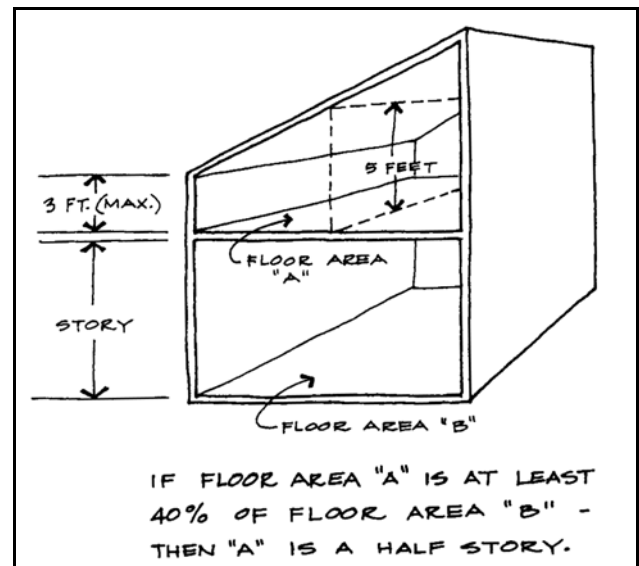
Street Frontage: See *lot frontage*.

Storage Container: A receptacle such as a wooden or metal box or a trailer of a tractor trailer with wheels removed in which raw materials, products or other items are stored.

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.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above. See definition of *basement* which specifies when a basement is considered a story.

Story, Half: A space under a sloping roof that has the line of intersection of the roof and wall face not more than three (3) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath



Story, Half

Stream: A natural watercourse. See *watercourse*.

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

Structural Alteration: See *alteration*.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (See the Subdivision and Land Development Ordinance for details.)

Supervisors: The Board of Supervisors of Tunkhannock Township.

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

Tattoo, Body Piercing, Scarifying or Branding Parlor: An establishment engaged in any of the following: (Considered a *service establishment* for regulation by this Ordinance.)

- A. The perforation or cutting 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. Considered a *restaurant* for regulation by this Ordinance.

Temporary: A period of less than ninety (90) consecutive days.

Temporary Construction Building: A building erected on a lot for temporary use in conjunction with construction on that lot.

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 where patrons are seated in the building, but not including an *adult movie theater*.

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

Townhouse: See *dwelling, townhouse*.

Township: The Township of Tunkhannock, Monroe County, Pennsylvania

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

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

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).

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.

Travel Plaza: Any building, premises, or land in which or upon which a business or service involving the maintenance, servicing, storage, or repair of automobiles, trucks, recreational and other vehicles is conducted or rendered as a service to travelers, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles, and which may include overnight accommodations and restaurant facilities.

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 Stop: See *travel plaza*.

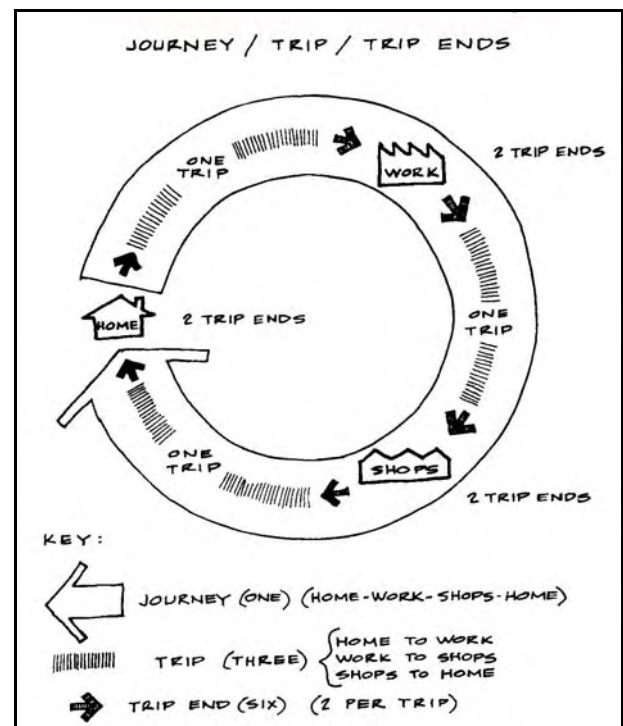
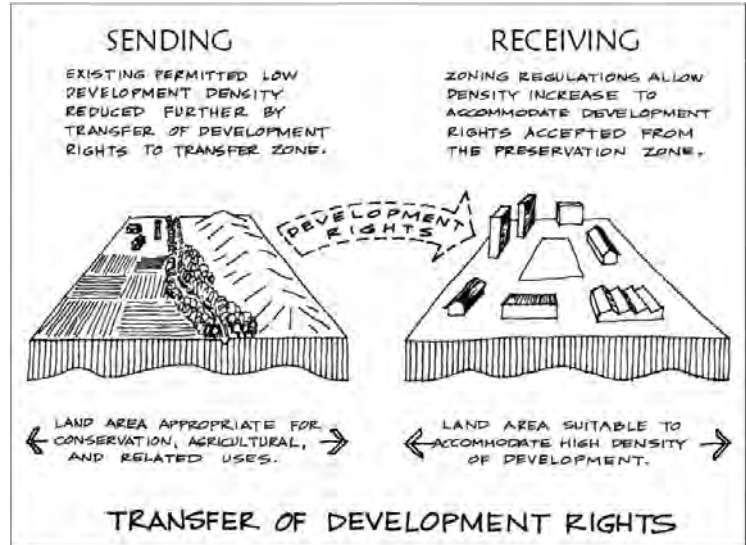
Truck Terminal: See *distribution center/truck terminal*.

Truck Wash: Any building or premises or portions thereof used for commercial purposes for washing any vehicle with more than two (2) axles, or more than four (4) tires, or with a trailer.

Two-Family Dwelling: See *dwelling, two family*.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which land is or may be occupied or maintained.

Utility, Public: 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.



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, snowmobiles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft; and any vehicle which requires a state registration.

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 and 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.

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, pens or paddocks 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, pens or paddocks on the premises.

Vernal Pool: An isolated, contained depression that holds water for at least two (2) months in the spring or summer, critical to several amphibian, reptile and invertebrate species which also provides important storage for stormwater runoff and spring snow melt that would otherwise contribute to down stream flooding.

Wall: See *fence or wall*.

Warehouse: A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail sales or a *truck terminal*.

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

Water Extraction/Bottling: Any use which involves the pumping or removal of water from groundwater sources, with or without bottling, for retail or wholesale sale. Considered *industry* for the purposes of regulation by this Ordinance.

Water Supply, Individual System on Conservation Land: A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on adjacent conservation land via a use and access easement.

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

and which may be publicly or privately owned and operated.

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

Watercourse: Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial, intermittent or seasonal flow.

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 with no on site manufacturing 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.

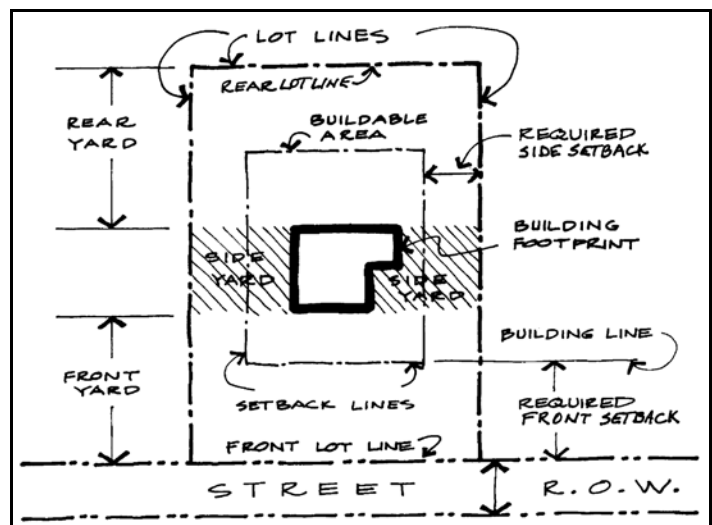
Wind Energy Facility: A facility where one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity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

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

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.

Yard: The area between the principal structure(s) and the adjoining lot line or right-of-way. See also *setback*.

Yard, Lawn, Garage, Tag or Estate Sale: A sale, open to the public, of new, used or previously owned personal property, including but not limited to goods, wares, merchandise and clothing, held on vacant property or on the lawn, yard, porch, patio or in the garage or residence, or in the principal or outbuilding,



Required Setbacks and Associated Yards

of the person who is conducting the sale. 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 Ordinance.

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

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

Zoning Map: The Official Zoning Map of Tunkhannock Township.

Zoning Ordinance: The Tunkhannock Township Zoning Ordinance, as amended.

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 Zoning Ordinance, Tunkhannock Township is hereby divided into the following Zoning Districts:

R-1 Low Density, Single Family Housing Residential
R-2 Medium Density, Mixed Type Housing Residential
OS-W Open Space Wetlands
C-1 Neighborhood Commercial
C-2 General Commercial
I Industrial Use

401.2 Intent

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

401.3 Floodplain Overlay District

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

401.4 Resort Community Overlay District

The Resort Community Overlay District (R-C District) is hereby created to provide areas for new economic development with housing that limits occupancy of single-family, two-family and multi-family homes for limited durations such that the occupants are not permanently residing therein. Resort Community development standards provide flexibility to encourage creativity of design, and greater diversity in permitting two-family and multi-family building types in addition to single-family dwelling building types.

- A. Property Owner Option - In R-1, R-2 and OS-W Districts, a property owner may opt to proceed under the R-C District requirements provided the proposed development complies with the following characteristics:
1. Single-family, duplex or two-family, and multi-family dwellings are erected upon approved subdivided lots;
 2. Occupancy of the single-family, two-family and multi-family units is limited to persons who do not permanently reside therein.
 3. The development contains a minimum of one hundred (100) acres of contiguous property.
- B. Supplemental Provisions; Conditional Use - When the owner elects the R-C overlay option the provisions for the R-C District shall supplement the underlying district provisions. R-C District development shall be considered a conditional use and the following supplemental provisions shall apply:
1. Dwelling Types - Single-family, two-family and multi-family building dwellings shall be permitted.
 2. Occupancy - The occupancy of single-family, two-family and multi-family dwellings units shall be restricted to extended stay, interval ownership or other similarly limited rights of possession whereby the

occupant shall be prohibited from maintaining permanent residency.

3. Bulk and Density

- a. Previously Approved Nonconforming Subdivisions - In the case of previously approved nonconforming subdivisions, the lot area, lot width, lot depth and density determination requirements in existence at the time the subdivision was recorded shall apply. The setbacks in the Schedule of Development Standards for the applicable zoning district and dwelling type shall apply
- b. Other Proposed Development - All other proposed development shall comply with the requirements of the Schedule of Development Standards for the applicable zoning district and dwelling type.

4. Community Centers - Community centers may be permitted as a conditional use provided that:

- a. Use of the community center shall be limited to residents and guests of the Resort Community Development.
- b. Such community centers may, at the sole discretion of the Board of Supervisors, be located on combined lots and may include such indoor and outdoor recreation facilities as will reasonably promote the residential resort concept.

- C. Opting Out - A property owner who proceeds under the R-C District option may at any time discontinue or opt out of the overlay option provided that, upon doing so, the property owner shall fully comply with the requirements of the underlying zoning district, and provided further that nonconforming use rights shall be acquired by virtue of the property owner having opted in to the R-C District option.

402 Official Zoning Map

402.1 Adoption

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

402.2 Map Changes

Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified by the MPC.

402.3 Replacement Map

If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or drafting errors or omissions require correction, the Township Supervisors may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

403 District Boundaries

403.1 Establishment

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

403.2 Uncertainty

In the event of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall determine the correct district boundary. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

403.3 Municipal Boundaries

Where a municipal boundary divides a lot, the land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

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. Limitations

1. No land and no structure in a particular zoning district shall be used for any use which is not specifically listed on the Schedule of Uses for that particular district, and only in accord with all other requirements of this Ordinance. In other words, any use not specifically allowed by this Ordinance within a Zoning District shall be deemed to be prohibited within that Zoning District.
2. If a use which could be included in a more general use is listed as a separate use in any District Schedule of Uses, such use shall be permitted only in the district where it is specifically listed.
3. Larger lot sizes, greater setbacks, buffers and other more restrictive standards may be required by other provisions of this Ordinance.

B. Principal 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.

C. Conditional Uses and Special Exceptions - Conditional uses and special exceptions are permitted uses which require individual consideration because of their special characteristics and are referred to the Planning Commission for review and preparation of a recommendation to the Board of Supervisors or Zoning Hearing Board, respectively. Following a public hearing, and based on its determination that the proposed use meets the standards of this Ordinance, the Board of Supervisors for conditional uses and the Zoning Hearing Board for special exceptions may authorize the issuance of a zoning permit by the Zoning Officer.

404.2 Uses Not Specified in Schedule of Uses

- A. Jurisdiction - Whenever a use is not specifically allowed in any of the various zoning districts established under this Ordinance (i.e., not specifically allowed anywhere in the Township) and an application is made to the Zoning Officer for such use, the application shall be submitted to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception.
- B. Findings - The use may be permitted only if the Zoning Hearing Board makes all of the following findings; and, the burden of proof shall be upon the applicant:
 1. The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
 2. The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this

Zoning Ordinance.

3. The use is not permitted in any other zoning district.

- C. Planning Commission Review - At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Township Planning Commission for its recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until the comments from the Planning Commission are received or thirty (30) days have passed from the time the application was referred to the Planning Commission.
- D. Conditions - The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted for a use not specified in the Schedule of Uses, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

404.3 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. 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.

405 Table of Permitted Uses by District

The Table of Uses by District which follows summarizes the various uses according to the classification of the use in the zoning districts. The Table is for reference only and the Schedule of Uses and all underlying Zoning Ordinance sections shall be the final determinant for regulation.

ACCESSORY USES
PERMITTED IN ALL DISTRICTS
(Unless otherwise restricted by this Ordinance.)
(Zoning Officer)

- | | |
|---|---|
| <ul style="list-style-type: none"> - Accessory uses customary to approved uses - Barns, silos, sheds, and similar agricultural buildings - Carports - Cemeteries, private (see §503.14) - Common facilities - Day care, family home - Decks - Development amenities - Docks - Essential services - Farm stands - Home greenhouses - Home occupations | <ul style="list-style-type: none"> - Garages, private - No impact home-based businesses - Porches - Parking areas accessory to approved uses - Satellite dish antennas or satellite antennas - Sheds - Signs accessory to approved uses - Solar collectors - Swimming pools - Wind turbine generators - Yard, lawn, garage, tag or estate sale |
|---|---|

SCHEDULE OF USES

R-1 - LOW DENSITY, SINGLE-FAMILY HOUSING RESIDENTIAL DISTRICT

INTENT: To 1) encourage the infill and completion of existing residential areas and allow continued low density residential development and related uses which have historically been a part of the rural landscape; 2) encourage agriculture and forestry using best management practices; and, 3) provide for other necessary uses which can be accommodated with minimal impact by using development performance standards.

PRINCIPAL PERMITTED USES
(Zoning Officer)

- Conservation design subdivisions (includes single-, two- and townhouse dwellings)
- Crop production
- Day care centers
- Forestry
- Group homes
- Hunting/fishing clubs and camps
- Model homes
- Oil or gas fluid storage/impoundment
- Oil or gas pipelines
- Oil or gas well and pipeline location assessment
- Oil or gas well development
- Single-family detached dwellings
- Stables, private
- Township buildings and uses

CONDITIONAL USES
(Planning Commission /
Board of Supervisors)

- Animal husbandry
- Bus shelters
- Cemeteries
- Colleges
- Conventional design subdivisions
- Country clubs
- Development sales offices
- Golf courses, excluding miniature golf and driving ranges
- Natural gas compressor stations
- Preserves
- Resort communities
- Schools, public or private, primary or secondary

SPECIAL EXCEPTIONS
(Planning Commission /
Zoning Hearing Board)

- None

NOTE: Uses not specifically listed by this schedule shall not be permitted in the R-1 District except per §404.2.

SCHEDULE OF USES R-2 - MEDIUM DENSITY RESIDENTIAL DISTRICT		
<p>INTENT: To provide for medium density residential development and infill and completion of existing residential areas in areas which have been given priority for sewer installation in order to promote and encourage a suitable and safe environment for family life.</p>		
<p>PRINCIPAL PERMITTED USES <u>(Zoning Officer)</u></p> <ul style="list-style-type: none"> - Conservation design subdivisions (includes single-, two- and townhouse dwellings) - Crop production - Day care centers - Forestry - Group homes - Hunting/fishing clubs and camps - Model homes - Multi-family dwellings - Oil or gas fluid storage/impoundment - Oil or gas pipelines - Oil or gas well and pipeline location assessment - Oil or gas well development - Single-family detached dwellings - Stables, private - Township buildings and uses - Two-family dwellings 	<p>CONDITIONAL USES <u>(Planning Commission / Board of Supervisors)</u></p> <ul style="list-style-type: none"> - Animal husbandry - Assisted living facilities - Boarding and lodging houses - Bus shelters - Cemeteries - Commercial communication device sites - Conventional design subdivisions - Country clubs - Development sales offices - Golf courses, excluding miniature golf and driving ranges - Meeting, assembly, or banquet halls - Mobile home parks - Natural gas compressor stations - Nursing homes - Preserves - Resort communities - Schools, public or private, primary or secondary 	<p>SPECIAL EXCEPTIONS <u>(Planning Commission / Zoning Hearing Board)</u></p> <ul style="list-style-type: none"> - None
<p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the R-2 District except per §404.2.</p>		

SCHEDULE OF USES
OS-W OPEN SPACE - WETLANDS DISTRICT

INTENT: To 1) protect the extensive wetlands and open water bodies and the unique plant and animal communities within the Township; and, 2) provide for the development of limited uses which are compatible with the unique and sensitive natural environment within this district at low densities and with suitable buffers and conditions which will minimize negative impacts of the development upon the environment.

PRINCIPAL PERMITTED USES <u>(Zoning Officer)</u>	CONDITIONAL USES <u>(Planning Commission /Board of Supervisors)</u>	SPECIAL EXCEPTIONS <u>(Planning Commission / Zoning Hearing Board)</u>
<ul style="list-style-type: none"> - Agritourism - Cemeteries - Conservation design subdivisions (includes single-, two- and townhouse dwellings) - Crop production - Forestry - Group homes - Hunting/fishing clubs and camps - Model homes - Oil or gas fluid storage/impoundment - Oil or gas pipelines - Oil or gas well and pipeline location assessment - Oil or gas well development - Single-family detached dwellings - Stables, commercial - Stables, private - Township buildings and uses 	<ul style="list-style-type: none"> - Animal husbandry - Animal shelters - Airports - Archery range, outdoor commercial - Bus shelters - Campgrounds and recreational vehicle parks - Camps/retreats - Colleges - Commercial communication device sites - Concentrated animal feeding operations - Conventional design subdivisions - Greenhouses, commercial - Heliports and helistops - Helistops accessory to an approved use - Hydraulic fracturing water withdrawal facilities - Kennels - Mineral extraction - Natural gas compressor stations - Places of worship - Preserves - Religious quarters - Resort communities - Schools, public or private primary or secondary - Shooting ranges, outdoor commercial - Solar power generation, commercial - Wind energy facilities - Zoos and menageries 	<ul style="list-style-type: none"> - None
<p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the OS-W District except per §404.2.</p>		

SCHEDULE OF USES
C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

INTENT: To provide space for the development of neighborhood convenience retail sales and services near concentrations of residential developments.

PRINCIPAL PERMITTED USES <u>(Zoning Officer)</u>	PRINCIPAL PERMITTED USES <u>(Zoning Officer)</u>	CONDITIONAL USES <u>(Planning Commission /</u> <u>Board of Supervisors)</u>
<ul style="list-style-type: none"> - Agritourism - Amusement arcades - Art studios - Assisted living facilities - Auction houses - Banks - Bed and breakfast inns - Billiard halls - Boarding and lodging houses - Bus, limousine, taxi terminals/stations - Bus shelters - Business offices - Business services - Camping, temporary event - Car washes - Cemeteries - Charging stations - Clinics - Clubs/lodges, private - Colleges - Conference centers - Conservation design subdivisions (includes single-, two- and townhouse dwellings) - Convenience stores - Country clubs - Crop production - Cultural centers - Day care centers - Domestic violence shelters - Drive-in stands/uses - Exercise clubs - Farmer's markets - Flea markets, indoor - Forestry - Funeral homes - Garages, public parking - Group homes - Group homes, institutional 	<ul style="list-style-type: none"> - Massage facilities, therapeutic - Micro-breweries - Multi-family dwellings - Nightclubs - Nursing homes - Offices or office buildings - Oil or gas fluid storage/impondment - Oil or gas pipelines - Oil or gas well and pipeline location assessment - Oil or gas well development - Park and ride facilities - Parking area, event - Personal care homes - Professional offices - Resorts - Restaurants - Restaurants, outdoor - Restaurants, take-out - Retail businesses - Schools, public or private, primary or secondary - Self-storage facilities - Semi-public buildings or uses - Service establishments - Shopping centers or malls - Single-family detached dwellings - Taverns - Theaters - Theaters, drive-in - Township buildings and uses - Trade schools - Vehicle and equipment rental, repair or sales operations - Two-family dwellings - Veterinary clinics - Warehouses - Wholesale businesses 	<ul style="list-style-type: none"> - Conventional design subdivisions - Dormitories - Fraternity or sorority houses - Group quarters - Health facilities - Helistops accessory to an approved use - Hotels - Meeting, assembly, or banquet halls - Miniature golf and driving ranges - Motels - Natural gas compressor stations - Places of worship - Public buildings and uses - Recreation facilities, commercial - Recycling facilities - Religious quarters - Retail business, large scale - Shooting ranges, indoor commercial - Truck washes <p style="text-align: center;">SPECIAL EXCEPTIONS <u>(Planning Commission /</u> <u>Zoning Hearing Board)</u></p> <ul style="list-style-type: none"> - None

NOTE: Uses not specifically listed by this schedule shall not be permitted in the C-1 District except per §404.2.

SCHEDULE OF USES
C-2 GENERAL COMMERCIAL DISTRICT

INTENT: To provide an area of general commercial trades and services, recreational and entertainment activities for residents and visitors, concentrated with access directly to highways and where conflicts with residential development can be buffered and minimized.

PRINCIPAL PERMITTED USES <u>(Zoning Officer)</u>	PRINCIPAL PERMITTED USES <u>(Zoning Officer)</u>	CONDITIONAL USES <u>(Planning Commission /</u> <u>Board of Supervisors)</u>
<ul style="list-style-type: none"> - Amusement arcades - Art studios - Assisted living facilities - Auction houses - Banks - Bed and breakfast inns - Billiard halls - Bus, limousine, taxi terminals/stations - Bus shelters - Business offices - Business services - Campgrounds and recreational vehicle parks - Camping, temporary event - Car washes - Cemeteries - Charging stations - Clinics - Clubs/lodges, private - Colleges - Commercial communication device sites - Conference centers - Convenience stores - Correctional facilities - Country clubs - Crop production - Cultural centers - Day care centers - Domestic violence shelters - Drive-in stands/uses - Exercise clubs - Farmer's markets - Flea markets, indoor - Forestry - Funeral homes - Garages, public parking - Greenhouses, commercial - Group homes - Group homes, institutional - Massage facilities, therapeutic - Meeting, assembly or banquet halls - Micro-breweries - Multi-family dwellings 	<ul style="list-style-type: none"> - Nightclubs - Nursing homes - Offices or office buildings - Oil or gas fluid storage/impoundment - Oil or gas pipelines - Oil or gas well and pipeline location assessment - Oil or gas well development - Garages, public parking - Group homes - Group homes, institutional - Park and ride facilities - Parking area, event - Personal care homes - Places of worship - Professional offices - Recreation facilities, commercial - Religious quarters - Research and development facilities - Resorts - Restaurants - Restaurants, outdoor - Restaurants, take-out - Retail businesses - Schools, public or private, primary or secondary - Self-storage facilities - Semi-public buildings or uses - Service establishments - Shooting ranges, indoor - Shopping centers or malls - Single-family detached dwellings - Taverns - Theaters - Theaters, drive-in - Township buildings and uses - Trade schools - Truck washes - Two-family dwellings - Vehicle and equipment rental, repair or sales operations - Veterinary clinics - Wholesale businesses 	<ul style="list-style-type: none"> - Adult businesses - After hours clubs - Amusement parks - Contractor's yards - Distribution centers/truck terminals - Dormitories - Flea markets, outdoor - Fraternity or sorority houses - Gaming establishments - Group quarters - Health facilities - Helistops accessory to an approved use - Hotels - Industry - Junkyards - Manufacturing, light - Mineral extraction - Motels - Natural gas compressor stations - Outdoor entertainment - Public buildings and uses - Race tracks - Recycling facilities - Retail business, large scale - Retail home heating fuel distributors - Solar power generation, commercial - Storage yards for forest products and minerals - Travel plazas - Veterinary clinics, outdoor facilities - Warehouses <hr/> <p style="text-align: center;">SPECIAL EXCEPTIONS <u>(Planning Commission /</u> <u>Zoning Hearing Board)</u></p> <ul style="list-style-type: none"> - None

NOTE: Uses not specifically listed by this schedule shall not be permitted in the C-2 District except per §404.2.

**SCHEDULE OF USES
I INDUSTRIAL DISTRICT**

INTENT: To provide space at locations accessible to major transportation facilities with potential for central sewer and water facilities for those manufacturing and other types of industrial activities which can be developed and operated with minimal conflicts with the natural environment and rural residential character of the Township. Integrated office and industrial parks are encouraged.

PRINCIPAL PERMITTED USES (Zoning Officer)	CONDITIONAL USES (Planning Commission / Board of Supervisors)	SPECIAL EXCEPTIONS (Planning Commission / Zoning Hearing Board)
<ul style="list-style-type: none"> - Agricultural products processing - Animal husbandry - Business services - Charging stations - Colleges - Crematoriums - Crop production - Day care centers - Forestry - Garages, public parking - Industry - Manufacturing, light - Natural gas compressor stations - Natural gas processing plants - Oil or gas fluid storage/impoundment - Oil or gas pipelines - Oil or gas well and pipeline location assessment - Oil or gas well development - Park and ride facilities - Recycling facilities - Research and development facilities - Township buildings and uses - Trade schools - Warehouses - Wholesale businesses 	<ul style="list-style-type: none"> - Bulk fuel storage facilities - Commercial communications devices - Distribution centers/truck terminals - Helistops accessory to an approved use - Hydraulic fracturing water withdrawal facilities - Industrial wastewater treatment facilities - Junkyards - Mineral extraction - Mineral processing - Power plants - Retail home heating fuel distributors - Solid waste facilities, commercial and public - Solid waste staging areas, commercial and public - Truck washes - Vehicle and equipment rental, repair or sales operations 	<ul style="list-style-type: none"> - None
<p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the I District except per §404.2.</p>		

SCHEDULE OF DEVELOPMENT STANDARDS										
<div>- 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.</div> <div>- 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.</div>										
USE	LOT			MINIMUM SETBACKS (feet)			MAXIMUM BUILDING HEIGHT			MAXIMUM COVERAGE (percent)
	required minimum area (acres)	minimum frontage (feet)	maximum depth to width ratio	front	rear	each side	feet	stories	building	lot
I INDUSTRIAL DISTRICT										
- Allowed uses unless governed by other Ordinance provisions	2	200	5:1	40	30	20	35	2.5	50	75
C-1 NEIGHBORHOOD COMMERCIAL DISTRICT										
- Single-family dwellings not subject to §601 - Conservation Design Development	2	200	5:1	40	30	20	35	2.5	40	60
- Allowed uses unless governed by other Ordinance provisions										
- two-family dwellings	Note 1	Note 2	5:1	40	30	20	35	2.5	30	50
- multi-family dwellings	See §603.3									
Note 1: 2 acres for the first dwelling unit, 1 acre for the second dwelling unit, and 0.5 acre for each additional dwelling unit. Note 2: 200 feet for the first 2 dwelling units with an additional 100 feet for each dwelling unit in excess of 2 dwelling units.										
C-2 GENERAL COMMERCIAL DISTRICT										
- Allowed uses unless governed by other Ordinance provisions	2	200	5:1	40	30	20	35	2.5	50	75
- multi-family dwellings	See §603.3									
Note 1: 2 acres for the first dwelling unit, 1 acre for the second dwelling unit, and 0.5 acre for each additional dwelling unit. Note 2: 200 feet for the first 2 dwelling units with an additional 100 feet for each dwelling unit in excess of 2 dwelling units.										

TABLE OF USES PERMITTED BY DISTRICT							
This Table summarizes the various uses according to the classification of the use in the zoning districts. The Table is for reference only and the Schedule of Uses and all underlying Zoning Ordinance sections shall be the final determinant for regulation.							
CODES: P = principal permitted use C = conditional use S = special exception N = not permitted		ZONING DISTRICTS					
TYPE OF USE							
ACCESSORY USES	Section	R-1	R-2	OS-W	C-1	C-2	I
See Accessory Uses Table on Page IV-4	503	permitted in all districts					
Stables, private	806.2	P	P	P			
RESIDENTIAL USES	Section	R-1	R-2	OS-W	C-1	C-2	I
Assisted living facilities	--	N	C	N	P	P	N
Boarding and lodging houses	--	N	C	N	P	N	N
Conservation design subdivisions	601	P	P	P	P	N	N
Conventional design subdivisions	--	C	C	C	C	N	N
Dormitories	--	N	N	N	C	C	N
Fraternity or sorority houses	--	N	N	N	C	C	N
Group homes	606	P	P	P	P	P	N
Group homes, institutional	--	N	N	N	P	P	N
Group quarters	--	N	N	N	C	C	N
Mobile home parks	608	N	C	N	N	N	N
Multi-family dwellings	604	N	P	N	P	P	N
Nursing homes	--	N	C	N	P	P	N
Personal care homes	--	N	N	N	P	P	N
Religious quarters	--	N	N	C	C	P	N
Single-family detached dwellings	--	P	P	P	P	P	N
Two-family dwellings	603	N	P	N	P	P	N
COMMERCIAL, INDUSTRIAL, MANUFACTURING USES							
Retail, Service, Health Related Uses	Section	R-1	R-2	OS-W	C-1	C-2	I
Adult businesses	801	N	N	N	N	C	N
After hours clubs	--	N	N	N	N	C	N
Art studios	--	N	N	N	P	P	N
Auction houses	--	N	N	N	P	P	N
Banks	--	N	N	N	P	P	N
Bus, limousine, taxi terminals/stations	--	N	N	N	P	P	N
Bus shelters	--	C	C	C	P	P	N
Business offices	--	N	N	N	P	P	N

COMMERCIAL, INDUSTRIAL, MANUFACTURING USES							
Retail, Service, Health Related Uses	Section	R-1	R-2	OS-W	C-1	C-2	I
Business services	--	N	N	N	P	P	P
Car washes	866.1	N	N	N	P	P	N
Charging stations	--	N	N	N	P	P	P
Clinics	--	N	N	N	P	P	N
Conference centers	--	N	N	N	P	C	N
Convenience stores	--	N	N	N	P	C	N
Development sales offices	837	C	C	N	N	N	N
Drive-in stands/uses	--	N	N	N	P	P	N
Exercise clubs	--	N	N	N	P	P	N
Farmer's markets	--	N	N	N	P	P	N
Flea markets, indoor	--	N	N	N	P	P	N
Flea markets, outdoor	822	N	N	N	N	C	N
Funeral homes	--	N	N	N	P	P	N
Gaming establishments	825	N	N	N	N	C	N
Health facilities	--	N	N	N	C	C	N
Kennels	806.1	N	N	C	N	N	N
Massage facilities, therapeutic	--	N	N	N	P	P	N
Meeting, assembly, or banquet halls	--	N	C	N	C	P	N
Micro-breweries	--	N	N	N	P	P	N
Model homes	837	P	P	P	N	N	N
Nightclubs	--	N	N	N	P	P	N
Offices or office buildings	--	N	N	N	P	P	N
Outdoor entertainment	--	N	N	N	N	C	N
Professional offices	--	N	N	N	P	P	N
Restaurants	--	N	N	N	P	P	N
Restaurants, outdoor	--	N	N	N	P	P	N
Restaurants, take-out	--	N	N	N	P	P	N
Retail business	--	N	N	N	P	P	N
Retail businesses, large scale	832	N	N	N	C	C	N
Retail home heating fuel distributors	--	N	N	N	N	C	C
Service establishments	--	N	N	N	P	P	N
Shopping centers or malls	--	N	N	N	P	P	N
Taverns	--	N	N	N	P	P	N
Travel plazas	--	N	N	N	N	C	N

COMMERCIAL, INDUSTRIAL, MANUFACTURING USES							
Retail, Service, Health Related Uses	Section	R-1	R-2	OS-W	C-1	C-2	I
Truck washes	866.1	N	N	N	C	P	C
Vehicle and equipment rental, repair or sales operations	866.2	N	N	N	P	P	C
Veterinary clinics	806.6	N	N	N	P	P	N
Veterinary clinics, outdoor facilities	806.6	N	N	N	N	C	N
Recreation Related Uses	Section	R-1	R-2	OS-W	C-1	C-2	I
Amusement arcades	--	N	N	N	P	P	N
Amusement parks	805	N	N	N	N	C	N
Archery range, outdoor commercial	854	N	N	C	N	N	N
Bed and breakfast inns	807	N	N	N	P	P	N
Billiard halls	--	N	N	N	P	P	N
Campgrounds and recreational vehicle parks	846	N	N	C	N	P	N
Camping, temporary event	812	N	N	N	P	P	N
Camps/retreats	--	N	N	C	N	N	N
Country clubs	--	C	C	N	P	P	N
Golf courses, excluding miniature golf and driving ranges	--	C	C	N	N	N	N
Hotels	827	N	N	N	C	C	N
Hunting/fishing clubs and camps	--	P	P	P	N	N	N
Miniature golf and driving ranges	--	N	N	N	C	N	N
Motels	827	N	N	N	C	C	N
Parking area, event	--	N	N	N	P	P	N
Race tracks	866.3	N	N	N	N	C	N
Recreation facilities, commercial	--	N	N	N	C	P	N
Resort communities	--	C	C	C	N	N	N
Resorts	--	N	N	N	P	P	N
Shooting ranges, indoor	--	N	N	N	C	P	N
Shooting ranges, outdoor commercial	854	N	N	C	N	N	N
Stables, commercial	806.3	N	N	P	N	N	N
Theaters	--	N	N	N	P	P	N
Theaters, drive-in	--	N	N	N	P	P	N
Industrial, Manufacturing, Warehousing, Similar Uses	Section	R-1	R-2	OS-W	C-1	C-2	I
Agricultural products processing	--	N	N	N	N	N	P
Airports	804	N	N	C	N	N	N
Bulk fuel storage facilities	809	N	N	N	N	N	C
Commercial communication device sites	815	N	C	C	N	P	C

COMMERCIAL, INDUSTRIAL, MANUFACTURING USES							
Industrial, Manufacturing, Warehousing, Similar Uses	Section	R-1	R-2	OS-W	C-1	C-2	I
Contractor's yards	--	N	N	N	N	C	N
Crematoriums	--	N	N	N	N	N	P
Distribution centers/truck terminals	820	N	N	N	N	C	C
Heliports and helistops	804	N	N	C	N	N	N
Helistops accessory to an approved use	503.7	N	N	C	C	C	C
Hydraulic fracturing water withdrawal facilities	829	N	N	C	N	N	C
Industrial wastewater treatment facilities	829	N	N	N	N	N	C
Industry	--	N	N	N	N	C	P
Junkyards	830	N	N	N	N	C	C
Manufacturing, light	--	N	N	N	N	C	P
Power plants	--	N	N	N	N	N	C
Recycling facilities	--	N	N	N	C	C	P
Research and development facilities	--	N	N	N	N	P	P
Self-storage facilities	851	N	N	N	P	P	N
Solid waste facilities, commercial and public	858	N	N	N	N	N	C
Solid waste staging areas, commercial and public	858	N	N	N	N	N	C
Warehouses	--	N	N	N	P	C	P
Wholesale businesses	--	N	N	N	P	P	P
PUBLIC, SEMI-PUBLIC, COMMUNITY USES	Section	R-1	R-2	OS-W	C-1	C-2	I
Animal shelters	--	N	N	C	N	N	N
Cemeteries	813	C	C	P	P	P	N
Clubs/lodges, private	814	N	N	N	P	P	N
Colleges	--	C	N	C	P	P	P
Correctional facilities	--	N	N	N	N	P	N
Cultural centers	--	N	N	N	P	P	N
Day care centers	818	P	P	N	P	P	P
Domestic violence shelters	--	N	N	N	P	P	N
Garages, public parking	--	N	N	N	P	P	P
Park and ride facilities	839	N	N	N	P	P	P
Places of worship	--	N	N	C	C	P	N
Preserves	--	C	C	C	N	N	N
Public buildings and uses	--	N	N	N	C	C	N
Schools, public or private, primary or secondary	--	C	C	C	P	P	N
Semi-public buildings or uses	--	N	N	N	P	P	N

PUBLIC, SEMI-PUBLIC, COMMUNITY USES	Section	R-1	R-2	OS-W	C-1	C-2	I
Township buildings and uses	--	P	P	P	P	P	P
Trade schools	--	N	N	N	P	P	P
AGRICULTURAL, NATURAL RESOURCE USES	Section	R-1	R-2	OS-W	C-1	C-2	I
Agritourism	--	N	N	P	P	N	N
Animal husbandry	803.2	C	C	C	N	N	N
Concentrated animal feeding operations	816	N	N	C	N	N	N
Crop production	803.1	P	P	P	P	P	P
Forestry	--	P	P	P	P	P	P
Greenhouses, commercial	--	N	N	C	N	N	N
Mineral extraction	835	N	N	C	C	N	C
Mineral processing	836	N	N	N	N	N	C
Oil or gas well and pipeline location assessment	838	P	P	P	P	P	P
Oil and gas well development	838	P	P	P	P	P	P
Oil or gas pipelines	838	P	P	P	P	P	P
Oil and gas fluid storage/impoundment	838	P	P	P	P	P	P
Natural gas compressor stations	838	C	C	C	C	C	P
Natural gas processing plants	838	C	C	C	C	C	P
Solar power generation, commercial	857	N	N	C	N	C	N
Storage yards for forest products and minerals	--	N	N	N	N	C	N
Wind energy facilities	868	N	N	C	N	N	N

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, Unique Lots, and Setbacks

501.1 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.

501.2 Minimum Building Envelope

A. Residential

1. Any lot or an area plotted for single-family detached dwellings or two-family dwellings shall provide, inside of the required setbacks, an area containing not less than five thousand (5,000) square feet for each dwelling unit.
2. Such area shall have an average slope no greater than fifteen (15) percent and shall be accessible from the existing or proposed street by means of a driveway or private access street having a maximum grade of twelve (12) percent. (See also §704.1.)

B. Nonresidential - Any lot plotted for industrial, commercial or other nonresidential use shall provide, inside of the required setbacks, an area at least equal to the projected horizontal area of the proposed building, plus the additional area required for parking and other improvements in conformance with this Zoning Ordinance.

1. This area shall have an average slope no greater than ten (10) percent and shall be accessible from the existing or proposed street by means of adequately and properly designed service drives having a maximum grade of eight (8) percent.
2. In the case of lots using an on-site sewage disposal system, in addition to the area required in §501.2.B.1, there shall be sufficient area for the sewage disposal system and sufficient area for a replacement field in accord with PA DEP regulations.

501.3 Frontage Required onto Improved Street

Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Township Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards.

501.4 Nonconforming Lots of Record

If a use is proposed on adjoining nonconforming lots in single ownership, the lots shall be combined into a single parcel in accord with the requirements of the Township Subdivision and Land Development Ordinance.

501.5 Clear Sight Triangle

- A. Streets - On any corner lot, no structure, fence, wall, shrub or plant more than 36 inches higher than the road surface shall be erected or maintained within a triangular area of three external points located 75 feet (in each of three directions) from the point of intersection of the two street center lines.
- B. Driveways - On any lot, no structure, fence, wall, shrub or plant more than thirty-six (36) inches higher than the road surface shall be erected or maintained within an area along the edge of the cartway from a point on the center line of the intersecting driveway, distant fifteen (15) feet from the nearest edge of the cartway of the through road to the points on the center line of the through road for the distance required by PennDOT for state roads and by Township requirements for Township roads, including, but not limited to, Township Ordinance No. 54, as amended..

501.6 Height Limitations (See §503.11 for accessory wind turbine generators, §815 for commercial communication devices, and §866 wind for energy facilities.)

Unless 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 five (5) feet above the regulated height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances. Any such structure which exceeds a height of fifty (50) feet, eighty (80) feet for agricultural structures, shall be considered a conditional use and increased setbacks may be required.

501.7 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.

501.8 Street Frontage / Front Setbacks

In the case where a lot fronts on more than one (1) street, the required front setback shall be provided along the street which the front door of the principal building faces. The required rear setback shall be provided along the property line opposite the front setback. The required side setback shall be provided along all other property lines.

501.9 Front Setback Exception

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

501.10 Reserved

501.11 Access Drives; Driveways

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

501.12 Road/Floodplain Setback

All new road construction that serves major subdivisions and land developments shall maintain a setback of one hundred and fifty (150) feet from the boundary of any floodplain area.

501.13 Well Setback

No building or structure shall be closer than ten (10) feet to any well.

501.14 Setbacks Across Municipal Boundaries

The setback and buffer provisions of this Ordinance shall also be applied to uses proposed within the Township which abut an existing dwelling or principally residential zoning district located in an adjoining municipality.

502 Two or More Buildings and/or Uses on a Parcel**502.1 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.

502.2 Residential Density

For the purposes of density of residential structures, lot size shall be increased to maintain the density required by this Ordinance. For example, the parcel size required for three (3) single-family dwellings on one parcel would be determined by multiplying the minimum lot size for one (1) dwelling by a factor of three (3). The lot size for a two-family dwelling shall be twice the lot size required for a single-family dwelling in the district of location.

502.3 Nonresidential Uses

In the case of nonresidential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied. This shall not apply to adult businesses, junkyards, mineral extraction, solid waste facilities, or other uses with a special size requirement listed in this Ordinance, in which case the parcel size shall be increased to provide for the minimum land area required for each use on the parcel.

502.4 Residential and Nonresidential on the Same Lot

- A. One (1) residential dwelling unit per property shall be permitted in association with a nonresidential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of a principal nonresidential structure.
- B. All minimum dwelling unit sizes shall apply.
- C. Separate entrances and exits shall be provided.
- D. Any additional residential dwelling units shall be permitted on the same lot as a nonresidential use only if the lot is sufficient in size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the nonresidential use.

502.5 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 twice the side setback required for the district. (See §503.1 for accessory structures.)

502.6 Sewage Disposal

All uses shall be provided with adequate sewage disposal facilities meeting Township and PA DEP requirements.

503 Accessory Structures and Uses**503.1 Accessory Structures**

- A. Distance from Principal Building and Other Accessory Buildings - Unattached accessory structures shall be separated from principal structures by not less than eight (8) feet or as required by the Uniform Construction Code, whichever is greater.

- B. Height - The maximum height from the average finished grade to the highest point of the roof for any permitted accessory structure in any district shall be fifteen (15) feet if the accessory structure contains four hundred (400) square feet or less. In the event that the accessory structure is greater than four hundred (400) square feet in area, the maximum height shall not exceed the maximum permitted height of the principal building in the district in which it is located.
- C. Setbacks - Unattached accessory structures shall comply with setback requirements for principal buildings. However, the side and rear setbacks may be reduced to ten (10) feet for accessory structures which are not attached to a principal building and do not exceed fifteen (15) in height and four hundred (400) square feet in floor area.
- D. Prohibited Accessory Structures and Additions - Mobile homes, recreation vehicles, or travel trailers shall not be altered or combined in any fashion for use as a stand alone accessory structure or affixed to another mobile home or any structure as an addition.

503.2 Fences, Walls and Retaining Walls (Note: Vegetative screening is encouraged in lieu of construction of fences and walls.)

A. Fences, Walls and Retaining Walls - All fences, walls and retaining walls shall:

1. Not be erected in any public road right-of-way.
2. Comply with §501.5 of this Ordinance for clear sight triangles and shall not otherwise be constructed to interfere with access visibility.
3. Not be closer than one (1) foot to property or easement lines.

B. Fences, Walls

1. Residential fences and walls in the side and rear setback areas shall not exceed six (6) feet in height, except tennis court and similar recreational fences that shall not exceed fifteen (15) feet in height.
2. Residential fences or walls placed in the front setback shall not exceed five (5) feet in height.
3. No fence or wall shall be less than twenty (20) feet from driveways and access drives.
4. Nonresidential fences and walls shall not exceed the height limitations for the district.
5. Razor fence or other similar fencing shall be a conditional use in all districts. Applicants may be required to file a statement of liability.

503.3 No-Impact Home-Based Businesses and Home Occupations

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

- A. No-Impact Home-Based Businesses - In accord with the Pennsylvania Municipalities Planning Code, the following no-impact home-based businesses shall be permitted as an accessory use in all zoning districts. A no-impact home-based business 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 shall satisfy the following

requirements as set forth in §107 of the Pennsylvania Municipalities Planning Code:

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

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

1. The home occupation shall be conducted entirely inside the principal building or accessory structure and shall be clearly incidental and secondary to the use of the dwelling as a residence.
2. The total area used by all home occupations on the premises does not exceed the lesser of one-third (1/3) of the gross floor area of the dwelling unit, including basement, and accessory structures as existed at the effective date of this Ordinance or seven hundred and sixty-eight (768) square feet.
3. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation(s) shall be permitted.
4. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that a home occupation is being operated except for a sign, if permitted, and required parking area.
5. A maximum of two (2) persons other than members of the immediate family residing in the dwelling shall be employed in the home occupation. The total of all employees of all home occupations on the premises, including family members, shall not exceed six (6) persons.
6. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
7. No home occupation shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
8. No goods or items for retail or wholesale sale shall be permitted except for items hand crafted on the premises or goods and items incidental to the operation of an approved home occupation with the total display and/or storage area limited to indoors and not more than two hundred (200) square feet.

9. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks. In the R-1 and R-2 Districts, the use shall not require the parking or servicing by a vehicle with more than twenty-six thousand (26,000) pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) times per day.
10. One sign not more than six (6) square feet for each face shall be permitted in accord with Article XI.
11. The performance standards in §701 shall apply to home occupations.
12. The following uses shall not be permitted as home occupations: commercial stables; veterinarians; commercial kennels; motor vehicle repair, painting or detailing or small engine repair shops; retail or wholesale sales; restaurants; crematoria; funeral parlors or other uses not meeting the requirements of this §503.3.B.

503.4 Private Parking Areas, Garages Accessory to Residential Uses

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

503.5 Home Gardening, Nurseries and Greenhouses

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

503.6 Stables, Private

Private stables are permitted in accord with the Schedule of Uses subject to the requirements of §806.2.

503.7 Helistops as an Accessory Use

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

- A. Allowed only in the OS-W, C-1, C-2 and I Districts as a conditional use.
- B. The applicant shall document compliance with all applicable state and federal regulations.
- C. The landing pad shall be a minimum of five hundred (500) feet from any property line.

503.8 Satellite Dish Antennae

All private satellite dish antennae shall be considered structures and shall maintain the setbacks required for accessory structures. A permit shall not be required for a roof mounted dish antenna, however, a permit shall be required for a ground mounted antenna.

503.9 Private Outdoor Swimming Pools

Swimming pools shall comply with all requirements of the Uniform Construction Code and the following:

- A. Permit Required - A permit shall be required to locate or construct a swimming pool greater than two (2) feet deep.
- B. Setbacks - Swimming pools shall comply with front setbacks and be located no less than ten (10) feet from the side or rear property lines and twenty (20) feet from underground electrical service lines.

503.10 Temporary Construction Buildings

A building or structure used temporarily during construction shall require a permit from the Zoning Officer, who shall set a date for termination not more than one year from the issuance. Renewal of the permit for an additional one year shall be granted by the Zoning Officer for just cause. The buildings shall be removed thirty (30) days after the use

ends or the permit expires, whichever comes first.

503.11 Wind Turbine Generators, Accessory

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

A. Height

1. The applicant shall demonstrate that the accessory wind turbine generator and support structure is no higher than recommended by the manufacturer's standards.
2. The lowest portion of the wind rotor shall not be less than twenty-five (25) feet above ground level.

B. Setback

1. No part of the wind turbine generator structure shall be located less than 1.1 times the total height of the wind turbine from property lines and public road rights-of-way as measured from the highest point of the rotor plane or support structure, whichever is higher.
2. Guy wire anchors shall not extend closer than ten (10) feet to any property line or road-right-of-way.

C. Uniform Construction Code; Manufacturer's Standards

1. Applications for accessory wind turbine generators shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings, documenting compliance with the Uniform Construction Code.
2. The generator and support structure shall be installed in accord with all Uniform Construction Code and manufacturer requirements.
3. Prior to the issuance of a certificate of use in accord with §1202.7 the applicant shall provide certification from the installer 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 shall be artificially lighted, except as required by FAA requirements.
- G. Speed Control - All wind turbine generators shall be equipped with manual and automatic over-speed controls to limit rotation of the wind rotor to a speed below the designed limits of the system .
- H. Utility Company - No wind turbine generator shall be installed until documentation has been provided that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off the grid systems shall be exempt from this requirement.
- I. Number on Property - No more than three (3) wind turbine generators shall be permitted (with a total output not to exceed 40 kilowatts) on a single property.
- J. Accessory Building - When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed one hundred fifty (150) square feet in area, eight (8) feet in height and shall not be located within any required front, side or rear setbacks.
- K. Drawings; Site Plan- Permit applications shall be accompanied by detailed drawings of the wind turbine generator including the supporting structure, footings, electrical details and required equipment. The proposed installation shall be in compliance with the 2006 IECC and be certified by a professional engineer. A plot plan shall be provided to document all required setbacks, and a survey may be required in accord with §1202..3.D.
- L. Certification - Upon completion of constructing a the wind turbine generator, and prior to operation, the installer shall certify that all components have been installed in accordance with the plans and specifications that were submitted with the permit application.
- M. Removal - Any wind turbine generator that is inoperable and has not functioned for a period of twelve (12) months shall be deemed to have been abandoned and shall, upon notification by Tunkhannock Township, be subject to removal by the owner, at the owner's expense.

503.12 Solar Collectors, Accessory

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

- A. Districts; Standards - Accessory solar collectors and associated energy storage facilities are permitted in all districts only in compliance with this §503.12 and other applicable standards of this Ordinance.
- B. Excess Electricity - Accessory solar collectors shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other

users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

C. Mounting - 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.

503.13 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. However, no fence and no zoning permit shall be required.

503.14 Private Cemeteries

Private cemeteries shall be permitted as an accessory use in association with parcels of ten (10) acres or more, with the cemetery to be on a separately deeded parcel of one-half (0.5) acre.

503.15 Garage/Yard Sales

A. Garage/yard sales, or similar activities, shall not be conducted on the same parcel for more than two (2) consecutive weeks and not more than twice a year.

B. Garage/yard sales shall not encourage or allow patron parking that interferes with the flow of traffic or poses any threat to public safety.

C. Any garage/yard sale that impedes traffic or poses a threat to public safety shall be subject to action by the law enforcement agency whose jurisdiction is affected by the operation of the garage/yard sale.

- D. Garage/yard sales shall be limited to operate between the hours of 8:00 a.m. and dusk
- E. A permit shall not be required for garage/yard sales.

503.16 Farm Stands

Stands for the sale of farm, nursery, or greenhouse products produced on the premises where offered for sale are permitted in accord with the following:

- A. Size - The stand shall not exceed seven hundred and sixty-eight (768) square feet of gross floor area.
- B. Location - The stand shall not be less than one hundred (100) feet from an intersection and not violate any clear sight triangle.
- C. Setbacks - Stands shall not be less than thirty (30) feet from the road right-of-way and adjoining property lines.

503.17 Wells

No improvements shall be placed less than ten (10) feet from any water well.

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. Any proposal which is considered a land development as defined by the Township Subdivision and Land Development Ordinance shall be governed by the parking and loading area design standards in that Ordinance and the following subsections of this §504 shall not apply: §504.2, §504.6, §504.7, and §504.8. However, all provisions of this §504 shall continue to apply to land developments until such time as the applicable parking standards have been incorporated into the Township Subdivision and Land Development Ordinance.

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

The number of parking spaces required by this §504.6 shall be considered the minimum and maximum requirements unless modified in accord with this §504.6.

A. Parking Required for Nonresidential Uses

1. Parking Generation Manual

- a. Parking Demand Table - Off-street parking spaces shall be provided and maintained in accord with the Parking Demand Table included as an appendix to this Ordinance. The Parking Demand Table may be updated by resolution of the Board of Supervisors to include more current data.
- b. The parking provided for the proposed use shall be based on the most similar use and unit of calculation listed in the Parking Demand Table as determined by the Zoning Officer.

2. Land Uses WITH 85th Percentile Data Listed in the Parking Demand Table

- a. Constructed - The number of paved parking spaces constructed shall conform to the Average Peak Period Demand as noted in the Parking Demand Table.
- b. Reserved - Space shall be reserved to allow for expansion to the 85th Percentile, as listed in the Parking

Demand Table, unless a reduction is approved in accord with §504.6.D.

3. Land Uses WITHOUT 85th Percentile Data Listed in the Parking Demand Table

- a. Constructed - The number of paved parking spaces constructed shall be 85 percent of the Average Peak Period Demand or Peak, whichever is reported in the Parking Demand Table.
- b. Reserved - Space shall be reserved to allow for expansion to the full Average Peak Period Demand or Peak, whichever is reported in the Parking Demand Table, unless a reduction is approved in accord with §504.6.D.

B. Parking Required for Residential Uses - Two off-street parking spaces shall be provided and maintained for each residential dwelling unit except as follows:

1. Single-Family Dwellings - 3 per dwelling unit.
2. Two-Family Dwellings and Multi-Family Dwellings - 2 per dwelling unit.
3. Multi-Family Senior Citizen Housing - 1 per dwelling unit.
4. Continuing Care Retirement Community - 1 per dwelling unit.
5. Assisted Living Facilities - 0.5 per dwelling unit.

C. Township Required Reduction - In the case of parking for conditional uses and special exceptions, if the Board of Supervisors/Zoning Hearing Board 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 25 percent based on the Average Peak Period Demand or Peak, whichever is reported for the use in the Parking Demand Table. The developer shall dedicate sufficient and suitable area to future parking to meet the normal standards in this §504.

D. Applicant Proposed Reduction/Increase - The required number of parking spaces may be reduced or increased subject to conditional use approval by the Board of Supervisors for uses classified as principal permitted uses and conditional uses and by the Zoning Hearing Board for uses classified as special exceptions. The applicant shall provide evidence justifying the proposed reduction or increase 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 or increase 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 or the increase will not produce an excess number of 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 or the Zoning Hearing Board 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 or the Zoning Hearing Board, in its sole discretion, determines that the applicant has met the burden of proof, it may grant a conditional use for the decrease or increase. The Board of Supervisors or the Zoning Hearing Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance, including, but not limited to, reserving parking.
- E. 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.
- F. 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.
- G. 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.
- H. 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.

504.7 Loading and Unloading Areas

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

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
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:

WIDTH*	1-Way Use	2-Way Use
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 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 stone, 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 Shopping Carts

Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of the said carts. Storage areas shall be clearly marked and designed for the storage of shopping carts and/or mobile baskets. Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of the said carts. Storage areas shall be clearly marked and designed for the storage of shopping carts and/or mobile baskets.

504.14 Snow Removal

All plans for proposed parking areas of 50 or more spaces shall include details for adequate snow removal.

504.15 Commercial Vehicles in Residential Districts

Commercial motor vehicles are permitted to be parked in R-1 and R-2 Districts subject to the following:

- A. Commercial motor vehicle parking shall not be permitted in front setbacks required for the district.
- B. One (1) commercial motor vehicle per each full acre of land area up to a maximum of two (2) commercial motor vehicles may be parked on any parcel or lot.

ARTICLE VI - RESIDENTIAL STANDARDS

601 Conservation Design Development

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 Coolbaugh Township, Borough of Mount Pocono, Tobyhanna Township, Tunkhannock Township Regional Comprehensive Plan and the Coolbaugh Township, Borough of Mount Pocono, Tobyhanna Township, Tunkhannock Township Regional Open Space and Recreation Plan.
- H. To implement adopted land use, transportation, and community policies, as identified in the Coolbaugh Township, Borough of Mount Pocono, Tobyhanna Township, Tunkhannock Township Regional 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 subdivision design shall be required in accord with this §601 in all R-1, R-2 , and OS-W Districts.
- B. Development Options - In order to achieve the purposes in §601.2, this §601 provides for flexibility in designing new residential subdivisions by allowing the following forms of development referred to as *options*, as listed below:

- 1. By right (permitted use):

- a. Option 1 - *Basic Density and Basic Conservation* providing for residential lots/units at the density permitted by the Density and Conservation Open Space Table in §601.6, with not less than 50% of the tract comprised of conservation open space.
- b. 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, with not less than 60% of the tract comprised of conservation open space.
- c. 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, with not less than 65% of the tract comprised of conservation open space.
- d. Option 4 - *Standard Subdivision* providing larger lots in accord with the standards in the Density and Conservation Open Space Table in §601.6 and other applicable standards without providing open space.

- 2. By conditional use:

Option 5 - *Hamlets and Villages*, providing for higher density residential and mixed-use / commercial development in the form of traditional hamlets and villages. Locations for the application of Option 5 are delineated on the Zoning Map as the Village Overlay District.

- C. Applicability

- 1. Ten Acres or More - In R-1, R-2 and OS-W Districts, all tracts of ten (10) acres of gross tract area or larger shall be subject to Conservation Subdivision Design 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 standard 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 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-year period.
 - c. Each lot shall comply with the applicable District standards in the Schedule of Development Standards and other applicable requirements of this Ordinance.
3. Less than Ten Acres - Separately deeded tracts of less than ten (10) acres of gross tract area validly existing as of the effective date of this §601 may be developed as:
- a. A Conservation Subdivision Design Development in accord with this §601.
 - b. A standard subdivision with each lot in compliance with the applicable District standards in the Schedule of Development Standards 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 Subdivision Design Developments shall be designed using the Four-Step Conservation Design Process in accord with the Township Subdivision and Land Development Ordinance.

601.4 General Regulations

The design of all Conservation Subdivision Design 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 Option1, Option 2 and Option 3 Conservation Subdivision Design Developments:
1. Single-family detached dwellings.
 2. Two-family dwelling units or townhouses.
 3. Conservation open space with the uses permitted by §601.9.
 4. Home occupations 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 Option1, Option 2 and Option 3 Conservation Subdivision Design Developments:
1. Single-family detached dwellings.
 2. Conservation open space with the uses permitted by §601.9.
 3. Home occupations in accord with §503.3.
 4. Accessory uses on the same lot with and in accord with applicable district regulations.
- C. Uses Permitted In Option 5: Hamlets And Villages - See §602.

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 in §601.6 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. 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
 - a. 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:
 - (1) A minimum of two (2) percent of the required conservation open space when the average lot size is fifteen thousand (15,000) square feet or more.
 - (2) A minimum of three percent of the required conservation open space when the average lot size is less than fifteen thousand (15,000) square feet.
 - (3) A maximum of five (5) percent of the required conservation open space.
 - b. In Option 5, at least fifteen (15) percent of the required conservation open space shall consist of multiple common greens, squares, or parks

DENSITY AND CONSERVATION OPEN SPACE							
OPTION 1 Basic Density and Basic Conservation <u>neutral density</u>		OPTION 2 Increased Density with Increased Conservation <u>20% density bonus</u> (ATA/unit reduced by 20%)		OPTION 3 Greater Density with Greater Conservation <u>30% density bonus</u> (ATA/unit reduced by 30%)		OPTION 4 Standard Subdivision with no Conservation Open Space	
Density Factor (SF ATA / DU ¹)	Minimum Conservation Open Space Required ²	Density Factor (SF ATA / DU ¹)	Minimum Conservation Open Space Required ²	Density Factor (SF ATA / DU ¹)	Minimum Conservation Open Space Required ²	Minimum Lot Size (square feet)	Minimum Conservation Open Space Required ³
R-1 Low Density, Single-Family Housing Residential District and R-2 Medium Density, Mixed Type Housing Residential District							
87,120	50% ATA	69,700	60% ATA	60,980	65% ATA	108,900	none
OS-W Open Space Wetlands District							
217,800	50% ATA	174,240	50% ATA	152,460	65% ATA	272,250	none

¹ SF ATA = square feet of Adjusted Tract Area in §601.6.E.3.

² Plus Constrained Land calculated in §601.6.E.2.

³ Minimum conservation open space is permitted but not required.

Conversion Table

square feet	272,250	217,800	174,240	152,460	108,900	87,120	69,700	60,980
acres	6.25	5.00	4.00	3.50	2.50	2.00	1.60	1.40

D. Accessory Dwelling Units (ADUs) - In Option 4, one ADU is permitted on a lot of 10-acres or larger, in addition to the density permitted in §601.6.A, 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 nine hundred (900) square feet. An existing historic dwelling more than fifty (50) years old that exceeds these floor area limits, up to a maximum of two thousand (2,000) SF 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 - Determination of the maximum number of dwelling units shall be based upon the following calculations:

1. Determine Gross Tract Area - Gross tract area shall equal the acreage within the legally described parcel minus existing public or private road rights-of-way.

2. Determine Constrained Land - Constrained land consists of the resources listed in the Constrained Land Table multiplied by a protection factor and totalled. If two (2) or more resources overlap, only the resource with the highest protection factor shall be used.

CONSTRAINED LAND				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
A	existing utility rights-of-way		x 1.00	=
B	that portion of lands under conservation easement that are restricted from further development		x 1.00	=
C	floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)		x 1.00	=
D	floodplain area (if not mapped by FEMA area is included in floodway above)		x 0.50	=
E	wetlands as determined by a delineation		x 0.95	=
F	prohibitive steep slopes (25% or greater)		x 0.85	=
G	precautionary steep slopes (15% to less than 25%)		x 0.25	=
H	ponds, lakes and streams to the high water mark		x 1.00	=
I	CONSTRAINED LAND = SUM OF A through H =			

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

ADJUSTED TRACT AREA		
A	gross tract area	_____ acres
B	minus Constrained Land from Constrained Land Table in §601.6.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.

MAXIMUM NUMBER OF DWELLING UNITS		
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.B	÷ _____
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.B 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)

1. Number of Units Permitted

- a. Option 1 - For Option 1, the maximum number of dwelling units shall be determined by a layout with conventional lotting using the standards in the Schedule of Development Standards in Article IV. The number of units permitted in the Conservation Subdivision Design Development shall equal the number of units on the Yield Plan, provided it meets the requirements of this section and the Subdivision and Land Development Ordinance applicable to conventional subdivisions.
- b. Option 2 - For Option 2, the maximum number of units permitted shall equal the number of units on an Option 1 Yield Plan, multiplied by a factor of 1.25.¹
- c. Option 3 - For Option 3, the maximum number of units permitted shall equal the number of units on an Option 1 Yield Plan, multiplied by a factor of 1.43.²

2. Constrained Lands - For the purposes of meeting the minimum lot size requirement in the Option 1 Yield Plan the constrained land as calculated in the Constrained Land Table in 601.4.E.3 shall not be included.

3. Plan Requirements

- a. SALDO Requirements - Yield Plans shall 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 shall 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 shall 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, floodplain area 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

¹The 1.25 multiplication factor was determined by dividing the Option 1 density factor by the Option 2 density factor (217,800 ÷ 174,240 = 1.25).

²The 1.43 multiplication factor was determined by dividing the Option 1 density factor by the Option 2 density factor (217,800 ÷ 152,460 = 1.43).

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. Any additional units permitted as the result of the discretionary density bonus permitted in §601.8.
3. 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.

601.7 Dimensional and Design Standards

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.

DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS Option 1, Option 2 and Option 3				
Type of water supply and sewage disposal →→	community water & community sewage	on-lot water & community sewage	community water & on-lot sewage	on-lot water & on-lot sewage
Minimum individual lot area	5,000 square feet	21,780 square feet	32,670 square feet	43,560 square feet
Maximum depth to width ratio	5 to 1			
Flag Lots	permitted in accord with provisions of the Subdivision and Land Development Ordinance			
Setback Regulations				
- minimum front	20 feet	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		

- B. Option 4 - The standards in the following Dimensional Standards for Single-Family Dwellings Option 4 Table shall apply to Option 4.

DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS Option 4 - Standard Subdivision			
	R-1 District	R-2 District	OS-W District
Minimum lot area	87,120 square feet (2.00 acres)	87,120 square feet (2.00 acres)	217,800 square feet (5.00 acres)
Maximum depth to width ratio	5 to 1		
minimum front setback	40 feet	40 feet	40 feet
minimum rear setback	30 feet	30 feet	50 feet
minimum side setback (each)	20 feet	20 feet	25 feet
maximum building height	35 feet or 2.5 stories		

- 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.

MAXIMUM IMPERVIOUS COVER FOR SINGLE-FAMILY DWELLINGS Option 1, Option 2, Option 3 and Option 4	
Lot Area	Maximum Ground Coverage
less than 10,000 SF	50%
10,000 - 19,999 SF	40%
20,000 - 43,560 SF	30%
more than 43,560 SF	reduce limit by 1.5% for each additional acre or fraction thereof but not reduced to less than 10%

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

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

- 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.

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

DWELLING SETBACKS Option 1, Option 2 and Option 3		
from:	Single-Family	Two-Family & Townhouses
external Township or State road rights-of-way	100 feet	150 feet
other perimeter boundaries of the development tract	50 feet	100 feet
crop land or pasture land not on the development parcel	100 feet	100 feet
buildings or barnyards housing livestock not on the development parcel	300 feet	300 feet
active recreation areas such as courts and play fields not on the development parcel (not including tot lots)	150 feet	150 feet

601.8 Discretionary Density Bonus

Additional density may be permitted by the Board of supervisors as a conditional use when workforce housing is provided on site in accord with the following:

- A. Construction Deadline - The applicant shall provide evidence that the workforce housing units will be constructed by the time ninety (90) percent of the market rate dwellings are completed.
- B. Bonus - For each workforce housing unit provided, one additional dwelling unit shall be permitted, up to a maximum increase of fifteen (15) percent over the maximum number of units permitted in §601.6.G.
- C. Workforce Definition - For the purposes of this section, workforce housing is defined as a unit made available at rents for residents whose income is between thirty (30) to sixty (60) percent of Area Median Income (AMI); and home prices for residents whose income is between eighty (80) to one hundred (100) percent of AMI, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.

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 - 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 thirty-six (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 twenty-four (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.

601.11 Commercial Uses Within Developments of 250 or More Dwelling Units

If a subdivision includes a minimum of two hundred fifty (250) dwelling units, then as a special exception, a maximum of two (2) acres within the subdivision may be used for commercial development meeting the requirements of the C-1 District. The applicant shall prove to the Zoning Hearing Board that the commercial development has been designed and located with traffic access that is fully coordinated with the residential development. To the maximum extent feasible, traffic access shall be fully coordinated with adjacent development.

602 Hamlets and Villages

602.1 General

- A. Purpose - The primary purpose of the Hamlet and Village Option is to provide for a diversity of housing types,

age groups and income levels in a manner consistent with the variety of existing homes in the municipality and with traditional village building and site development patterns. Additionally, it is the purpose of this Ordinance to:

1. Encourage creation of a functionally diverse, but visually unified, community focused on a central square.
2. Promote use of common greens, landscaped streets, boulevards, parkways, and *singleloaded* streets woven into street and block patterns that provide neighborhood identity and space for social activity, recreation, and visual enjoyment.
3. Provide buildings for common or institutional purposes, such as civic or religious assembly, that act as visual landmarks and symbols of identity.
4. Promote pedestrian movement by locating new village housing, services, jobs and public places within convenient walking distance of each other, wherever practicable;
5. Reduce traffic congestion and dependence on the automobile by creating a hierarchy of streets and ways that effectively serve pedestrians, cyclists and drivers;
6. Provide for a hierarchy of conservation open space from public greens or parks to farmland and woodland conserved as greenbelt areas protected under permanent conservation easements.

B. Applicability and Location Criteria - Hamlet and village development is a conditional use in all R-1, R-2 and OS-W Districts.

1. Hamlets and villages should be sited and designed to avoid or minimize negative impacts on existing woodlands and hedgerows, wetlands, stream valleys, cultural landscapes and scenic views from municipal roads.
2. The use of special site design techniques is encouraged as a way of conserving the municipality's rural character in situations where topography, hedgerows or other vegetation would not provide naturalistic screening opportunities.
3. Villages proposed to contain more than fifty (50) dwelling units shall be located with direct access to at least one primary arterial or collector road identified in the Comprehensive Plan.
4. Hamlets and villages shall be served by community sewage disposal and community water supply.

C. Scale Criteria

1. Hamlets shall include at least 4, but no more than 25 units. The minimum land area for a hamlet shall be 4 acres of Adjusted Tract Area (ATA).
2. Villages shall contain 26 or more dwelling units. The minimum land area for a village shall be 26 acres of ATA.

D. Village Areas - All villages shall contain both a Village Residential Area and Village Conservation Open Space. Villages may also contain a Village Commercial Area. These areas are intended to provide for the diversity necessary for traditional village life while maximizing the interactions among related uses and minimizing the adverse impacts of different uses upon each other.

1. The Village Residential Area is intended to contain dwelling units and related accessory uses.

2. The Village Commercial Area is intended primarily to provide uses that meet the retail and service needs of a traditional village center and its vicinity, and may contain other compatible uses such as civic and institutional uses of community-wide importance and second-floor residential uses. The Village Commercial Area may be located either at the approximate center of the village, or at the edge, near an existing municipal collector or arterial street.
3. The Village Conservation Open Space is intended to provide a greenbelt surrounding the Village Residential Area and common greens within the Village Residential and Village Commercial Area.

602.2 Permitted Uses

A. Hamlets - Uses permitted in hamlets are:

1. Residential Uses

- a. Single-family detached dwellings.
- b. Two-family dwellings.
- c. Townhouses with 3 or 4 dwelling units per building designed to resemble traditional multi-family homes built in the boroughs and villages of the county prior to 1930, and sited so they front directly onto streets, not parking areas.
- d. No-impact home-based businesses and home occupations in accord with §503.3

2. Conservation Open Space - Uses permitted in conservation open space are those listed in §601.9, and shall conform to the standards of §602.6.

B. Villages - Village uses may be located within Village Residential, Village Commercial and Village Conservation Open Space.

1. Village Residential Area - The Village Residential Area shall be located outside the Village Commercial Area and shall contain primarily single-family detached dwelling units, but may include some two-family and townhouse units. Permitted uses are the uses permitted in §602.2.A except that at least 20 percent of the units shall be of a type other than single-family detached, provided that when developments contain fewer than 50 dwelling units, the units may be 100 percent single-family detached.

2. Village Commercial Area - Permitted uses are:

- a. The residential uses permitted in §602.2.A.1.
- b. Retail uses, professional offices and personal or professional services occupying 6,000 square feet or less in 1½ story buildings, and up to 8,000 square feet in buildings of two or more stories. Uses with drive-in windows are prohibited.
- c. Civic and institutional uses such as schools, libraries, and places of worship.
- d. Governmental or public uses, excluding storage of materials, trucking or repair facilities, private or municipal sanitary landfills, recycling facilities, township garages and sand/salt storage facilities.
- e. Bed and breakfast establishments.

- f. Day-care centers.
 - g. Elderly congregate housing, senior citizen/disabled housing, and nursing homes.
 - h. Second-story dwelling units are specifically encouraged and shall be permitted in addition to the maximum number of units otherwise permitted, provided the total number of dwelling units in a development shall not be increased by more than 10 dwelling units or 10 percent, whichever is greater. Shared parking arrangements shall be permitted.
 - i. Live/work units for artisans, professionals and service providers.
 - j. Gasoline stations only along major arterial roads.
 - k. Active recreation.
3. Village Conservation Open Space. Uses permitted in conservation open space are those listed in §601.9, and shall conform to the standards of §602.6.

602.3 Density, Intensity and Minimum Conservation Open Space

- A. Number of Dwelling Units - The maximum number of dwelling units shall be determined as set forth in §601.6.
- B. Density Bonus - The discretionary density bonuses in §601.8 shall apply to village and hamlet development.
- C. Commercial Intensity - Village Commercial development, including associated parking areas, may occupy up to 5 percent of the Adjusted Tract Area of the entire village. This maximum may be increased:
 - 1. Up to 10 percent if the new buildings include second-story non-retail commercial uses above at least 10 percent of the new commercial building coverage.
 - 2. Up to 15 percent if they include second-story residential uses and at least half the new building coverage shall be of two-story construction and at least 25 percent of the second-story shall be designed for residential use.
- D. Conservation Open Space
 - 1. The minimum required conservation open space shall be as set forth in the Density and Conservation Open Space Table in §601.6.
 - 2. Conservation open space shall include multiple greens, commons, squares or parks:
 - a. In hamlets, at a rate of at least 1,000 square feet for each dwelling unit.
 - b. In villages, at a rate of 15 percent of the minimum required conservation open space.
 - 3. At least 20 percent of the required conservation open space shall be in a form accessible to the residents, such as a central green, neighborhood squares or commons, recreational playing fields, walking trails, other kinds of footpaths, a community park, or any combination thereof. In addition, no more than 50 percent of the required conservation open space may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc. conservation open space shall not be used for residential lots.

602.4 Area and Dimensional StandardsA. Residential Uses

1. Residential uses shall meet the lot area and width standards in the Dimensional Standards for Two-family Dwellings and Townhouses Table.

DIMENSIONAL STANDARDS FOR TWO-FAMILY DWELLINGS, TOWNHOUSES		
	Minimum Lot Area	Minimum Lot Width at Required Setback
Single-family detached dwelling	5,500 square feet	40 feet
Two-family dwellings	2,750 square feet	30 feet
Townhouses	1,950 square feet	18 feet

2. Residential uses shall meet the setback requirements in the Setback Requirements Table. Side setbacks may be modified in accord with §602.8.
3. Front facades of dwellings on opposite sides of the street shall be located a minimum of 70 feet and a maximum of 90 feet apart, excluding porches. This requirement shall not apply to dwellings which front on boulevards, common greens or other conservation open space.

SETBACK REQUIREMENTS			
	Minimum Front Yard (from street line unless otherwise indicated)	Minimum Rear Yard	Minimum Side Yard
Principal dwelling: Single-family detached Two-family Townhouses	12 feet 12 feet 12 feet	30 feet 20 feet 20 feet	Note 1 Note 1 Note 1
Front porch, open, with steps	6 feet	NA	Note 1
Front porch, enclosed by windows or screens	10 feet	NA	Note 1
Garage, detached front-loading	40 feet	7 feet	5 feet
Garage, attached side-loading	10 feet	10 feet	Note 1
Garage, attached front-loading	10 feet behind the plane of the front façade of the principal dwelling	10 feet	Note 1
Garage, rear-loading	NA	10 feet from rear service lane or alley	5 feet ²

¹ Minimum 20-foot separation between principal dwellings on adjacent lots.

² May be reduced to 0 feet for twins and townhouses; i.e. they may be attached.

B. Setbacks

1. The applicant is encouraged to consider variations in the principal building position and orientation, but shall meet the minimum standards in the Setback Requirements Table.
2. Residential side setbacks may be reduced to zero (*zero lot line*) in the Village Residential Area, when a dwelling has either no side windows, or when the side windowsills are located at least 64 inches above the finished grade.

C. Nonresidential Uses - Nonresidential uses in the Village Commercial Area shall be contained on a lot for which the minimum lot area is determined by adding 20 percent to the land area needed for the building, on-site parking, ingress/egress, and any on-site infrastructure that is required, including septic systems and stormwater management facilities. The additional 20 percent shall serve as setback areas and landscaped buffers. Each lot shall meet the following standards:

1. Minimum street frontage 50 feet
2. Maximum building coverage 50 percent
3. Maximum impervious surface coverage 75 percent
4. Minimum front setback 0 feet
5. Maximum front setback (build-to" line) 15 feet
At least 60 percent of the buildings shall be located at the "build-to" line.
6. Minimum side setback 5 feet
7. Minimum rear 20 feet
8. Maximum building height 35 feet
Except for schools, libraries, and churches none

D. Maximum Impervious Cover.

1. Hamlet residential lots 50 percent on each lot
2. Village, total impervious coverage within each area:
 - a. Village Residential Area 60 percent of Adjusted Tract Area
 - b. Village Commercial Area 80 percent of Adjusted Tract Area
 - c. Village Conservation Open Space 5 percent of Adjusted Tract Area

E. Street Frontage - Lots must have frontage either on a street or on a rear service lane or shared driveway, except that dwellings served by rear lanes may front directly onto parks or greens, which shall be designed with perimeter sidewalks.F. Building Height

1. Hamlets - The maximum building height shall be 35 feet.

2. Villages - Building height shall be between 1.5 and 2.5 stories above grade at the front elevation, with a maximum height of 35 feet.
3. Exceptions - The height limitations of this Ordinance shall not apply to chimneys, spires, steeples, gables, cupolas, stand pipes, flagpoles, monuments, transmission towers, radio or television antennas, cables, water tanks and similar structures and necessary mechanical appurtenances, provided that no such exception shall cover, at any level, more than 10 percent of the area of the building's roof or the ground on which it is located. Such architectural features on institutional or civic buildings may equal the height of the building.

602.5 Additional Standards for Hamlets and Villages

- A. Lot Area - Area contained within a lot shall be exclusive of floodplain area, wetlands and slopes exceeding 25 percent.
- B. Flag Lots - Flag lots are permitted in limited applications in conservation subdivisions to locate dwellings at the ends of cul-de-sacs and between *fingers* of conservation open space in order to avoid extending streets further than necessary. The following standards shall apply:
 1. No more than two contiguous flag lots shall be created. Shared driveways are encouraged between adjacent flag lots.
 2. Flag lots shall comprise no more than 10 percent of all lots in the development.
 3. The access strip of a flag lot shall be owned by the owner of the main portion of the flag lot and shall extend to an existing public or private street. The access strip shall serve as the primary access for the lot.
 4. The access strip shall have a minimum width of 20 feet. The width shall be increased as necessary to contain all grading for the driveway within the access strip.
 5. The access strip shall have a maximum length of 200 feet.
 6. The minimum lot width of the lot at the building line shall be the minimum lot width required at the street line. Minimum lot width shall be measured parallel to the street at the point of the proposed building closest to the street and shall extend the full depth of the building, plus an additional 20 feet.
 7. The minimum lot area of the flag lot shall be calculated exclusive of the access strip.
- C. Open Space - At least 50 percent of the lots in hamlets and villages shall directly abut conservation open space or face conservation open space across a street.
- D. Integrating Mixed Dwelling Types - When two-family dwellings or townhouses are proposed, such dwellings shall be designed to reflect the County's vernacular building tradition for such building types. When attached dwelling types are proposed, they shall be integrated architecturally and in scale so that they are physically incorporated within the same streetscape as single-family dwellings and nonresidential buildings, and not isolated in separate areas.
- E. Parking
 1. Minimum Off-Street Parking Requirements - The minimum number of parking spaces required in §504.6 shall be provided unless different standards are stated below:
 - a. Offices, professional and public buildings 1 space per 300 square feet of gross floor area

- b. Retail Uses and Personal Services 1 space per 300 square feet of gross floor area

2. Other Provisions

- a. On-street parking spaces along the front property line of a lot shall be counted toward the minimum number of parking spaces required for the use on that lot.
- b. Non-residential off-street parking shall be to the side or rear of buildings, or located within internal parking areas not visible from the street.
- c. On-street parking spaces shall always be parallel to the curb.
- d. Off-street parking may be located on a lot within 600 feet (measured along a publicly accessible route) from the use to which the parking is accessory. Said lot containing the parking shall be owned or leased to the owner of the principal use, or the lot containing the parking shall be dedicated to parking for as long as the use to which it is accessory continues and it is owned by an entity capable of assuring its maintenance as accessory parking.

602.6 Conservation Open Space Design Standards

- A. Delineation - Conservation open space shall be delineated in accord with the standards in the Subdivision and Land Development Ordinance.
- B. Location and Design - Conservation open space shall be located and designed to add to the visual amenities of villages and hamlets and to the surrounding area, by maximizing the visibility of conservation open space as terminal vistas at the ends of streets or along the outside edges of street curves, and as perimeter greenbelts. Greenbelts shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public parks.
- C. Type - Conservation open space shall consist of two types: natural and formal.
 - 1. Natural - Natural conservation open space shall consist of, but not be limited to: meadows, woodlands, specimen trees, hedgerows, wetlands, floodplain and steep slopes.
 - 2. Formal - Formal conservation open space shall consist of: greens, commons, squares and parks that are defined by building walls, streets and street trees.
- D. Greens, Commons, Squares and Parks
 - 1. Leisure and Assembly - Greens, commons, squares, and parks shall serve a variety of outdoor leisure and assembly needs of village residents and enhance the form and appearance of the village.
 - 2. Distribution - Greens, commons, squares and parks shall be distributed throughout hamlets and, in villages, the Village Residential Area and, when included, the Village Commercial Area.
 - 3. Common Greens in Village Commercial Areas - When a Village Commercial Area is proposed, a central village green shall be required. The central green shall be designed as an attractive gathering place for village residents in both day and evening and:
 - a. Shall be located within 200 feet of the outer perimeter of the Village Commercial Area. These location requirements may be adjusted by reason of topography or natural resources to be preserved, at the discretion of the Board of Supervisors;

- b. Shall border on the principal street running through the Village Commercial area, or be located so as to constitute the “terminal vista” of that street;
 - c. Should be surrounded by buildings on all sides, and shall be surrounded by streets on at least three sides;
 - d. Shall be located within 1500 feet of 80 percent of all dwelling units in the village. Alternatively, two smaller common greens at least 6,000 square feet in area may be substituted for the central green, in order to meet this proximity standard;
 - e. Shall be of pedestrian scale, between 20,000 and 40,000 square feet in area, and shall be no longer or wider than 300 feet;
 - f. Should ideally be surrounded by two-story development that may include residential, civic and institutional uses in addition to commercial uses;
 - g. Shall be landscaped using elements of formal gardens including walkways, monuments, statues, gazebos, fountains, park benches and pedestrian scale lampposts.
4. Locations for Civic or Institutional Uses - Lots with front lot lines along at least 20 percent of the circumference of a central green (either facing the green across a street or directly fronting on to a green) shall be reserved for civic or institutional uses and be so designated on the Final Plan. However, after two years subsequent to approval of a Final Plan for a Village Commercial Area, other uses may be permitted in these locations by majority vote of the Board of Supervisors as an amendment to the conditional use approval.
5. Smaller Areas - Smaller greens, commons and squares, at least 5,000 square feet and no larger than 30,000 square feet, shall be dispersed throughout the hamlet or village in such a way that no lot is more than 1,250 feet from a green, common or square.
6. Shade Trees - All greens, commons and squares shall be planted with shade trees along their edges, at intervals not greater than 40 feet.
7. Visibility - The visibility of greens, commons, and squares shall be maximized by locating conservation open space in “terminal vista” locations as often as possible, such as the ends of streets at 3-way intersections or occupying a corner of a 4-way intersection.
8. Impervious Coverage - Greens, commons and squares shall contain no more than 10 percent impervious coverage.
- E. Protection, Ownership and Management of Conservation Open Space - 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.

602.7 Design Standards for Villages

A. Overall Form

1. Well-defined Edge - New village development shall be compact with a well-defined edge between new developed areas of the village and adjacent rural, undeveloped lands. This shall not apply in the case of infill

parcels within an existing village.

2. Continuation of Streets - New streets shall connect with existing streets when possible and shall continue the settlement pattern of existing villages and boroughs.

B. Block Design

1. Rectilinear Pattern - Villages shall be designed in a generally rectilinear pattern of blocks and interconnecting streets and rear lanes, defined by buildings, landscaping, pedestrian ways, sidewalks and street furniture. To avoid the monotony of a rigid grid layout and to better conform to the natural terrain, streets may include frequent gentle curves.
2. Block Length - The maximum block length shall be 800 feet, with mid-block footpaths connecting to sidewalks or other paths when block length exceeds 500 feet.
3. Modification - Rectilinear blocks of the dimensions required above may be reshaped at the discretion of the Board of Supervisors when topography, existing vegetation, or hydrology considerations influence block shape and size.
4. Pedestrian Pathways - In the Village Commercial Area, at least one pedestrian pathway, a minimum of eight feet wide, shall be provided for every 250 feet of street frontage, connecting with rear parking lots.
5. Rear Alleys - Each block that includes storefronts and/or residential lots less than 40 feet wide shall be designed to include a rear alley serving parking areas or garages in the rear.
6. Design Speed - Local access streets shall be configured using a design speed of 25 mph.
7. Traffic Calming - Traffic calming techniques shall include *T intersections*, traffic islands, circles, loops or crescents, and roundabouts. Speed bumps, humps and tables shall be avoided. At least 25 percent of local access streets shall terminate in *T intersections*. The distance between *T intersections* shall not exceed three blocks or 1,500 linear feet, whichever is less. *T intersections* shall meet the offset requirements from other intersections set forth in the Subdivision and Land Development Ordinance.

C. Location Considerations for Village Uses

1. Residential Uses - Residential uses, excluding upper story dwelling units in the Village Commercial Area, shall not be located within 500 feet of an arterial highway having 4 or more lanes, nor within 300 feet of a 2lane arterial road, unless effectively screened from public view by topography, dense vegetation or other physical or visual barriers.
2. Village Commercial Areas
 - a. Village Commercial Areas may be located either at the approximate center of the village, or at the edge, near an existing Major or Minor Collector (including all state highways). If the Village Commercial Area is located along a collector road, parking areas shall be screened from view, preferably by locating them behind the commercial buildings, as seen from the collector.
 - b. Village Commercial Areas shall be located within ¼ mile (about a 5-minute walk) from as much of the residential areas as possible. Non-residential uses that are intended to serve an area beyond the village shall be located to permit vehicular access from outside the village without passing through village residential streets. Village Commercial Areas may be located close to state highways

3. Use Transitions

- a. Similar land uses shall face one another across a street, while dissimilar land uses shall abut along alleys or rear parking areas.
- b. Where feasible, a village green shall be used to separate residential blocks from mixed use blocks.

4. Commercial Access - At least 80 percent of dwelling units shall be within 1,500 feet of the Village Commercial Area.

5. High Traffic Uses - Nonresidential uses projected to generate 150 or more trip-ends per project peak hour or 750 trip-ends or more per day based on the latest edition of Trip Generation published by the Institute of Transportation Engineers shall be located to permit vehicular access from outside the village without passing through residential streets. This part of the village shall be located close to streets having a functional class designation of collector or higher.

D. Design Standards for Village Commercial Area

1. Design Considerations along an Existing Major Arterial Street - When the Village Commercial Area is located along an existing major arterial street the following provisions shall apply:

- a. The buildings shall be designed with display windows and signs facing the major arterial street.
- b. Canopy trees shall be planted at intervals not greater than 40 feet along the major arterial street.
- c. The Village Commercial Area shall not parallel the major arterial street for a distance greater than 600 feet, unless the storefronts are located behind a landscaped buffer area providing visual screening in all seasons of the year, or on the opposite side of a village green extending the full length of the Village Commercial Area as it parallels the major arterial street. If berms are used within the buffer, they shall be no taller than two feet and shall taper gradually into the landscape with slopes not exceeding 1:5.

2. Landscaping of Commercial Buildings - In addition to the requirements of the Subdivision and Land Development Ordinance, the following regulations shall apply:

- a. To reduce maintenance, ensure longevity, and reinforce the indigenous plant materials of the area, landscaping around commercial buildings and their parking lots shall emphasize native plant species. Species shall be selected to provide visual interest at different times of the year, with low maintenance needs.
- b. The facades of commercial buildings may be separated from the sidewalk by a landscaped strip no greater in depth than 3 feet, except as necessary to accommodate outdoor eating establishments, or in courtyard designs.

3. Street Furniture

- a. At least one public trash receptacle of a design and color approved by the Board of Supervisors shall be provided in each block on each side of the street.
- b. Public benches of a design and color approved by the Board of Supervisors shall be provided at bus stops and at intervals no greater than 100 feet on each block, and in greens, commons, squares and parks at a rate of one bench per 5,000 square feet.

- c. At least one bicycle rack adjacent to the sidewalk shall be provided on each block, with a paved pad.
- 4. Signs - In addition to the requirements in Article XI, signs shall conform to the following regulations:
 - a. Signs shall not be freestanding pole signs and shall be affixed to a building facade, canopy, or arcade.
 - b. The top of signs (except window signs) shall be located no higher than the sills of second story windows.
 - c. Signs shall be constructed of wood, metal or synthetic material, provided that the typeface and logos have a dimensional rather than flat quality.
 - d. Sign colors shall preferably be dark background colors with light-colored lettering.
 - e. Signs may be illuminated from external light sources only; lighting shall conform to the regulations contained in §701.8. Flashing and moving lighting, or signs with color changes are prohibited.
 - f. Animated signs that use actual motion or the illusion of motion or change of lighting are prohibited.
 - g. External neon signs are prohibited. Non-flashing neon signs may be displayed inside windows provided they occupy no more than 15 percent of the glass area of the window in which they are displayed.
- E. Architecture for Village Residential Areas - Housing styles, shapes and materials shall be varied within the overall theme of traditional village dwellings as shown in Monroe County's Historic Legacy: A Survey of Historic Sites and Structures in Monroe County, April 1980, prepared by the Monroe County Planning Commission. Buildings may be either traditional in their architectural character or a contemporary expression of historically traditional styles and forms. Regardless of which architectural style is utilized, it shall be applied consistently to residential, commercial and institutional uses throughout the village, in order to create an architecturally cohesive community.
 - 1. Single-family detached dwellings, excluding those on country properties, shall be designed so that:
 - a. At least two thirds shall be oriented with their gable ends facing the street.
 - b. At least 35 percent shall have a covered front entry porch, raised a minimum of 18 inches above ground level.
 - 2. Two-family dwellings and townhouses shall be designed to emulate traditional buildings of this nature in Monroe County's historic settlements or to resemble large single-family residences as shown in Monroe County's Historic Legacy: A Survey of Historic Sites and Structures in Monroe County, April 1980, prepared by the Monroe County Planning Commission.
 - 3. Pitched roofs with slopes between 8:12 and 12:12 shall be encouraged.

603 Two Family Dwellings

Where permitted by the Schedule of Uses, two-family dwellings shall comply with the requirements of this §603 and other applicable standards in this Ordinance.

603.1 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.

603.2 Over/Under Units

In cases where the two-family dwelling is located on a single parcel and consists of two (2) dwelling units constructed with one(1) unit located on the second floor above a first floor dwelling unit or is a duplex involving a common (i.e. party) wall, the lot shall comply with the Schedule of Development Standards in Article IV of this Zoning Ordinance. 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.

603.3 Conversions - See §605.

604 Multi-Family Dwellings

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

604.1 Project Design Process and Procedure

- A. Subdivision and Land Development - Multi-family projects shall also subject to the Township Subdivision and Land Development Ordinance.
- B. Four-Step Design; Density
 - 1. Four-Step Design - All multi-family projects shall be designed using the Four-Step process for Conservation Design Development detailed in the Township Subdivision and Land Development Ordinance
 - 2. Density - The number of dwelling units permitted shall be determined in accord with the Adjusted Tract Area Approach requirements for Conservation Design Developments in §601.6.E and the density factor in the §604.2 Multi-Family Dwelling Standards Table.
- 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 §609.10 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 the Township Subdivision and Land Development Ordinance.

604.2 Bulk and Density Standards; Parcel Configuration

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

dwelling project shall be part of the same parcel and contiguous.

MULTI-FAMILY DWELLING STANDARDS			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	2	2	2
Density -- number of dwelling units per acre of useable land area (See §601.6.E for Adjusted Tract Area)	1 for the first 2 acres, 1 for the 2 nd acre and 1 for each additional 0.5 acre		
Maximum number of dwelling units per building	6	6	6
Maximum building height (feet)	same as the zoning district		
Maximum lot coverage (percent)	applicable to overall project site, not individual lots - see §604.1.D.1		

604.3 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 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. Direct access of individual parking spaces to a 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 twenty (20) feet in width shall be provided in accord with §701.1 where multi-family structures adjoin existing one-family dwellings, two-family dwellings or any R-1 or R-2 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.

604.4 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.

604.5 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 §604, including but not limited to §604.2. (See also §605).

604.6 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 the Subdivision and Land Development 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.

604.7 Water Supply and Sewage Disposal

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

605 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 §605 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, living space, lot coverage, dimensions of setbacks and other open spaces, off-street parking, and other applicable standards.

606 Group Homes

Group homes shall be permitted in any lawful single-family dwelling unit in accord with the Schedule of uses, this §606 and other applicable standards of this Zoning Ordinance.

606.1 Definition

See definition in Article III.

606.2 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.

606.3 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.

606.4 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.

606.5 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.

606.6 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.

606.7 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.

607 Minimum Residential Standards

A. Minimum Floor Area - Any new dwelling unit hereafter established or utilized shall meet the minimum floor area for habitable rooms required by the Uniform Construction Code and the following total minimum habitable floor area:

1. Single-Family Dwelling - Seven hundred and sixty-eight (768) square feet.
2. Mobile Home - Seven hundred twenty (720) square feet with a minimum width of fourteen (14) feet.
3. Two-Family and Multi-Family
 - a. Efficiency Unit ----- 500 square feet
 - b. One-Bedroom Unit ----- 580 square feet
 - c. Two-Bedroom Unit ----- 660 square feet.
 - d. Three or More Bedroom Unit ----- 740 + 80 square feet for each additional bedroom

B. Width - No dwelling unit shall be less than fourteen (14) feet wide.

608 Mobile Home Parks

A. Location - 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.

B. Subdivision and Land Development - The requirements of the Township Subdivision and Land Development Ordinance shall apply to mobile home parks.

C. Change Permit - The demolition, removal or replacement of a mobile home shall require a permit from the

Township Tax Collector and notification of the Township Zoning Officer.

609 Mobile Homes on Individual Lots

It is the intent of this §609 to provide for the placement of mobile homes on individual building sites not located in a mobile home park.

- 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. Size - The minimum floor area of a mobile home shall be width for mobile homes shall be seven hundred twenty (720) square feet with a minimum width of fourteen (14) feet..
- C. 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 meeting the requirements of the PA Uniform Construction Code.
- D. Use restriction - The applicant shall document that the placement of the mobile home is not prohibited by any deed covenant or restriction.
- E. Temporary Storage - A mobile home may be temporarily stored on a single-family residential lot in addition to other structures provided the wheels are not removed, no utilities are connected, and the storage does not exceed thirty (30) days. Principal structure setbacks shall be maintained for the mobile home.
- F. Change Permit - The demolition, removal or replacement of a mobile home shall require a permit from the Township Zoning Officer.

610 Optional Transferable Development Rights (TDR)

610.1 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.

610.2 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 §603c.(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 shall 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* shall 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.

610.3 *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 R-1, R-2 or OS-W District and shall be a minimum of ten (10) acres in size.
 2. At least 80% 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 §610.
 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.

CALCULATION OF TRANSFERABLE DEVELOPMENT RIGHTS (See §610.3.C.2 below for parcels subdivided after the effective date of this §610)	
<u>Sending Property Location</u>	<u>Density Factor - 30% Density Bonus</u> (adjusted tract area per dwelling unit)
R-1 or R-2 District	60,980 square feet
OS-W District	152,460 square feet

- 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 by the density factor (number of acres of adjusted tract area per dwelling unit) in the Calculation of Transferable Development Rights Table.
2. Subdivision Prior to Transfer - The density factors in §610.3.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 §610. Density in such case shall be determined using the density factors in §601.6.B applicable to Option 1 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 the Constrained land table in §601.6.E.
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 Monroe 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 §610.3.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 which has met 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 shall 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 Monroe County Recorder of Deeds.

610.4 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 Location - Development rights may only be transferred to any property in any R-1 or R-2 District.
- 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.B for Option 1 development.
- 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.

610.5 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 §610.3.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 shall 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 shall 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 §610.3.E.

610.6 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 §610 was filed prior to the effective date of such ordinance, and the application thereafter is continuously processed to approval.

611 **Functional Families**

611.1 Purpose

This §611 is to provide for the regulation of functional families that may request to reside in a dwelling unit and to prohibit larger groups of unrelated persons from residing in dwelling units. Larger groups of unrelated persons have been frequently shown to have a detrimental effect on residential neighborhoods since larger groups of unrelated persons do not live as a family unit and do not have significant economic or emotional ties to the neighborhood.

611.2 Special Exception; Standards

The Zoning Hearing Board shall consider each application for a functional family as a special exception in accord with the standards of §1208.4 and, among others, the following considerations:

- A. Members of the proposed occupants:
1. Share a strong bond or commitment to a single purpose (e.g. religious orders);
 2. Are not legally dependent on others not part of the functional family;
 3. Can establish legal domicile as defined by Pennsylvania law;
 4. Share costs of food, rent or ownership, utilities and other household expenses;

5. Prepare food and eat together regularly;
 6. Share in the work to maintain the premises;
 7. Legally share in the ownership or possession of the premises; and
 8. Share the entire dwelling unit or act as separate roomers.
- B. Whether the household has stability akin to a permanent family. The criteria used to make this determination may include, among others, the following:
1. The length of stay together among the occupants in the current dwelling unit or other dwelling units;
 2. The presence of minor, dependent children regularly residing in the household;
 3. Whether the household is a temporary living arrangement or a framework for transient living; and
 4. Whether the composition of the household changes from year to year or within the year.
- C. Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

611.3 Conditions

The Zoning Hearing Board may impose such additional conditions as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed.

ARTICLE VII PERFORMANCE STANDARDS AND ENVIRONMENTAL PROTECTION

700 Design of Commercial Establishments and Nonresidential Uses

It is the intent of this §700 to provide general design standards for 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. Arranging and constructing the use and related structures in accord with an overall plan in a single or complimentary architectural styles with appropriate landscaping and buffering.
- B. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site.
- 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.
- G. Being consistent with any design guidelines adopted by the Township.

701 Performance Standards

The intent of this §701 is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare.

- A. Public Safety - No landowner, tenant or lessee shall use or allow to be used land or structures in a way that results or threatens to result, in the opinion of the Township, in any of the following conditions:
 - 1. A physical hazard to the public, or a physical hazard that would be an attractive nuisance that would be accessible by children.
 - 2. Potential impact on groundwater or surface waters, other than as authorized by a state or federal permit.
 - 3. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards or toxic substances.
- B. Compliance - 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.
- C. Applicability - The following performance standards shall apply to all proposed new or expanded nonresidential uses, and residential uses explicitly referenced by a specific section. The standards in this §701 shall not apply to normal agricultural uses unless explicitly referenced by a specific section, but shall apply to concentrated animal feeding operations and any agricultural use which is considered a land development under the Subdivision

and Land Development Ordinance..

701.1 Setbacks and Buffers

Setbacks and buffers shall be provided in accord with this Ordinance and the Township Subdivision and Land Development Ordinance.

- A. Increased Buffer - Unless otherwise regulated by this Ordinance, where a commercial, light manufacturing or industrial use is proposed contiguous to any existing residential use or any R-1 or R-2 District the minimum size of the abutting setback shall be increased by fifty (50) percent and a landscaped buffer not less than eight (8) feet in height and twenty (20) feet in width shall be provided.
- B. Conditional Uses and Special Exceptions - In the case of conditional uses and special exceptions, additional or increased landscaped buffers may be required by the Township in any setback 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 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 shall 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 Landscaping

A landscaping plan for proposed nonresidential, multi-family and mobile home projects shall be submitted by the developer for review and approval by the Township in accord with the standards of the Township Subdivision and Land Development Ordinance. This shall apply to all new projects, any change to a more restrictive use and any change in use which is a conditional use or special exception.

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/Special Exception
 - 1. Outdoor storage for other uses may be approved as a conditional use for a use listed as conditional use by the Schedule of Uses and as a special exception for a use listed as a special exception.
 - 2. In the case of a use listed as a principal permitted use by the Schedule of Uses, outdoor storage shall be considered a conditional use.
 - 3. Larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way may be required.
- C. Minimum Setback - Unenclosed uses and activities shall, in any case, be a minimum of fifty (50) feet from any existing residential structure or any R-1, R-2 or OS-W 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.

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 dangerous radioactivity, electrical disturbance or electromagnetic radiation adversely affecting any person which exceeds permissible state and federal regulations.

701.6 Noise

A. Definitions:

- 1. A-weighted Noise Level (dBA) - A measure of sound pressure in decibels with the sound pressure scale adjusted to conform with the frequency response of the human ear. A sound level meter that measures A-weighted decibels, designated as dBA, has an electrical circuit that allows the meter to have the same

sensitivity to sound at different frequencies as the average human ear (2007, Australian Academy of Science).

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

B. Limits

1. Ambient Noise Level Threshold

- a. No Noise Source shall produce an A-Weighted Noise Level at any point in the Township outside the boundaries of the property on which the Noise Source is located (or in the case of a project considered a single Noise Source, the boundaries of the collective project area) at a level in excess of ten (10) dBA above the Ambient Noise Level.
 - b. An increase in excess of ten (10) dBA shall be permitted provided the owner/operator of the Noise Source acquires a noise easement in form and content approved by the Township (solely with respect to the noise easement) from the affected property owner which establishes the maximum increase. However no increase shall be permitted for properties separated by any public road right of way and in no case shall the maximum noise level exceed the level established by §701.6.B.3.
2. Ambient Noise Level - For projects being developed, the Ambient Noise Level for the entire project may be established prior to construction of such project for the duration of construction and operation of such project by measuring the noise level near the boundaries of the property on which the project is to be constructed in accordance with §701.6.C below for a continuous two (2)-week period no more than one (1) year prior to the start of construction of such project.

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

3. Maximum Noise Level - Notwithstanding any of the foregoing provisions of this §701.6.B, in no event shall a Noise Source produce an A-Weighted Noise Level outside the boundaries of the property on which the Noise Source is located (or in the case of a project considered a single Noise Source, the boundaries of the collective project area) at a level in excess of the limits established in the Maximum Sound Levels Table.

C. Measurements

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

D. Investigation of Complaints

1. Initial Determination
 - a. In the event a complaint is received regarding a Suspect Source, the Zoning Officer shall first determine that the complaint is valid by visiting the site of the complaint and the site of the Suspect Source.
 - b. If the nature of the sound at the site of the complaint is not similar to the nature of the sound produced by the Suspect Source, and if the subjective noise levels do not correlate with the operation of the Suspect Source, then the Zoning Officer shall file a report noting those observations, and shall notify the complainant and the owner/operator of the Suspect Source that the complaint has not been validated.
2. Test Date
 - a. If, by the nature of the sound, or correlation with the operation of the Suspect Source, the Zoning Officer determines a complaint to potentially be valid, the Zoning Officer shall arrange a date and time with the complainant and the owner/operator of the Suspect Source to conduct a test.
 - b. The test should be close to the time of day and day of week of the complaint, but shall not represent an

unreasonable burden on the complainant or the owner/operator of the Suspect Source.

3. Background Noise Level

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

4. Average Background A-weighted Noise Level

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

5. Measurements

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

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

- E. Report - After completion of the background noise level measurements before and after the operation of the Suspect Source, the report of the Zoning Officer (or the independent professional, if engaged by the owner/operator of the Suspect Source) shall include:
1. The instrument manufacturer, model, type, serial number, and laboratory re-certification date of the sound level meter and the field calibrator.
 2. The level of the field calibration after making any adjustment of the sound level meter.
 3. The location of the noise level measurements, by latitude and longitude or by other descriptive terms that would allow someone unfamiliar with the complaint to locate, unambiguously, the measurement point on the ground, or on a map.
 4. The location of the Suspect Source by latitude and longitude or by other descriptive terms that would allow someone unfamiliar with the complaint to locate, unambiguously, the measurement point on the ground, or on a map.
 5. A description of the Suspect Source in operation, sufficient to allow someone to recreate the conditions of the test.
 6. The weather conditions at the time of measurement, including temperature, relative humidity, wind speed and direction, cloud cover, and an impression of the temperature gradient.
 7. The time at which noise level measurements were started and stopped.
 8. The time at which the operation of the Suspect Source was started and stopped, and when measurements were started and stopped.
 9. For manual measurements:
 - a. a table of lines and sound levels as reported on the meter
 - b. the calculated A-weighted Noise Level for each set of measurements
 10. For automatic measurements:
 - a. a notation of the time the instrument was started and the time stopped
 - b. the reported A-weighted Noise Level
 - c. if the instrument can report each data point, an electronic form of the data, including each measurement time and level, and a description of the data format shall be retained as a supplement to the report
 - d. a calibration mark using the field calibrator
 11. A list of witnesses or other persons present during the measurements.
 12. Any additional comments from the complainant, witnesses or the operator/owner of the suspect equipment or sources.
- F. Studies for Proposed Use - Applicants for a specific proposed use shall be required to demonstrate that the

proposed use will not violate the standards in this §701.6 by providing reasonable documentary evidence, which may include:

1. Engineering studies which estimate the environmental noise levels from the proposed equipment operations and the impact of mitigation measures applied to the equipment and/or site; and/or
2. Environmental noise measurements from similar operations and sites (same number and types of equipment, comparable topography and prevailing weather conditions).

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

G. Exceptions - The standards in this §701.6 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 and other operations 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 and federal regulations.

701.8 Lighting and Glare

The standards of this §701.8 shall also apply to residential and agricultural uses. 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 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 Subdivision and Land Development Ordinance.

A. Purpose - To set standards for outdoor lighting to:

1. Provide for and control lighting in outdoor places where public health, safety and welfare are potential concerns;
2. Protect drivers and pedestrians from the glare of non-vehicular light sources;
3. Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly

selected, placed, aimed, applied, maintained or shielded light sources; and

4. Promote energy efficient lighting design and operation.

B. Applicability

1. This §701.8 shall apply to all uses within the Township where there is exterior lighting that is viewed from outside, including, but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.
2. Exemptions - The following lighting applications are exempt from the requirements of this §701.8:
 - a. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.
 - b. Lighting for public monuments and statuary.
 - c. Underwater lighting in swimming pools and other water features.
 - d. Low voltage landscape lighting.
 - e. Individual porch lights of a dwelling.
 - f. Repairs to existing luminaires not exceeding 25 percent of the number of total installed luminaires.
 - g. Temporary lighting for theatrical, television, performance areas and construction sites.
 - h. Temporary lighting and seasonal decorative lighting provided that individual lamps are less than 10 watts and 70 lumens.
 - i. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency.

C. Standards

1. Illumination Levels - Lighting shall have illuminances, uniformities and glare control in accord with the recommended practices of the Illuminating Engineering Society of North America (IESNA).
2. Luminaire Design
 - a. Horizontal Surfaces
 - 1) For the lighting of predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, cul-de-sacs, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, , active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria.
 - 2) Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, luminaires that are

fully shielded or comply with IESNA cutoff criteria may be used.

b. Non-horizontal Surfaces

- 1) For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically permitted by the Township, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
- 2) Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph.

3. Control of Glare

- a. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- b. Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.
- c. Barn lights, aka dusk-to-dawn lights, when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that property.
- d. The use of floodlights and wall-mounted luminaires (wall packs) shall not be permitted to illuminate any parking areas in all Districts.
- e. Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of luminaires or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Township that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the twenty-five (25) percent limit may be permitted as a conditional use.
- f. Luminaires shall be automatically controlled through the use of a programmable controller with battery power-outage reset, which accommodates daily and weekly variations in operating hours, annual time changes and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires on at dusk and also for all-night safety/security dusk-to-dawn luminaire operation when such lighting is specifically approved by the Township in accord with §701.8.C.3.e. The use of motion detectors is permitted.
- g. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff luminaires, shields and

baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.

h. Light Spillover

1) Residential - The illumination projected from any use onto a residential use or permanent open space shall at no time exceed 0.1 initial footcandle, measured line-of-sight at any time and from any point on the receiving residential property. This shall not include glare from digital or other illuminated signs.

2) Non-residential - The illumination projected from any property onto a non-residential use shall at no time exceed 1.0 initial footcandle, measured line-of-sight from any point on the receiving property.

i. Height - Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted in excess of twenty (20) feet above finished grade (AFG) of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically permitted by the Township, shall not be mounted in excess of 16 feet AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, the Township may, at its discretion, based partially on mitigation of potential off-site impacts, permit a luminaire mounting height not to exceed 25 feet AFG. For maximum mounting height of recreational lighting see §701.8.D.

j. The United States and the state flag may be illuminated from dusk to dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 aggregate lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.

k. Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained footcandles and the maximum density shall not exceed 30 initial footcandles.

l. Soft lighting around building exteriors shall not exceed 15 initial footcandles.

m. The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications towers is prohibited during hours of darkness except as required by the Federal Aviation Administration.

4. Installation

a. Electrical feeds for lighting standards shall be run underground, not overhead, and shall be in accord with the National Electric Code (NEC) Handbook.

b. Poles supporting luminaires for the illumination of parking areas and located within the parking area or directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be protected by being placed a minimum of 5 feet outside paved area or tire stops, or placed on concrete pedestals at least 30 inches high above the pavement, shielded by steel bollards or protected by other effective means.

c. Pole mounted luminaires for lighting horizontal surfaces shall be aimed straight down and poles shall be plumb.

- d. Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.
 - e. Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved.
5. Maintenance - Luminaires and ancillary equipment shall be maintained so as to meet the requirements of this Ordinance.
6. Billboards and Signs - The lighting of new or relighting of existing billboards and signs shall require a permit, which shall be granted when the Zoning Officer is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:
- a. Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the sign or billboard. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30-vertical footcandles during hours of darkness.
 - b. Internally illuminated signs shall have a dark field and light message. The aggregate output of the light sources shall not exceed 500 initial lumens per square foot of sign face per side.
 - c. Electronic message signs shall comply with the requirements of Article XI.
 - d. The illumination of a billboard within 400 feet of a residential use shall not be permitted.
 - e. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
 - f. The use of highly reflective signs that creates nuisance glare or a safety hazard shall not be permitted.
- D. Recreational Uses - The nighttime illumination of outdoor recreational facilities for such sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally permitted luminaire mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential or open space properties. When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:
- 1. Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal aiming of luminaires and projection of illumination, may be permitted by conditional use. A visual impact analysis shall be required in accord with §701.8.D.5.
 - 2. A proposed illuminated recreational facility located within a residential district or sited on a nonresidential property located within 1,000 feet of a property in a R-1, R-2 or OS-W District shall be considered a conditional use.
 - 3. Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 p.m. except in the occurrence of extra innings, overtimes or make-up games

4. Maximum mounting heights for recreational lighting shall be in accordance with the following:

- a. Basketball 20 feet
- b. Football 70 feet
- c. Soccer 70 feet
- d. Lacrosse 70 feet
- e. Baseball and softball
 - 1) 200-foot radius 60 feet
 - 2) 300-foot radius 70 feet
- f. Miniature golf 20 feet
(See driving range in §701.8.D.1.)
- g. Swimming pool aprons 20 feet
- h. Tennis 20 feet
- i. Track 20 feet
- j. All uses not listed 20 feet

5. Visual Impact Plan - To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required by §701.8.E, but also by a Visual Impact Plan that contains the following:

- a. Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.
- b. Elevations containing pole and luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.
- c. Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5-foot line-of-sight.
- d. Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of §708.8.C.3.
- e. Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
- f. A narrative describing the measures proposed to achieve minimum off-site disturbance.

E. Plan Submission - Lighting plans shall be submitted for Township review and approval for subdivision and land development, conditional use, variance, zoning permit and special exception applications. The submitted information shall include the following:

- 1. A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flags and signs, by location, orientation, aiming direction, mounting height, lamp, photometry and type.
- 2. A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance. When the scale of the plan, as judged by the Township, makes a 10'x10' grid plot illegible, a more legible grid spacing may be permitted.

3. Light-loss factors, IES candela test-filename, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels.
4. Description of the proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.
5. Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
6. When requested by the Township for conditional uses or special exceptions, the applicant shall also submit a Visual Impact Plan in accord with §701.8.D.5.
7. Plan Notes - The following notes shall appear on the Lighting Plan:
 - a. Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Township for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical quality and maintainability of the specified luminaires; and shall be accompanied by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the approved plan.
 - b. The Township reserves the right to conduct post-installation inspections to verify compliance with Ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by the Township, to require remedial action at no expense to the Township.
 - c. All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff criteria unless otherwise specifically approved by the Township.
 - d. Installer shall notify Township to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

F. Violations; Safety Hazards

1. When the Zoning Officer determines that a lighting installation violates any provision of this Ordinance or creates a safety hazard, an enforcement proceeding shall be initiated in accord with §1216.3.
2. If appropriate corrective action has not been effected within 15 days of notification, the Township may take appropriate legal action.

G. Non-Conforming Lighting - A nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this §701.8 when:

1. It is deemed by the Zoning Officer to create a safety hazard;
2. It is replaced, abandoned or relocated; or
3. There is a change in use.

H. Definitions - Words and phrases used in this §701.8 shall have the meanings set forth in this §701.8. Words and

phrases not defined in this §701.8 but defined in Article III shall be given the meanings set forth in said Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

ARCHITECTURAL LIGHTING - Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

FOOTCANDLE - The amount of illumination the inside surface of a 1 -foot radius sphere would receive if there were a uniform point source of one candela in the exact center of the sphere. The footcandle is equal to one lumen per square foot, and is measurable with an illuminance meter (light meter).

FULL CUTOFF - Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire and no more than 10% of the lamp's intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the luminaire. A full-cutoff luminaire, by definition, also is fully shielded.

FULLY SHIELDED - A luminaire with opaque top and sides, capable of emitting light only in the lower photometric hemisphere as installed.

GLARE - Light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or loss in visual performance and visibility.

LAMP - A generic term for a source of optical radiation, often called a "bulb" or "tube."

LED-Light Emitting Diode.

LIGHT FIXTURE. The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), not included the support assembly (pole or mounting bracket).

LIGHTING SYSTEM - On a site, all exterior electric lighting and controls.

LIGHT TRESPASS - Light emitted by a luminaire or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

LUMEN - As used in the context of this Ordinance, the light-output rating of a lamp (light bulb).

LUMINAIRE - The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) when applicable, together with the parts designed to distribute the light (reflector lens, diffuser) to position and protect the lamps, and to connect the lamps to the power supply.

LUMINAIRE, SHIELDED DIRECTIONAL - A fully shielded luminaire with an adjustable mounting device allowing aiming in a direction other than straight downward.

701.9 Odors

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

701.10 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 DEP requirements..

701.11 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 requires the use of 10,000 gallons per day or more of groundwater, 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 1,000 feet of any portion of the property where the proposed use will be located.

In cases where the use,

- 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.

701.12 Stormwater 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 Monroe 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 Monroe Conservation District. Failure to install and maintain the controls shall constitute a violation of this Ordinance.

701.13 Waste Materials

The standards of this §701.13 shall also apply to residential and agricultural uses.

- 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.
- D. Trash Storage - Outdoor trash storage areas for nonresidential uses and storage areas serving 3 or more dwelling units shall be designed and maintained to be completely screened from view by a landscape buffer or other approved screening not less than eight (8) feet in height, and the storage area shall conform to all accessory structure setbacks.
- E. Containers - All storage containers shall be secured from the entry of animals.

701.14 Settling and/or Storage Ponds and Reservoirs

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

701.15 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.

701.16 Industrial and Manufacturing Traffic

Traffic to an industrial or manufacturing use shall not use a local street through a residential district, except for emergency vehicle access.

701.17 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.

701.18 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 meeting Township and PA DEP requirements, 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 shall ensure the availability of reliable, safe and adequate water supplies to support the proposed land use(s) within the capacity of available water resources.

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 PA DEP. 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 PA DEP or local sewer authority requirements.
- B. Recertification of On-lot Systems - If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would result in increased flow to a on-lot sewage system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the system if necessary for the proposed flow..
- C. Well and Septic System Locations - Every plan for a subdivision or land development and every application for a building permit for a new principal building that will be served by a well and/or septic system shall designate the proposed well and primary and alternate septic system locations. Such plan shall show that the proposed locations meet the minimum isolation distances established by PA DEP regulations between a well and septic system on the subject lot and all adjacent lots.

703 Environmental and Community Assessment (ECA)

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

1. Industrial parks
2. Manufacturing or manufacturing or industrial uses
3. Junkyards
4. Mineral extraction
5. Mineral processing
6. Agricultural products processing
7. Solid waste facilities and staging areas
8. Warehouses and trucking terminals
9. Airports
10. Any use involving the initial or cumulative disturbance of eighty-seven thousand one hundred twenty (87,120) or more square feet of soil surface areas

11. Any use involving the initial or cumulative construction, installation and/or placement of forty-three thousand five hundred sixty (43,560) square feet or more of buildings, structures or other impervious surface areas
12. Any use involving development in any flood plain area

703.1 Purpose of ECA

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

703.2 Contents of ECA

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

A. Soil Types

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

B. Surface Waters

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

C. Ground Cover Including Vegetation and Animal Life

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

D. Topographic and Geologic

1. Maximum existing elevation of site.

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

E. Ground Water

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

F. Water Supply

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

G. Sewage Disposal

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

H. Solid Waste

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

I. Air Quality

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

J. Noise

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

K. Land Use

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

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

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

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

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

N. Community Impact Analysis - A community impact analysis shall be prepared to address the following areas of concern:

1. Generalized Market Synopsis - The general market shall be analyzed to determine reasonable forecasts of market demand for the use(s) on the proposed site. This information shall be used to confirm the housing type(s) or other uses proposed and the sale price or rental and amenities proposed by the developer. The findings shall be presented in a summary or synopsis form in the final report.
2. Impact Analysis - An impact analysis shall be prepared which demonstrates effects of the proposed development on the following elements along with actions proposed to mitigate any burdens created by the development:
 - a. Number of residents and public school children generated by proposed housing units.
 - b. Increases in vehicular traffic and the ability of the existing road system to accommodate traffic increases.
 - c. Anticipated load on public utilities, police and emergency services and other community facilities and services.
 - d. Disturbance to the natural ecology, such as alluvial soil areas, loss of tree cover and land erosion.
 - e. Harmony with the character of surrounding development.

- f. Feasibility of providing public transportation to the site.
- g. Anticipated time period to sell/rent out the proposed development.
- h. The anticipated expansion or improvement of existing facilities or construction of new facilities which will be necessary to accommodate the increased needs resulting from the development should be set forth.

3. Financial Analysis

- a. Estimates of costs associated with expansion, improvement or construction of facilities should be made and the potential sources of revenue set forth.
- b. Anticipated annual revenues to the Township and the school district for each of the first five years of the development.
- c. Anticipated Township and school district expenses associated with the development for each of the first five years of the development.

- O. 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.

703.3 Additional Considerations

The following shall also be addressed:

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

703.4 Qualifications

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

703.5 Evaluating the ECA

Procedures for evaluating the ECA shall be as follows:

- A. Consultation - Upon receipt of the application the Township may forward the ECA to the Township Engineer and any other Agency or firm which the Township may desire for review and comment.
- B. Fees - Fees for the costs of such consultation as described in Subsection A shall be paid by the applicant.
- C. Public Availability - Copies of the ECA shall be on file and available for public inspection in the Township office.

- D. Review and Action - The Planning Commission shall evaluate the proposed project and the ECA and recommend action on same to the Board of Supervisors or Zoning Hearing Board.

704 Special Conservation Standards

All uses permitted by this Ordinance shall be subject to the following special conservation performance standards. The procedures and standards are as follows:

704.1 Steep Slope Areas

For the purposes of this §704.1, steep slopes shall be defined as slopes in excess of fifteen (15) percent, and any development of such sloped areas shall comply with the following: (This shall not apply to agricultural and forestry enterprise uses.)

- A. Measurement - Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed.
- B. Plan - An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations 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. Areas of slope in excess of twenty-five (25) percent shall be shown with contours at two-foot intervals.
- C. Grading and Drainage - 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.
- D. Impervious Surface - The total amount of impervious surface that may be installed or maintained on steep slopes shall not exceed fifty (50) percent of the maximum amount of impervious surface permitted for such use on any lot in the underlying zoning district. Provision shall be made and approved by the Township Engineer for control of runoff from impervious surfaces to prevent erosion and stormwater damage to downstream properties.
- E. Finished grade - No finished grade where fill is used shall exceed a fifty (50) percent slope.
- F. Fill - Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.
- G. Erodible Soils - Soils listed by the Natural Resource Conservation Service as highly susceptible to erosion shall be avoided.
- H. Roads and Utilities - Roads and utilities shall be installed along existing contours to the greatest extent possible.
- I. High Water Tables - Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- J. Existing Vegetation - Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, erosion potential, transpiration and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. Mitigation measures may be required by the Board as it deems appropriate.
- K. Structures on Greater than 25 Percent - In cases where structures are proposed on slopes in excess of twenty-five (25) percent, 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).

704.2 Setback for WetlandsA. Wetland Studies

1. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submission of development plans.
2. Wetlands shall be delineated by a qualified professional as determined by Board of Supervisors.
3. If no wetlands are present, the applicant shall provide a certified statement to that effect.

B. Setback - A minimum setback of fifty (50) feet, measured perpendicular to and horizontally from the edge of the delineated wetland, shall be required from all wetlands. If an NPDES permit is required for the development, a larger setback may be required by PA DEP.C. Uses Permitted - The following activities shall be permitted in the setback area. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.

1. Stormwater conveyance required by the Township/State, wetland crossings and other activities permitted by PA DEP.
2. Non-clear cut forestry enterprises (e.g., selective regeneration harvest) and vegetation maintenance and restoration.
3. The correction of hazardous conditions.
4. Passive unpaved, stabilized trails.

D. Wetland Regulations - 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. Liability - 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. Residential Easement - In residential subdivisions the setback area shall be protected via a protective easement.704.3 Setback for Lakes and PondsA. Setback - A setback 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 setback for lakes and ponds less than one-half (0.5) acre in size shall be not less than twenty-five (25) feet. If an NPDES permit is required for the development, a larger setback may be required by PA DEP.B. Uses Permitted - The following activities shall be permitted in the setback area. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.

1. Stormwater conveyance required by the Township/State, wetland crossings and other activities permitted by PA DEP.
2. Non-clear cut forestry enterprises (e.g., selective regeneration harvest) and vegetation maintenance and restoration.

3. The correction of hazardous conditions.
4. Passive unpaved, stabilized trails.
5. 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 setback area is affected.

C. Residential Easement - In residential subdivisions the setback area shall be protected via a protective easement.

704.4 Setbacks for Perennial Streams

- A. Setback - A setback of not less than sixty-five (65) feet in width, measured perpendicular to and horizontally from the top of bank of the stream, shall be maintained along all perennial streams. If an NPDES permit is required for the development, a larger setback may be required by PA DEP. In cases where Township Flood Plain Regulations or other state or federal regulations require larger setbacks, such regulations shall control.
- B. Uses Permitted - The following activities shall be permitted in the setback area. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
1. Stormwater conveyance required by the Township/State, wetland crossings and other activities permitted by PA DEP.
 2. Non-clear cut forestry enterprises (e.g., selective regeneration harvest) and vegetation maintenance and restoration.
 3. The correction of hazardous conditions.
 4. Passive unpaved, stabilized trails.
- C. Residential Easement - In residential subdivisions the setback area shall be protected via a protective easement.

704.5 Floodplain

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

705 **Reserved**

706 **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 in accord with a timber harvesting plan using best management practices.

(Note: This §706 shall not apply to agricultural uses and lands owned by the Commonwealth of Pennsylvania or the Pennsylvania Game Commission.)

706.1 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.
- C. In the case of 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.

706.2 Buffer Areas Prior to Development Approval

In addition to the requirements of §706.1, the following requirements shall apply to all parcels in C-1, C-2, OS-W and I Districts and parcels of more than ten (10) acres in R-1 and R-2 Districts.

- A. A buffer shall be maintained until such time as a development plan is approved for the parcel and buffers are provided in accord with this Zoning Ordinance. The buffer shall not be less than seventy-five (75) feet in width and 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.

707 Reserved

708 Traffic Impact Study (TIS)

708.1 Purpose

Traffic impact studies are required for certain activities to enable the Township to assess the effect on the transportation system in and around the Township and to:

- a. Ensure that proposed uses do not adversely affect the transportation network.
- b. Identify any traffic problems associated with site access.
- c. Determine traffic problems on private, Township, County or State roads in the project traffic study area.
- d. Assist in the protection of the safety of the motoring public, air quality, and energy conservation.

708.2 Thresholds

A TIS shall be required for all residential and nonresidential proposals that are projected to generate one hundred fifty (150) or more trip-ends per project peak hour or seven hundred fifty (750) trip-ends or more per day based on the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. A TIS shall also be required for additions to a use, changes of use and replacements of nonconforming uses that increase the total traffic (i.e.,

existing plus new traffic) that meet or exceed the peak hour or daily thresholds.

708.3 Requirements

- A. State Roads - In cases where PennDOT requires a TIF for access to a state road, a separate TIS shall not be required by the Township. If PennDOT does not require a TIS and the traffic from the proposed use meets or exceeds the peak hour or daily thresholds, a TIS using PennDOT methodology shall be required.
- B. Township Roads - If a TIS is required for access to a Township road, the TIS shall be prepared in accord with PennDOT methodology.

ARTICLE VIII STANDARDS FOR SPECIFIC USES

800 General

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

801 Adult 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

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

801.4 Standards

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

- A. Setback - Adult businesses shall not be located less than one thousand (1,000) feet from any:

1. Dwelling.
 2. Place of worship.
 3. Public or private school or college.
 4. Public park or public recreation facility.
 5. Public library.
 6. Public museum.
 7. Child day care center.
 8. Commercial enterprises catering primarily to persons under eighteen (18) years of age.
 9. Gaming establishment.
- B. Similar Businesses - Adult businesses shall not be located within one thousand (1,000) feet of any other adult business.
- C. Measurement - The setback distances established in this §801 shall be as measured from the nearest edge of the building used for the adult business to the nearest edge of the building used for a use from which the required setback applies. In the case of a required setback use without a building, the setbacks shall be measured from the nearest edge of the building used for the adult business to the nearest point of any structure associated with the use from which the setback applies. The measurement shall be made in a straight line without regard to intervening structures or objects.
- D. Enlargement - An existing, lawful nonconforming adult business may be expanded as a conditional use once in total floor area beyond the floor area that lawfully existed in such use at the time of adoption of this provision of the Zoning Ordinance, but only in accord with Article IX of this Ordinance.
- E. Limit of One (1) Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.
- F. Nonconformity - Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this §801 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except: as permitted in Subsection "D" 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 §801.4.A above is developed within the required setback distance.
- H. Lighting - Overhead lighting shall be provided to illuminate all improved areas of the property; and said lighting shall be in compliance with all requirements of this Ordinance.
- I. Visibility - Any building, structure, or room used and occupied as an adult business shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service, or entertainment are exhibited or displayed, and no sale materials, merchandise, film, or offered items of service or entertainment shall be visible from outside the structure.
- J. Signs.- Exterior signs shall comply with the provisions of Article 11; however, business identification signs shall be limited to a maximum of 20 square feet and signs attached to the building facade shall be limited to a maximum total of 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. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service, or entertainment offered therein.

- K. Entrances - Each and every entrance to the structure shall be posted with a notice that the use is an Adult Business, that persons under the age of 18 are not permitted to enter, and warning all others that they may be offended upon entry.
- L. Physical or Sexual Contact - No use shall include live actual or simulated sex acts or any physical or sexual contact between employees and contractors, entertainers or dancers, nor between employees, contractors, entertainers or dancers and customers. At an Adult Live Entertainment Use or Facility, employees, entertainers and dancers shall maintain a minimum distance of 3 feet from customers.
- M. Hours of Operation - The use shall not operate between the hours of 2 a.m. and 7 a.m.
- N. Viewing Booths - For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
- O. Garments - All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful Adult Live Entertainment Use or Facility.
- P. State Law Compliance - As a specific condition of approval under this Ordinance, the applicant shall prove compliance with all applicable State laws, including, but not limited to, the Pennsylvania Liquor Code, Act 219 of 1990; Act 207 of 1990 (which pertains to obscenity); and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
- Q. Exemption for Modeling Class: Any modeling class which involves a person appearing in a state of nudity and which is operated by or involves any of the following shall be exempt from the provisions of this §801:
1. By a proprietary school, licensed by the State, or an academically accredited college or university;
 2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;
 3. In a structure -
 - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - c. where no more than one (1) nude model is on the premises at any one time; or
 4. By an organization which qualifies under §501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

802 Reserved

803 Agricultural Uses - Crop Production and Animal Husbandry

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

803.1 Crop Production

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

803.2 Animal Husbandry

Animal husbandry shall be permitted only in those districts as designated on the Schedule of Uses and in addition to other applicable ordinance standards, the following shall apply.

- A. Parcel Size - The keeping of more than two (2) smaller animals for commercial breeding, raising, boarding, or one larger animal or fowl, shall require a minimum of two (2) acres plus one-half (0.5) acre for each additional large animal.
- B. Fencing or Shelter - Adequate fencing or shelter shall be provided to keep livestock contained within the boundaries of the property.
- C. Setbacks - The minimum front, side and rear setback distances shall be one hundred (100) feet for any stables, barns or other animal housing structures and for the indoor or outside storage of by-products or waste.
- D. Retail sales - Minor retail sales incidental to animal husbandry shall be permitted.

803.3 State Protected Agricultural Operations

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

803.4 Natural Features

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

803.5 Farm Stands

See §503.16 for accessory farm stands.

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

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

804.1 Conditional Use

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

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

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

instrumentation or technology resulting in a change in the location or extent of any airport hazard zone.

804.2 Application Contents

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

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

804.3 Engineering Review

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

804.4 Costs

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

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

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

804.6 Criteria to Review

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

- A. The effect upon reasonable use of properties affected by the proposal.
- B. How the applicant plans to acquire any necessary air rights.
- C. The character of the flying operations expected to be conducted at the airport;
- D. The nature of the terrain within the airport hazard zone area;

- E. The character of the community which is affected by the proposal.
- F. The effect upon roads, development, transportation routes, and other aspects of the Comprehensive Plan;
- G. The provision of hazard lighting and marking;
- H. The importance of aircraft safety.

804.7 Standards

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

805 Amusement Parks

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

805.1 Structure Height

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

805.2 Hours of Operation

Hours of operation shall be limited to the period between 9:00 a.m. and 10:00 p.m.

806 Animals, Keeping of

806.1 Kennels

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

- A. Parcel Size - A minimum parcel of three (3) acres shall be required.
- B. Setbacks - Any structure, outdoor kennels, or animal exercise areas used for the keeping of dogs shall be located closer than one hundred and twenty-five (125) feet to any property line or one hundred (100) feet to any public or private road right-of-way.
- C. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each non-resident employee and one space per four 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 feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas or animal exercise areas not enclosed in a building.
- E. Hours Outdoors - All animals shall be restricted from using kennel areas not fully enclosed in a building from sunset to 8:00 A.M.
- F. Wastes - All waste materials generated on the premises shall be disposed of at a PA DEP-approved facility, and a detailed plan for the same shall be included with the zoning application. In any case, all animal wastes shall be stored in water-tight containers in an area meeting the setbacks in §806.1,B until disposed of and proof of such disposal shall be provided to the Township.
- G. Retail sales - Minor retail sales incidental to the kennel shall be permitted.

806.2 Stables, Private

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

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

806.3 Stables, Commercial and Horses for Hire

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

- A. Parcel Size - A minimum parcel of ten (10) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other sections of this Ordinance and other applicable standards are met.
- B. Number of Horses - No more than twenty (20) horses are kept with the exception that one (1) additional horse may be kept for each additional one-half (0.5) acre of land.
- C. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means.
- D. Parking - Adequate off-street parking shall be provided pursuant to §504 of this Ordinance with one (1) space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises.
- E. Setbacks - No stable building, corral or manure storage area shall be located within two hundred (200) feet of an adjoining property line and any public or private road right-of-way.
- F. Erosion and Sedimentation; Manure Management - The applicant shall provide a plan for soil erosion and sedimentation control and manure management.
- G. Uses Permitted - The following types of uses shall be permitted as part of the horse farm operation:
 - 1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 - 2. Training of horses, and necessary buildings and structures, including facilities for training only.

3. Boarding of horses, and necessary buildings and structures.
4. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
5. Sale of horses other than the horses raised or boarded on the premises.
6. Retail sales of any goods or merchandise which are incidental and accessory to the stable use.

806.4 Animals on Residential Lots (See §806.2 for private stables.)

A reasonable number of customary household pets or domestic animals may be kept on a residential lot without a zoning permit.

- A. Reasonable Number - Defined as the amount of animals an individual can manage within the restrictions of this Ordinance.
- B. Containment - All animals shall be contained within the owner's property.
- C. Dogs - All dog owners shall be subject to all provisions of any Township dog and/or nuisance ordinance.
- D. Parcel Size - The keeping of larger animals such as cattle, ostriches, or emus, or two (2) or more smaller animals such as fowl, goats or pigs as pets shall require a minimum lot area of two (2) acres plus an additional one-half (0.5) acre of land for each large animal more than the first animal.
- E. Setbacks - Stables, runways or animal exercise pens shall be located more than fifty (50) feet from lot lines or road right-of-way lines.
- F. Commercial Operations - The keeping of animals or fowl for any commercial purpose shall be defined as animal husbandry and shall meet the requirements of §803.2.

806.5 Zoos, Menageries, and Wild and Exotic Animals

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

- A. Minimum Parcel - A minimum parcel size of five (5) acres shall be required.
- B. Sanitary Condition - All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- C. Treatment of Animals - The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
- D. Incompatible Animals - Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
- E. Offensive Odors and Noise - The permit holder shall maintain the premises so as to eliminate offense odors or excessive noise.
- F. Peace and Quiet - The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
- G. Animal Escape - Animals shall be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder

shall make adequate provisions and safeguards to protect the public from the animals.

- H. Other Regulations - The operation shall conform to all applicable local, state and federal laws and regulations and the permit required by the Pennsylvania Game Commission.
- 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.

806.6 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 (e.g., horses, cattle, swine) shall be located on a tract of land of not less than five (5) 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 §806.1.
- B. Pets - Clinics for pets shall be located in either a soundproof building with no objectionable odors produced outside the building, in which case all regular district regulations shall apply; or an enclosed building with open pens, in which case the building and pens shall comply with the requirements for kennels in §806.1.

807 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 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 shall reside on the premises.
- D. Bed and breakfast establishments shall not be permitted on lots which are nonconforming in minimum area.

808 Reserved

809 Bulk Fuel Storage Facilities; Retail Home Heating Fuel Distributors

809.1 Bulk Fuel Storage Facilities

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

- A. Setbacks - Storage tanks shall be located not less than one hundred fifty (150) feet from any property line or any road or street right-of-way line. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located not less than two hundred (200) feet from any property line and not less than one hundred fifty (150) feet from any road or street right-of-way line, wetland, watercourse or water body.

- B. Fence; Berm - The total tank storage area shall be entirely fenced with an eight (8) foot high industrial type security fence or have an equivalent protection barrier approved by the Township. Bulk storage tanks shall be encircled by a moat or earthen berm to contain all potential spillage.
- C. 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. 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.
- E. Other Regulations - Bulk fuel storage facilities shall be developed in complete compliance with all applicable local, state, federal and insurance regulations and requirements and the applicant shall provide documentation confirming compliance.

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

810 Bus Shelters

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

- A. Street Cartway - A bus shelters shall not be located within a street cartway.
- B. Considered Structures - A bus shelter shall be considered a structure.
- C. Size - A bus shelter shall not exceed ten (10) feet in height, sixteen (16) feet in width or eight (8) feet in depth.

- D. Signs - Signs on a bus shelter shall not be permitted except for official school district or bus company/authority signs not exceeding a surface area of ten (10) percent of the wall to which it is attached.

811 Campgrounds and Recreational Vehicle Parks

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

812 Camping, Temporary Event

- A. Availability - Campsites shall only be offered for a single weekend, or three (3) nights and no more than twice a year.
- B. Sanitary Facilities - The property owner or lessee offering sites shall provide approved sanitary facilities for campers.
- C. Parking - The property owner or lessee shall provide one (1) parking space for each site.
- D. Setbacks - Sites shall comply with all district setbacks.
- E. Permit - A permit shall be required to offer campsites for each event.

813 Cemeteries

- A. All cemeteries shall have twenty-five (25) feet of vegetation screening around the entire perimeter of the tract where the cemetery is to be located not used for ingress and egress to the cemetery.
- B. All stacked vaults, mausoleums, and monuments shall not exceed twelve (12) feet in height.
- C. Any on-site buildings used for offices, ceremonial, or maintenance shall conform to applicable standards within this Ordinance.
- D. Any proposed crematories shall be a conditional use and adhere to all applicable State and Federal regulations prior to conditional consideration.
- E. All cemeteries shall present a long-term maintenance plan to the Township prior to approval. The Township may request a bond.

814 Clubs/Lodges, Private

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

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

815 Commercial Communication Devices

In addition to all other applicable requirements, the following standards 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.

815.1 Necessity

Applicants shall provide documentation proving the necessity of the tower construction to achieve adequate coverage of the transmission region, being seventy (70) percent as defined by the FCC.

815.2 State and federal Regulations

All wireless communication facilities shall meet or exceed all current State and Federal standards and regulations.

- A. Documentation - Documentation attesting to the compliance with State and Federal standards shall be submitted prior to approval of the facility and reviewed by an independent Radio Frequency (RF) engineer at the applicant's expense.
- B. Annual Report - The facility shall submit to annual RF emissions monitoring by an independent RF engineer at the expense of the facilities owner. The RF engineer shall be a Pennsylvania State registered professional engineer selected by the Township. A testing schedule shall be established prior to the issuance of a building permit.
- C. RF Adjustment - The facility shall adjust the RF output to keep in compliance with any future government emissions standards.

815.3 Collocation

Collocation of antenna or towers shall be encouraged. The applicant shall submit a map depicting all wireless communication facilities within a one-mile radius of the proposed site. Documentation shall be submitted by the tower operator/owner proving a good faith effort to locate and establish co-location on existing towers or structures was put forth and failed.

815.4 Height

Towers or antennas shall have a maximum height of one hundred (100) feet in residential zones and two hundred (200) feet in commercial zones unless approved by the Zoning Hearing Board through a variance. The maximum height is the highest point of the structure, including lightning rods, etc.

815.5 Lighting

All telecommunication facilities, including but not limited to towers, antennas and the like, over fifty (50) feet above grade, shall have beacons in compliance with FAA standards for structure requiring signal lights.

815.6 Setbacks

All towers shall adhere to a setback of one hundred ten (110) percent of the tower height from the outermost point of the tower base or any support structures, (i.e. guy-wire supports, etc.), which ever is farthest from the tower center, to adjoining property lines and any other existing tower. No existing or future structures, except those directly supporting the facility shall be allowed within the setback zone. The tower shall observe a setback from any occupied primary structure that is three (3) times the tower height.

815.7 Fence; Screening; Signs

A fence of a minimum height of six (6) feet and barbed shall be installed around the perimeter of the structure and the tower and all supporting buildings and equipment, and the climbing steps of the tower shall be removed from the first fifteen (15) feet of the tower.

- A. Maintenance - The fence shall be maintained as long as the facility exists.
- B. Screening - Natural year-round screening, such as shrubs or trees equal to the height of the proposed building or fence, whichever is greater, shall be planted and maintained around the perimeter of the fenced area.
- C. Signs - Each face of the fence shall contain a sign, no greater than three (3) square feet, indicating a 24-hour emergency phone number. No other sign shall be permitted.

815.8 Power Supply

All primary and backup power for the facility shall be hard wired electric, propane, or natural gas. No liquid fuels or batteries shall be permitted.

815.9 Noise

The facility shall comply with the noise standards in §701.6.

815.10 Owner's Acknowledgment

A property owner's signature block authorizing the facility operator to erect and maintain the facility on said owner's property shall appear on the submitted land development plan.

815.11 Public Use

A signed agreement between facility operator and the Township allowing the Township and any other government agency to utilize the tower in case of an emergency shall be required.

815.12 Financial Guarantee

A financial guarantee shall be posted by the company responsible for the facility to cover the removal of the facility if the facility is abandoned. If the owner of the facility goes out of business and no longer utilizes the facility, or the facility is abandoned for a period exceeding six (6) months, it shall be removed.

815.13 Inspection

The facility shall be inspected at least once a year by the Township Zoning Officer to ensure compliance with this Ordinance.

815.14 O & M Reports

The Township shall be provided with any and all information regarding the operation and maintenance of the facility at the time of submission of the conditional use application.

815.15 Facility Changes

All collocation and modifications to the facility shall require permitting by the Township.

815.16 Fees

The base fee shall be set by Township resolution, with the applicant being responsible for additional fees covering emission and any other engineering or professional reviews.

815.17 Residential Facilities

Unless approved as a conditional use, residential ham radio antennas shall not exceed a maximum height of fifty (50) feet. Setbacks of one hundred ten (110) percent of the antenna height shall be maintained. Residential television antennas, ham radio antennas, satellite dishes, or other similar structures, are a permitted use and shall not require a permit, but shall adhere to the aforementioned design standards.

816 Concentrated Animal Feeding Operations (CAFO)

This section is intended to provide standards for industrial-like agricultural operations with animal densities which are likely to create effects on the environment and community which exceed those effects normally associated with typical farming. It is not intended to supercede the Pennsylvania Nutrient Management Act in terms of regulation of the storage, handling or land application of animal manure or nutrients or the construction, location or operation of facilities used for the storage of animal manure or nutrients or practices otherwise regulated by the Act. The definitions and calculations in this section are intended to be consistent with the Nutrient Management Act, and all information and studies required by this section shall, at a minimum include the information required by the Act and its regulations.

816.1 Definition of CAFO

Any livestock operation which is defined as a concentrated animal feeding operation by the regulations adopted by

the Commonwealth of Pennsylvania.

816.2 Conditional Use

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

816.3 Standards

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

- A. Parcel Size - The minimum parcel size (contiguous owned or rented acres) for a CAFO shall be fifty (50) acres for a CAFO involving poultry and one hundred (100) acres for any other CAFO.
- B. Location - The applicant shall conduct a traffic study in accord with §708 to demonstrate the roads serving the location are adequate to carry the volume and weight of the anticipated traffic. Such final determination shall be made by the Township based on the traffic study. The traffic study and plan shall establish the most direct proposed route or routes for vehicles serving the facility. This route shall minimize impacts on any residence, commercial or retail establishment, public school or religious institution.
- C. Setbacks - CAFO buildings used for housing of animals and structures for the storage of manure shall not be less than five hundred (500) feet from any property line and not less than two thousand five hundred (2,500) feet from any existing dwelling not located on the land with the CAFO. Manure storage facilities shall meet the setbacks established by the Nutrient Management Act and its regulations.
- D. Buffer - A buffers shall be provided in accord with a plan to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property.
- E. Nutrient Management Plan - A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
- F. Stormwater Management - A stormwater management plan shall be prepared meeting the requirements of the applicable Subdivision and Land Development Ordinance.
- G. Conservation Plan - A conservation plan shall be prepared meeting the requirements of the Monroe County Conservation District.
- H. Ground Water Protection - The applicant shall submit a groundwater and hydrogeological report from a qualified engineer or geologist detailing the groundwater characteristics of the area and identifying the probable impacts on groundwater supply and quality. Details of the potential hazards and details of planned safety devices and contamination response actions shall be provided. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township. The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within one-thousand (1,000) feet of any portion of the property where the proposed use will be located.
- I. Waste Disposal or Discharge - Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan which shall be prepared. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state

and/or federal regulatory agencies.

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

816.4 Manure from CAFO Outside Township

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

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

817 **Reserved**

818 Day Care, Child

- A. Outside Play Area - All outdoor child day care play areas shall be completely surrounded by a secure fence or wall not less than six (6) feet high.
- B. Hours of Operation - In R-1 and R-2 Districts, child day care facilities shall only operate between the hours of

5:00 .a.m. and 7:00 p.m.

819 Development Amenities

Development amenities shall include the principal permitted uses in the C-1 District, recreational facilities, including, but not limited to, ski slopes and tows, golf courses, tennis facilities, beaches, swimming pools and natatoriums, gymnasiums, craft facilities and similar uses and facilities, guard shacks, and administrative facilities, including, but not limited to, administration office buildings in which meeting rooms, storage space and mailboxes may be contained, located within the confines of the exterior perimeter of a subdivision of record or planned community or contiguous thereto.

In addition to all other applicable requirements, the following standards shall apply development amenities.

- A. Resident Benefit - The activity, amenity, structure or use shall be principally for the benefit and convenience of the families, guests and tenants of lot owners.
- B. Location - The activity, amenity, structure or use shall be located wholly within the confines of the exterior perimeter of a subdivision of record or planned community or contiguous thereto. However, no development activity, amenity, structure or use located within a planned community shall be permitted on residential lots or units other than lots that constitute common areas of the planned community.
- C. Signs - Only one sign, not exceeding thirty-two (32) square feet in area and not exceeding ten (10) feet in height above the average ground line to the highest point, shall be permitted for each such activity, amenity, structure or use, except directional signs.
- D. Percentage of Area Devoted to Use - The sum of the areas (including the area required for any parking) devoted to uses, activities or structures normally allowed in the C-1 District as a principal permitted use shall not exceed one (1) percent of the total gross area within the confines of the exterior perimeter of the subdivision of record. Recreational facilities and administrative/maintenance facilities serving the development shall not be included in the one (1) percent limitation.
- E. Structure Setbacks - Any building or structure (other than signs) shall conform to the setback requirements of the district in which the amenity is located.
- F. Parking - Parking facilities shall be provided in conformance with §504.
- G. Subsurface Disposal - Subsurface disposal areas constructed to serve this amenity shall not encroach on any required parking area or upon the buffer strip.
- H. Buffer Strip - A buffer strip not less than twenty (20) feet in width shall be provided between any such use and any plotted lot of the subdivision.
- I. Commercial Activity - No commercial or for-profit activity shall be conducted within any administration office building.

820 Distribution Centers and Truck Terminals

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

820.1 Access

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

820.2 Setback Requirements

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

821 Reserved**822 Flea Markets, Outdoor**

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

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

823 Forestry

Forestry enterprises shall comply with the Township Timber Harvesting Ordinance (Ordinance 94-73, as amended) and the Township Tree Preservation Ordinance (Ordinance No. 2009-117, as amended).

824 Reserved**825 Gaming Establishments**

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

- A. Location - Gaming establishments shall not be located less than one thousand (1,000) feet from any parcel of land contains any of the following:
 - 1. Dwelling.
 - 2. Place of worship.
 - 3. Public or private school or college.
 - 4. Public park or public recreation facility.

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

826 Reserved

827 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.

827.1 Density

Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this §827 and this Ordinance, and other applicable Township regulations. However, in no case shall the project parcel be less than two (2) acres in size.

827.2 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 permitted by the Uniform Construction Code.

828 Reserved

829 Industrial Wastewater Treatment Facilities and Water Withdrawal Facilities

Industrial wastewater treatment facilities and water withdrawal facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to the performance standards in §701 and all other applicable standards of this Ordinance, the requirements of this §829 shall apply.

829.1 Requirements for Industrial Wastewater Treatment Facilities

Industrial wastewater treatment facilities shall comply with the following requirements:

- A. **Setbacks** - The following setbacks shall be maintained for the facilities and any truck parking or staging areas. Ancillary facilities such as offices, employee parking, and accessory structures shall comply with the buffer requirements in §829.1.B.
1. **Property Lines, Road rights-of-Way** - Two hundred (200) feet to adjoining properties and public road rights-of-way.
 2. **Residential Structures** - Three hundred (300) feet to any existing residential structure not located on the project parcel.
 3. **Water Bodies** - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland. This shall not apply to any required discharge or intake structures or facilities at the receiving stream or water supply.
- B. **Buffer**
1. An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 2. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
 3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
 4. It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- C. **Conditions of Approval** - If the Township determines that the standards in §701 are not adequate, the Board of Supervisors shall attach such other conditions deemed necessary to protect the public health, safety and welfare. Such conditions imposed by the Board of Supervisors may be related to increased setbacks, security fencing, hours of operation, more stringent noise control, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

829.2 Requirements

- A. **Parking and Staging Areas** - Adequate vehicle parking and staging areas for all facilities shall be provided on site to prevent parking or staging on any public road right-of-way.
- B. **Local, State and Federal Regulations** - The facilities shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

C. Informational Requirements

1. Application Information - The applicant and/or operator for all facilities shall provide the information required by this §829.2, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance with this Ordinance.
2. DEP/DRBC Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection (DEP) Rules and Regulations and the Delaware River Basin Commission (DRBC).
3. 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 and how damage to public roads adjacent to the site will be addressed. The Applicant shall also comply with the Township road bonding requirements.
4. Conditions - The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1208.5 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code.

- D. Reporting Requirements - For any facility approved by the Township, the operator shall submit to the Township copies of all documents and reports associated with the operation which are required or issued by PA DEP or DRBC within fifteen (15) days of the submission/receipt of the document or report.

829.3 Review Fees

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

830 Junkyards

Junkyards shall be shall, in addition all other applicable regulations, comply with the following requirements:

830.1 Parcel Size and Setbacks

- A. Parcel Size - Junkyards shall not be less than two acres in area nor exceed five acres in area.
- B. Setbacks - All junkyards shall maintain a setback of not less than fifty (50) feet from any public road right-of-way unless state or federal regulations require a greater setback, fifty (50) feet from property lines, and two hundred fifty (250) feet from any residential district or any property the use of which is principally residential.
- C. Body of Water, Stream, Wetland, or Well Setback - No junkyard shall be located closer than two hundred (200) feet to any body of water, stream, wetland, or well.

830.2 Access

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

830.3 Fence

All junkyards shall be completely enclosed by a chain link fence not less than ten (10) feet in height not less than ten (10) feet from any public road right-of-way and property lines. Evergreen trees five (5) to six (6) feet in height shall be placed on 12 foot centers immediately outside the fence. The fence and gate shall be maintained in such a manner

as not become unsightly. There shall be not advertising of any kind placed on the fence. Junk shall not be stacked so as to protrude above the fence. It is further provided that 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 junkyard operator so long as said remaining portion or land is not being used of the storage of junk as defined in this Ordinance.

830.4 Buffer

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

830.5 Dumping Prohibited

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

830.6 Burning Prohibited

No burning whatsoever shall be permitted on the premises.

830.7 Hazardous Materials

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

830.8 Water Monitoring

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

830.9 Fire Lanes

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

830.10 Noise

The junkyard shall comply with the noise standards in §701.6.

830.11 Hours of Operation

Any activity associated with the operation of a junkyard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 am and 8:00 pm and not on Sundays. During business hours, an adult attendant shall, at all times, remain on the premises.

830.12 Height

No junk shall be stacked or piled to a height of greater than twelve (12) feet.

830.13 Storage

Paper, rags, plastic materials, garbage, organic waste and other rubbish shall not be stored outside and shall not be accumulated or remain on any premises for more than one (1) month.

830.14 Tires

Tires shall not be stored or stockpiled in any junkyard

830.15 Public Nuisance

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

830.16 Lock and Door Removal

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

830.17 Subdivision and Land Development Ordinance

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

830.18 Financial Guarantees

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

831 Reserved**832 Large Scale Retail Businesses**

The standards in this section shall apply to new *large retail establishments* or any combination of retail establishments in a single building (or multiple buildings developed as a shopping center or plaza) occupying more than one hundred thousand (100,000) gross square feet of lot area or any addition to an existing large retail establishment.

- A. **Facades** Any facades greater than one hundred (100) feet in length which abuts a public street shall incorporate two-foot recesses and two-foot projections along at least twenty (20) percent of the length of the facade. Windows, awnings, and arcades shall total at least sixty (60) percent of the length of the public entrance facade. (For the purposes of this section “arcade” shall mean *a continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.*)
- B. **Parapets** - Parapets shall be provided to conceal flat roofs and rooftop equipment.
- C. **Customer Entrance** Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters. Public entrance facades shall incorporate at least two (2) of the following features: overhanging eaves, sloped roofs, or three (3) or more roof slope planes. Smaller retail stores that are part of a larger principal building shall have display windows and separate outside entrances.
- D. **Building Material** - Predominate exterior building materials shall be of brick, wood, sandstone, other native stone, and tinted/textured concrete masonry. Smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels shall be prohibited as the predominant exterior building material.
- E. **Support facilities** - Loading docks, trash collection, outdoor storage and similar facilities and functions shall be

incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are minimized and out of view from adjacent properties and public streets

- F. Sidewalks - Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping.
- G. Security - Security cameras shall be provided and shall be monitored for all exterior areas associated with any large retail establishment.
- H. Trailers/Storage - The parking of trailers or use of containers for storage shall only be permitted at a location which is approved as part of the zoning application, and additional setbacks, screening and/or buffers may be required.

833 - 834 Reserved

835 Mineral Extraction

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

835.1 Findings

The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. Planning Code 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.

835.2 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.

835.3 Use Classification; Mineral Processing a Separate Use

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

835.4 Standards

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

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

835.5 Local, State and Federal Regulations

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

835.6 Informational Requirements

The applicant shall provide:

- A. Township Application Information - The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Subdivision and Land Development Ordinance. In addition the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code.

- B. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules (DEP) Rules and Regulations.

835.7 Reporting Requirements

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

835.8 Expansion of Nonconforming Mineral Extraction Operations

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

836 Mineral Processing

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

836.1 Location Requirements

Mineral processing operations shall comply with the following location requirements:

- A. Setbacks - The following setbacks shall be maintained for any mineral processing operation:

1. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
2. Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
3. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.

B. Buffer

1. An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
2. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty (20) feet wide.
3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
4. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

836.2 Local, State and Federal Regulations

All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

836.3 Informational Requirements

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

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

836.4 Reporting Requirements

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

837 Model Homes, Development Sales Offices and Sample Homes**837.1 Model Homes**

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

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

837.2 Development Sales Offices

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

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

issued to any developer in any single development or separately approved phase.

837.3 Sample Homes

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

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

838 Oil and Gas Operations

Oil and gas operations, as defined in 838.1, shall be allowed only in those districts as specified in the Schedule of Uses. In addition to the performance standards in §701 and all other applicable standards of this Ordinance which are not preempted by Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, the requirements of this 838 shall apply.

838.1 Definitions

Words and phrases used in this 838 shall have the meanings set forth below. Words and phrases not defined in this 838.1, but defined in Article III, shall be given the meanings set forth in said Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

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

OIL AND GAS OPERATIONS: The term includes the following:

- A. Natural Gas Compressor Station: A facility at which a petroleum product passing through a pipeline is pressurized by a turbine, motor, or engine, the volume of flow is measured or permanent facilities are installed for pipeline operation/maintenance and which compress, decompress, process, heat, alter or transform the pipeline product.
- B. Natural Gas Processing Plant: Any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both. (Reference: Code of Federal Regulations, Title 40, §60.631)

- C. Oil and Gas Well Development: Well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth;
- D. Oil and Gas Well and Pipeline Location Assessment: Includes seismic operations and related activities conducted in accord with all applicable Federal and State laws and regulations relating to the storage and use of explosives.
- E. Oil and Gas Fluid Storage/Impoundment: Water and other fluid storage or impoundment areas used exclusively for oil and gas operations;
- F. Construction, installation, use, maintenance and repair of:
 - 1. oil and gas pipelines;
 - 2. natural gas compressor stations; and
 - 3. natural gas processing plants or facilities performing equivalent functions; and
- G. Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in Subsections A, B, C, D, E and F above, to the extent that:
 - 1. the equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and
 - 2. the activities are authorized and permitted under the authority of a Federal or Commonwealth agency.

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

OIL OR GAS WELL: A type of major mineral extraction involving a bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such. The term well does not include a bore hole drilled or being drilled for the purpose of or to be used for systems of monitoring, producing or extracting gas from solid waste disposal facilities, as long as the wells are subject to the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act, and do not penetrate a workable coal seam. (Reference: PA Oil and Gas Act, Ch. 1, §103.)

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

OIL OR GAS WELL SITE: Areas occupied by all equipment or facilities necessary for or incidental to drilling, production or plugging an oil or gas well. [Reference PA Code, Ch. 78, §78.1(b).]

838.2 Review Period

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

838.3 Oil and Gas Well and Pipeline Location Assessment

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

838.4 Oil or Gas Well Development

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

838.5 Oil and Gas Pipelines

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

838.6 Oil and Gas Fluid Storage/Impoundment

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

838.7 Natural Gas Compressor Stations

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

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

838.8 Natural Gas Processing Plant

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

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

839 Park and Ride Facilities

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

A. Setback Requirements

1. The minimum setback adjoining any R-1 or R-2 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.

840 - 845 Reserved

846 Recreation Vehicle (RV) Parks and Recreational Vehicles

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

B. Temporary Use

1. The use of a recreation vehicle not located in an approved recreational vehicle park shall not be permitted except on a temporary basis. (See definition of “temporary” in Article III)
2. The recreation vehicle shall be connected to an approved septic system with adequate capacity, or use a portable toilet or the toilet installed in the recreation vehicle and maintain an established pumping schedule with a bona fide waste disposal company and submit pumping receipts to the Zoning Officer.

847 - 850 Reserved

851 Self-Storage Facilities

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

851.1 District Requirements

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

851.2 Fence

The self-storage facility shall be surrounded by a fence of such height and design as to restrict access to the self-storage facility, and said fence shall not be less than eight (8) feet in height and shall be located between the self-storage facility and any required buffer.

851.3 Use

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

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

851.4 Outdoor Storage

No material, supplies, equipment or goods of any kind shall be stored outside of the self-storage facility structures,

with the exception of the vehicles required for the operation of the self-storage facility or the storage of boats or vehicles as shown on an approved plan.

851.5 Storage in Setback Areas

No storage shall be permitted in any required setback area.

852 - 853 Reserved

854 Shooting Ranges and Archery Ranges -- Outdoor Commercial

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

854.1 Setbacks

- A. Outdoor Shooting Ranges - All outdoor shooting ranges shall be situated not less than five hundred (500) feet from any property line and not less than two thousand five hundred (2,500) feet from any principal residential or principal nonresidential building existing on the effective date of this §854. This shall not apply to structures on the same parcel as the shooting range.
- B. Outdoor Archery Ranges - All outdoor archery ranges shall be situated not less than two hundred (200) feet from any property line and not less than three hundred (300) feet from any principal residential or principal nonresidential building existing on the effective date of this §854. This shall not apply to structures on the same parcel as the shooting range.

854.2 Safety Design

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

854.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of §701.6 of this Ordinance unless more restrictive standards are required by the Township as a condition of approval.

854.4 Hours of Operation

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

854.5 Fence

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

854.6 Posting

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

854.7 NRA, State and Federal Regulations

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

855 - 856 Reserved

857 Solar Power Generation, Commercial

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to commercial solar power generation facilities which shall be permitted only in the districts as provided by the Schedule of Uses.

857.1 Purposes

To accommodate the need for solar power facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.

857.2 Permits; Use Regulations

- A. Permits - A permit shall be required for every solar power facility installed in the Township.
- B. Associated Use - All other uses ancillary to the solar power facility (including a business office, maintenance depot, etc., greater than one thousand (1,000) sq. ft.) are prohibited from the solar power facility, unless otherwise permitted in the zoning district in which the solar power facility is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the solar power facility.
- C. Solar Power Facility as a Second Principal Use - A solar power facility shall be permitted on a property with an existing use subject to the following land development standards:
 - 1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the solar power facility shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 - 2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - 3. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed solar power facility and that vehicular access is provided to the solar power facility.

857.3 Standards and Design

- A. Height - Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.
- B. Parcel Size; Setbacks
 - 1. 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.
 - 2. The setback for solar collectors, all structures, equipment containers and any associated mechanical facilities shall comply with setback requirements for principal structures of the underlying zoning district.
- C. Fencing - A fence may be required around the facility or portions of the facility for safety reasons.
- D. Landscaping - Landscaping may be required to screen as much of the solar power facility ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the solar power facility ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.

- E. Licenses; Other Regulations; Insurance - The applicant shall demonstrate that it has obtained the required licenses from governing state and federal agencies, and agreement from the local electric utility. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar power facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the solar power facility.
- F. Access; Required Parking - Access to the solar power facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a gravel or better surface for its entire length. If the solar power facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- G. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties shall not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the solar power facility developer.
- H. Glare - The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year and direction of peak glare periods and document how potential nuisances to area properties and on public roads shall be controlled.
- I. Historic Structures - A solar power facility shall not be located within five hundred (500) feet of any structure listed on any public historic register.
- J. Standards; Certification - The design of the solar power facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories or other similar certifying organizations. The operator shall repair, maintain and replace the solar collectors and associated equipment in like manner as needed to keep the facility in good repair and operating condition.
- K. Uniform Construction Code - To the extent applicable, the solar power facility shall comply with the Pennsylvania Uniform Construction Code.
- L. Electrical Components - All electrical components of the solar power facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- M. Warnings - A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- N. Signs - No advertising material or signs other than warning, manufacturer and equipment information or indication of ownership shall be allowed on any equipment of structures.
- O. Transmission and Power Lines - On-site transmission and power lines shall, to the greatest extent possible, be placed underground.
- P. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
- Q. Emergency Services - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the solar power facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response

plan for the solar power facility.

- R. Lot Coverage - The area of the solar panels shall be included in the calculation of lot coverage which shall not exceed seventy-five (75) percent.
- S. Site Plan - A full site plan shall be required for all solar power facility sites, showing the solar power facility, fencing, screening, buffers, access, and all other items required by this Ordinance.

857.4 Public Inquiries and Complaints

The solar power facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the solar power facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

857.5 Decommissioning

- A. Time Limit - The solar power facility owner and operator shall, at its own expense, complete decommissioning of the solar power facility, or individual components, within twelve (12) months after the end of the useful life of the solar power facility or individual components. The solar power facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- B. Depth Requirement - Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
- C. Disturbed Earth - Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. Professional Engineer - An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (*decommissioning costs*) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (*net decommissioning costs*). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- E. Financial Security Bond - The solar power facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Board of Supervisors, but not less than \$50,000, from a company and in a form and content acceptable to the Board of Supervisors, to insure the decommissioning within one hundred eighty (180) days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.
- F. Funds - Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- G. Landowner Responsibility - If the solar power facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have one hundred eighty (180) days to complete decommissioning.
- H. Township Intervention - If neither the solar power facility owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- I. Release of Decommissioning Funds - The escrow agent shall release the decommissioning funds when the solar

power facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

857.6 Review Fees

Fees for applications submitted under this §857 shall be established by resolution of the Board of Supervisors.

858 Solid Waste Facilities

858.1 Intent

The intent of this §858 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.

858.2 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 §858.
- 2. Where a difference exists between applicable State regulations and Township regulations, it is intended for the purposes of this §858 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.

858.3 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.

858.4 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.

858.5 Environmental Assessment

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

858.6 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.

858.7 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.

858.8 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.

858.9 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.

858.10 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, Christmas Day, 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.

858.11 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.

858.12 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.

858.13 Traffic Study

The applicant shall provide a traffic study in accord with §708 of this Ordinance.

858.14 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 §858.14 shall be a violation of this Ordinance.

859 - 865 Reserved

866 Vehicle and Equipment Related Uses

Vehicle related uses shall, in addition to all other applicable standards, shall comply with the standards in this §866.

866.1 Car and Truck Wash Facilities

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

- A. Water Handling - Appropriate facilities for the handling of waste water from the washing activities shall be provided, including, but not limited to, the prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
- B. Queuing Area - The site shall be sufficiently large to accommodate vehicles awaiting washing during peak period.
 - 1. Five reservoir spaces for queuing vehicles shall be provided for each automatic wash lane (not including the wash lane or loading area).
 - 2. Two reservoir spaces for queuing vehicles shall be provided for each self-service wash stall (not including the wash stall).

866.2 Vehicle or Equipment Repair Operations and Vehicle or Equipment Sales or Rental Operations

In addition to all other applicable standards, all vehicle or equipment repair operations and all vehicle or equipment sales or rental operations of new and used automobiles, trucks, motorcycles, mobile homes, recreation vehicles, boats, and travel trailers and other vehicles and equipment shall be subject to the following specific regulations and requirements:

- A. Repair and Service - All repair, service or similar activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes and glare.
- B. Exterior Storage
 - 1. Parts and Other Materials - Exterior storage of dismantled vehicles, tires, auto parts and similar materials shall not be permitted except in a designated storage area in accord with §866.2.B.3. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.

2. Vehicles

- a. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any unscreened exterior area. Any vehicle stored for more than thirty (30) days shall be stored in a designated area in accord with §866.2.B.3.
- b. Not more than four (4) vehicles per service stall may be stored outside a fully enclosed building.
- c. Proof of current license and current registration or ownership of any vehicle shall be required upon demand by the Zoning Officer.

3. Designated Storage Area

- a. All operations storing parts, materials or vehicles outdoors shall establish a designated storage area meeting principal structure setback requirements.
- b. A secure and durable fence, six (6) to ten (10) feet in height, shall be erected around the perimeter of the storage area and the area shall be screened.
- c. The area shall be stabilized with paving or other suitable material to prevent mud and minimize dust.

C. Flammable Materials

1. Exterior storage of flammable materials such as oil, kerosene, gasoline, etc., shall be prohibited at all times.
2. Small propane bulk filling tanks are permitted if fully in compliance with all existing local, state and federal regulations and requirements.

D. Accessory Goods - Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products shall be permitted on the respective islands or provided for in a suitable and safe stand or rack that does not encroach upon the required aisles or parking areas.

E. Bulk Storage - The storage of gasoline and flammable oils in bulk shall be in compliance with state and federal regulations..

F. Pumps - Gasoline pumps and other service appliances may be located in the required front setback but shall not be situated closer than thirty (35) feet from the road right-of-way line and property lines.

G. Canopy - Any canopy structure over the pumping area shall not be less than twenty (20) feet from any highway right-of-way or lot line and shall not exceed a height of twenty (20) feet.

H. Floor Drainage - Floor drainage basins shall be plugged or flow into a holding tank and be disposed of periodically in accord with applicable regulations. Verification of proper disposal may be requested at any time by the Township Zoning Officer or any authorized local, state, or federal agency.

I. Vehicle and Equipment Display - The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicle and travel trailers and other vehicles or equipment shall meet the side and rear setback requirements for accessory buildings.

866.3 Race Tracks

In addition to all other applicable standards, the following additional standards shall apply to race tracks:

- A. Setbacks - All areas for the driving, testing and/or maintenance of motor vehicles shall not be less than 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 R-1 or R-2 District. Greater setbacks and buffers may be required in accord with §701.1 to address community effects.
- B. Animal Race Tracks - In addition to the other standards in this §866.3, the following additional standards shall apply to animal race tracks:
1. The race course for any animal race track shall not be less than five hundred (500) feet from any property line or public road right-of-way. Greater setbacks and buffers may be required in accord with §701.1 to address community effects.
 2. Any stable building, corral, kennel or other indoor or outdoor area used for the keeping or feeding of animals, concentrated confinement of animals or manure and animal waste storage shall not be less than one hundred (100) feet from any property line or public road right-of-way.
 3. The Applicant shall provide a plan for manure and animal waste management satisfactory to the Board of Supervisors demonstrating that all manure and animal waste shall be managed and disposed of in accord with applicable local, state and federal regulations.
- C. Buildings - All buildings on the race track parcel shall comply with Uniform Construction Code and PA Department of Labor and Industry Standards.
- D. Time Limitations - No race shall be conducted between the hours of 9:00 P.M. and 9:00 A.M., and all track lighting shall be extinguished by 10:00 P.M. However, the Township may establish more restrictive time limits and limit the days of operation as a condition of approval.
- E. Repair Activities - All service and repair activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- F. Tire and Part Storage - All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.
- G. Storage - No vehicles, supplies, parts, or any other material shall be stored in any required setback areas normally required for the district.
- H. Fuel Documentation - Documentation shall be provided that all fuel and fuel storage areas comply with State and Federal requirements.
- I. Bond/Insurance - Based on the type and size of the race track, the Board of Supervisors may require the Applicant to provide a bond and/or insurance to cover the cost of any environmental clean-up or enforcement action which may be required at the site. The amount of the coverage shall be determined by the Board based on the type and size of the track.

867 Reserved

868 Wind Energy Facilities

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

868.1 Purposes

- A. Need and Location - To accommodate the need for wind energy facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety, and welfare.
- B. Adjacent Properties - To avoid potential damage to adjacent properties from wind turbine structure failure and falling ice, through engineering and proper siting of such structures.

868.2 Number

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

868.3 Permits; Use Regulations

- A. Permits - A zoning permit shall be required for every wind energy facility and wind turbine installed in the Township, and all such facilities shall comply with the Township Wind turbine Generator Ordinance.
- B. Associated Use - All other uses ancillary to the wind energy facility (including a business office, maintenance depot, etc., greater than one thousand (1,000) sq. ft.) are prohibited from the wind energy facility, unless otherwise permitted in the District in which the wind energy facility is located. This shall not prohibit the installation, as accessory structures, of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind energy facility.
- C. Wind Energy Facility as a Second Principal Use - A wind energy facility shall be permitted on a property with an existing use in districts where permitted subject to the following land development standards:
 - 1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind energy facility and wind turbines shall apply; and, the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 - 2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - 3. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

868.4 Standards

- A. Wind Energy Facility Height - The applicant shall demonstrate that the wind turbines are at the minimum height required to function satisfactorily. No wind turbine that is taller than this minimum height shall be approved.
- B. Parcel Size; Setbacks
 - 1. Separate Parcel - If the parcel on which the wind energy facility is a separate and distinct parcel, the District minimum lot size shall apply; and, in all cases, the lot shall be of such size that all required setbacks are satisfied.
 - 2. Lease, License or Easement - If the land on which the wind energy facility is leased, or is used by license or easement, the setback for any wind turbine, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, no wind turbine shall be located closer to any property line (not lease, license or easement line) than one and one tenth (1.1) times the turbine height, including the rotor plane.

3. Public and Semi-Public Structures - No wind turbine shall be located less than two thousand (2,000) feet from any existing public or semi-public principal structure measured from the center point of the turbine base. (For the purposes of this §868, *existing principal structure* shall mean any existing principal structure or any principal structure for which a zoning permit has been issued.)
4. Principal Structures on Wind Energy Facility Parcel - No wind turbine shall be located less than six hundred (600) feet from any existing principal structure on the wind energy facility parcel or lease, license or easement parcel as measured from the center point of the turbine base, unless the property owner provides written permission allowing for a lesser distance. (For the purposes of this §868, *existing principal structure* shall mean any existing principal structure or any principal structure for which a zoning permit has been issued.) In no event shall the setback distance be less than one and one tenth (1.1) times the total height of the wind turbine as measured from the highest point of the turbine, including the rotor plane.
5. Principal Structures on Other Parcels - No wind turbine shall be located less than two thousand (2,000) feet from any principal structure existing on any other parcel prior to the erection of the wind turbine as measured from the center point of the turbine base unless the owner of such existing principal structure shall have executed a written waiver or non-disturbance easement, covenant or consent, any of the aforementioned which has been recorded in the Office of the Recorder of Deeds of Monroe County, Pennsylvania. Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the location of a wind turbine generator within the established setback distance of an existing principal structure on the property of the owner executing same. Such easement, covenant or consent shall meet such requirements as to form and content as may be required by the Township. In no event shall the setback distance be less than one and one tenth (1.1) times the total height of the wind turbine as measured from the highest point of the turbine, including the rotor plane.
6. Property Lines and Public Roads - No wind turbine shall be located not less than one and one tenth (1.1) times the total height of the wind turbine from property lines and public road rights-of-way as measured from the highest point of the turbine, including the rotor plane.
7. Communication and Electric Lines - No wind turbine shall be located not less than one and one tenth (1.1) times the total height of the wind turbine from the nearest above ground public electric power line or public telephone line or other public communication line as measured from the highest point of the turbine including the rotor plane.
8. Horizontal Rotors - The required setbacks for windmills with horizontal rotors shall not be less than one and one tenth (1.1) times the height of the turbine tower or one and one tenth (1.1) times the height of the turbine tower plus the distance of the outer end of the rotor from the tower, whichever is greater.

C. Wind Energy Facility Design

1. Standards; Certification - The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
2. Reserved
3. Uniform Construction Code - The wind energy facility shall comply with the Pennsylvania Uniform Construction Code.
4. Controls and Brakes - All wind energy facilities shall be equipped with a redundant braking system. This

includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

5. Electrical Components - All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
6. Warnings - A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
7. Signs - No advertising material or signs other than warning, equipment information or indicia of ownership shall be allowed on the wind turbine generators. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners, or 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 not exceed forty-five (45) dBA as measured at the exterior of any occupied building on any other parcel. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. The facility owner and operator shall use best efforts to minimize shadow flicker to any occupied building on any other parcel.
3. For the purposes of this 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 shall not be disturbed or diminished; and, this may be accomplished by remedial measures instituted by the wind energy facility operator.
- L. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall utilize Good Utility Practice to minimize the impact, if any, of stray voltage and/or EMF.
- L. Water and Sewer - Water, other than for facility cooling and fire suppression purposes, and sewage facilities shall not be permitted at wind energy facility sites to preclude person(s) from living or staying on the site, unless such facilities serve a use otherwise approved in accord with this Ordinance.
- M. Emergency Services - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the wind energy facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.
- N. Site Plan - A full site plan shall be required for all wind energy facility sites, showing the wind energy facility, wind turbines, building, fencing, buffering, access, and all other items required by this Ordinance and the Subdivision and Land Development Ordinance.

868.5 Certification

The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed wind energy facility and support structure shall be designed and constructed in accord with accepted engineering practices and all requirements of this Ordinance. Within 45 days of initial operation, the owner and/or operator of the wind energy facility shall provide a certification from a Pennsylvania registered professional engineer that the wind energy facility and all structures comply with all applicable regulations.

868.6 Review Fees

In addition to the normal application fees, the applicant shall pay all professional costs incurred by the Township for review of structural, radio frequency and other technical aspects of the proposal and shall deposit with the Township an amount deemed adequate by the Governing Body to cover the anticipated costs. If the review costs exceed the deposit, an additional assessment shall be made. If the deposit exceeds the cost, the balance shall be returned to the applicant. No approval shall become effective until all costs have been paid by the applicant.

868.7 Wind Test Towers

Temporary wind test towers may be erected as a conditional use in Districts where wind energy facilities are permitted in accord with other applicable requirements of this Zoning Ordinance. Such towers shall be removed within eighteen (18) months of installation.

ARTICLE IX NONCONFORMITIES

901 Purpose, Applicability, Registration, and Continuation and Change

901.1 Purpose

It is the purpose of this Article to recognize that if, prior to the adoption of the original Township Zoning Ordinance, as amended, reenacted and replaced, property was used for a then lawful purpose or in a then lawful manner which the Zoning Ordinance would render thereafter prohibited and nonconforming, such property is generally held to have acquired a vested right to continue such nonconforming use or nonconforming structure. Nevertheless, this does not preclude the Township from regulating the change, alteration, 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 to limit the injurious impact of nonconforming lots, structures and uses on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or extension of nonconforming lots, structures and uses may not be contrary to the public interest or the general purpose of this Ordinance, when failure to allow such change, alteration, 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, including photographs, that the nonconformity is legal. A property owner may request a written certificate of nonconformity from the Zoning Officer after providing sufficient evidence.

901.4 Continuation and Change

A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners subject to the other provisions of this Ordinance. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this Article.

902 Definitions

- A. Nonconforming Lot - A lot the area or dimension of which was lawful prior to the effective date of this Ordinance, as amended, but which fails to conform to the requirements of the zoning district in which it is located by reasons of the adoption or amendment of this Ordinance.
- B. Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of the use provisions of this Ordinance, as amended, where such structure lawfully existed

prior to the enactment of this Ordinance, or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

- C. Nonconforming Structure, Alteration - As applied to a nonconforming structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- D. Nonconforming Structure, 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.
- E. Nonconforming Use - A use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.
- F. Nonconforming Use, Change - The conversion of a nonconforming use to a different use classification as enumerated in the Schedule of Uses.
- G. Nonconforming Use, Enlargement - The extension of a nonconforming use throughout the structure which the said use partially occupies; or the expansion of a nonconforming use onto land area not already occupied by the said use.
- H. Nonconforming Use, Reestablishment - The reopening or reinstitution of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this Ordinance.

903 Nonconformities Under Development

For the purposes of this Article IX, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing Ordinances prior to the effective date of this Ordinance, or any amendment hereto, and completed within a one-year period after the effective date of this Ordinance or amendment hereto, shall be considered nonconforming.

904 Nonconformities by Variance

A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance, as amended, reenacted and replaced, shall be considered nonconforming for the purposes of this Ordinance.

905 Normal Maintenance and Repair Activities

Normal maintenance and repair, such as painting, replacement of siding, and similar activities is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the building or area, or a change of nonconformity, or otherwise create more incompatibility with the permitted use provisions of this Ordinance. Such maintenance and repair activities shall, however, shall comply with all other applicable standards and permit requirements of this Ordinance.

906 Changes

- A. Change to Conforming Use - A nonconforming use may be changed to a conforming use. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use and the new use shall not thereafter revert to a nonconforming use.
- B. Change to Another Nonconforming Use - As determined by the Zoning Officer and subject to the issuance of a change of use permit, a nonconforming use may be changed to another nonconforming use which is

substantially of the same character, in more or equal conformity with the District, and not subject to more restrictive standards than the existing nonconforming use. Any such change shall be considered an abandonment of the prior nonconforming use and the new use shall not thereafter revert to the prior use.

907 Enlargement

907.1 Permit

All enlargements of nonconforming uses into more area of a structure or onto more area of the property shall require the applicable zoning permit.

907.2 Enlargement Limited to Same Parcel; New Structures Prohibited

Enlargements of a nonconforming use shall be limited to the same parcel of property on which the nonconforming use is situated as said parcel existed on the effective date of this Ordinance, as amended. For any nonconforming uses not involving a structure, no new structures shall be permitted as part of an enlargement.

907.3 Enlargement Limitation

An enlargement of land or structure used for the nonconforming use shall be limited to a total increase not to exceed thirty-five (35) percent of land or thirty-five (35) percent of structure beyond what existed on the effective date of this Ordinance, as amended. All such enlargements of a nonconforming use may be permitted in successive increments for a total up to the increase permitted; 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 enlargement.

907.4 Compliance with Standards

In addition to complying with the requirements of this §907, an enlargement of a nonconforming use shall comply with all setback, height, lot coverage, parking and other standards of this Ordinance.

908 Reconstruction

908.1 Reconstruction Permitted

Any lawful nonconforming building, structure or use which has been damaged or destroyed by fire, explosion, windstorm or other external cause may be reconstructed in the same location, provided that::

- A. The application for a zoning permit is submitted within one (1) year of the date of the casualty.
- B. The nonconformity is not increased and no new nonconformity is created except for an enlargement of a nonconforming use in compliance with §907.
- C. It was not voluntarily demolished. (See §908.5.)

908.2 Procedure - Permits

All applicable permits for the reconstruction of a nonconforming structure or use shall be required. .

908.3 Time Extension

The Zoning Officer may for good cause grant a one-time extension of not more than one (1) year for the reconstruction of the nonconforming use. Said extension shall only be considered upon written application for same submitted by the property owner.

908.4 Nonconforming Agricultural Buildings

Reconstruction regulations shall not apply to active nonconforming agricultural buildings and active farms which may be restored by right.

908.5 Demolition

If a nonconforming structure or use is voluntarily demolished to an extent which exceeds fifty (50) percent of the cost

to replace the entire structure or use in accord with the most current construction standards, the reconstruction shall comply with current setback, lot coverage, height and other requirements of this Ordinance.

909 Abandonment and Reestablishment of Nonconformities

909.1 Abandonment

If a nonconforming use of land or structure ceases operations, is discontinued, is vacated or is otherwise abandoned for a period of one (1) year 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 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 Agricultural Uses

Abandonment regulations shall not apply to agricultural uses.

910 Alterations of Nonconforming Structures

The alteration or expansion of nonconforming structures shall be permitted only in accord with this §910 and other applicable standards in this Ordinance.

910.1 Permit

An alteration of a nonconforming structure shall require the applicable zoning permit.

910.2 Compliance with Standards

An alteration of a nonconforming structure shall comply with all setback, height, lot coverage, parking and other standards of this Ordinance and shall not result in any increased nonconformity except for an enlargement of a nonconforming use in compliance with §907.

910.3 Nonconforming Setbacks

A structure which is nonconforming as to a setback requirement shall not be permitted to be extended along the nonconforming setback line unless a variance is granted by the Zoning Hearing Board.

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 Reserved

912 Use of Nonconforming Lots of Record

912.1 Principal Permitted Uses Allowed

In all districts, a lawful nonconforming lot of record may be used for any use classified as a principal permitted use in the district of location provided:

- A. Standards - All applicable standards in this Ordinance are satisfied unless a variance is granted by the Zoning Hearing Board.
- B. Lot Size Requirement - This Ordinance does not require a lot size for the specific use which is greater than the basic lot size for the District.

912.2 Combination Required

If a use is proposed on adjoining nonconforming lots in single ownership, the lots shall be combined into a single parcel in accord with the requirements of the Township Subdivision and Land Development 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 SIGNS

1101 Administration

1101.1 Administration

The Purpose of this Article XI is to establish standards for the regulation of signs in order to safeguard the public interest and:

- A. to preserve the beauty and the unique character of the Township;
- B. to promote and aid in the tourist industry of the Township;
- C. to protect the general public from damage and injury which may caused by the faulty construction of signs;
- D. to protect pedestrians and motorists from damage of injury caused, or partially attributable to the distractions and obstructions caused by improperly situated signs;
- E. to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic;
- F. to assure that signs are clear and provide the essential identity or direction to facilities in the community; and,
- G. to enable the fair and consistent enforcement of the sign restrictions throughout the Township.

1101.2 Applicability - Effect

A sign may be erected, placed, established, painted, created or maintained in the Township only in conformance with the standards, procedures, exceptions, and other requirements of this Ordinance. The effect of this Ordinance as more specifically set forth herein is:

- A. to establish a permit system to allow a variety of types of signs in the various zones, subject to the standards and the permit procedures of this Ordinance;
- B. to allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits;
- C. to provide for temporary signs without commercial messages in limited circumstances in the public right-of-way; and,
- D. to prohibit all signs not expressly permitted by this Ordinance.

1101.3 Requirement of Conformity

No sign, for which a permit is issued after the effective date of this Ordinance, may be placed or maintained in the Township except as provided herein. All signs maintained contrary to the provisions of this Ordinance are declared to be nuisances, and as such may be abated as provided by law.

1101.4 Recommended Types of Signs

It is recommended that signs be:

- A. Wood or simulated wood relief. (See §1104.15)

- B. Designed as an integral architectural element of the building and component of the site.
- C. Comprised of restrained colors, materials, and lighting and compatible with the building and site, and rural character of the Township.

1102 **Definitions And Interpretation**

Words and phrases used in this Article shall have the meanings set forth in this Section. Words and phrases not defined in this Section but defined in Article III shall be given the meanings set forth in said Article. Principles for computing sign area and sign height are contained in this section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

A-Frame or Sandwich Board Sign: A movable sign consisting of two (2) faces, connected and hinged at the top.

Abandoned Sign: A Sign located on a property or premise which is vacant and/or unoccupied for a period of six (6) months, or a sign which is damaged, in disrepair, or vandalized and not repaired within sixty (60) days of the date of the damaging event and/or for which no legal owner can be found.

Advertising Sign, Off-premises: A sign which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered an off-premises advertising sign.



A-Frame / Sandwich Board

Animation: The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign; the movement of a sign set in motion by the atmosphere. Time and temperature devices shall be considered animated signs.

Applicant: A person or entity who applies for a sign permit in accordance with the provisions of this Ordinance.

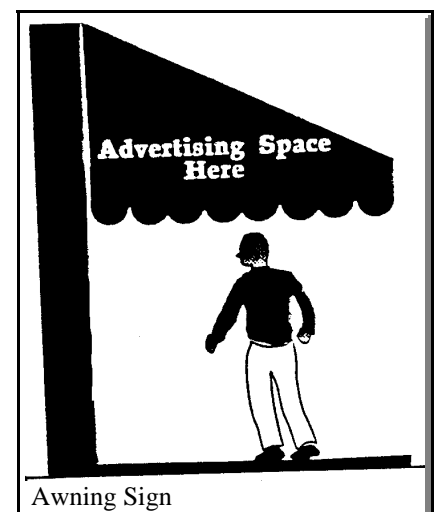
Area of Sign: See *computation of area in individual signs* and *computation of area of multi-faced signs*

Attraction Board: See *changeable panel sign*.

Automated Teller Machine Directional Sign: A traffic directional sign which is used to direct pedestrian or vehicular traffic on a parcel to the location of an automated teller machine.

Automated Teller Machine Sign: Any sign located on or architecturally associated with the exterior face of an automated teller machine.

Awning Sign: Signs which are placed on or integrated into fabric or other material canopies which are mounted on the exterior wall of a building.

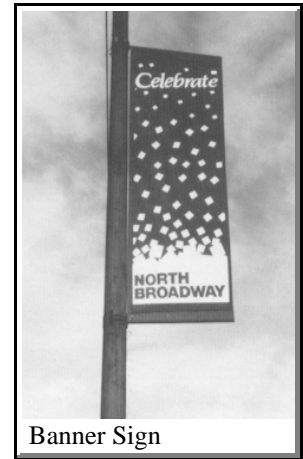


Awning Sign



Civic Event Banner

Banner Sign: A sign intended to be hung either with or without a frame with characters, letters, illustrations, or ornamentations applied to paper, plastic, fabric or similar material excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for noncommercial purposes.



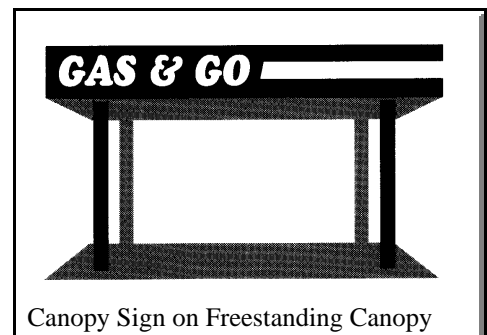
Banner Sign

Billboard: A type of off-premises advertising sign and which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located, or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered a billboard.

Business: For the purposes of this Article XI, business shall mean any approved non-residential use including commercial, manufacturing, and industrial enterprises; public buildings and uses such as public schools, parks, civic centers, municipal buildings; and semi-public buildings and uses such as churches, fire houses, ambulance buildings, private schools, and libraries.

Business Name: The name by which a business is commonly recognized and used by the applicant. The applicant shall provide stationary or other supporting documents illustrating the use of the business name or verification of the official business license or tax name. Slogans or product information shall not be considered as the business name.

Canopy Sign: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

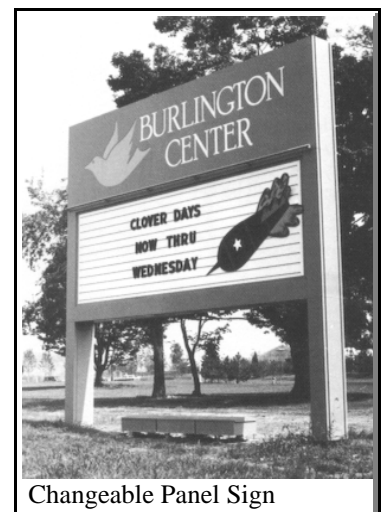


Canopy Sign on Freestanding Canopy

Changeable Panel Sign: A sign designed to allow its informational content to be changed or altered.

Commercial Message: Any sign wording, logo, or other representations that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Computation of Area in Individual Signs: The area of sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.



Changeable Panel Sign

Computation of Area of Multi-faced Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

Computation of Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Contractor or Subcontractor Signs: The temporary signs which identify the contractor or subcontractor engaged in the construction, reconstruction or repair of a building or buildings on a lot or parcel or property.

Development Sign: A temporary sign used to identify an approved future development.



Development Sign

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 provides a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purposes of giving directions, instruction, or facility information and which may contain the name and logo of an establishment but no advertising copy.



Directional Sign

Double-Faced Sign: A sign with two faces, essentially back to back.

Easel Sign: A self-supporting, movable sign consisting of one (1) face with supporting legs or a supporting frame, or a sign displayed on an easel.

Electronic Message Sign: Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

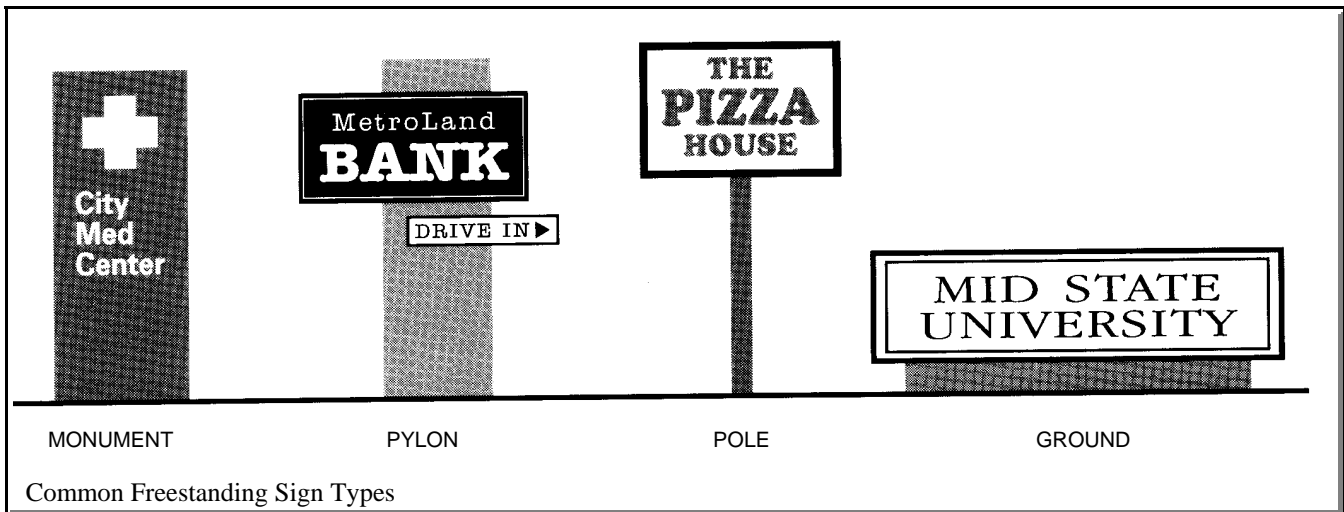
Emergency Signs: Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.



Directory Sign

Facade: Any exterior wall of a building exposed to public view; and any structure or part of a structure attached to, or otherwise mounted parallel to, an exterior wall or other vertical part of the structure.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity which is mounted on a pole, cable, or rope at one end.



Freestanding Sign: A sign supported permanently upon the ground by poles or braces and that is not attached to any building.

Government Sign: Any temporary or permanent sign erected and maintained by the Township, county, state, or federal government for traffic direction or for designation of or any school, hospital, historical site, or public service, property, or facility.

Grand Opening: The introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership. A business qualifies for a grand opening sign when it has been closed to the public for a period of thirty (30) days.

Ground Level: The finished grade of the adjacent street curb or where there is no street curb, six (6) inches above street grade. Ground level shall be the existing natural grade.

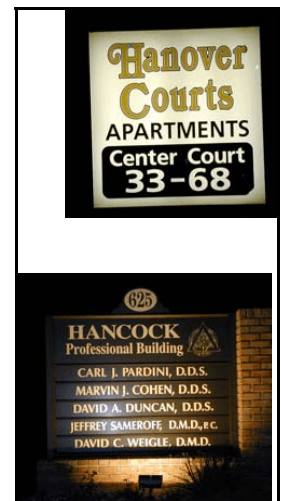
Ground Sign: A freestanding sign that is architecturally integrated with the building with individually mounted letters and/or logos only. This sign shall be built with continuous background surface built from the ground up.

Height: The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less..

Illegal Sign: Any sign erected without first obtaining an approved sign permit, other than non-conforming signs, and which does not meet the requirement of this ordinance.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental or Instructional Sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking, entrance, loading only, telephone and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.



Internal and External Illumination



Incidental Sign or Instructional Sign

Indirect Illumination: A source of external illumination located away from the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

Individual Letters: A cut-out or etched letter or logo which is individually placed on a landscape, screen wall, building wall or ground sign.

Internal Illumination: A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.

Logo: A graphic symbol representing an activity, use or business. Permitted logos shall be registered trademarks or symbols commonly used by the applicant, and may include graphic designs in addition to lettering. The applicant shall provide stationary or other supporting documents illustrating the use of the logo.

Maintenance: The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of said copy.

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from the weather.

Monument Sign: A free-standing cabinet or panel sign mounted on, or within a base (above grade), which is detached from any building.



Marquee Sign

Multiple Occupant Commercial Building: A commercial development in which there exists two or more separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple occupant commercial use of a single structure.

Nameplate: A small sign which identifies a resident's or home's name and address or the name of a farm, ranch or commercial stable. Such signs may be shingle, building wall or archway-mounted signs.

Nonconforming Sign: Any sign which is not allowed under this Ordinance, but which, when first constructed before this ordinance was in effect and for which a sign permit was issued, was legally allowed.

Occupancy: A purpose for which a building, or part thereof, is used or intended to be used.

Owner: A person recorded as such on official records. For the purpose of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Officer.

Panel: A two-dimensional visual background behind the sign letters and logos which is visually separated from the mounting upon which the sign letters and logos are placed by the presence of a border, different colors, different materials, or other technique of visual framing around the letters or logos.

Parapet: That portion of a building exterior wall projecting above the plate line of the building.

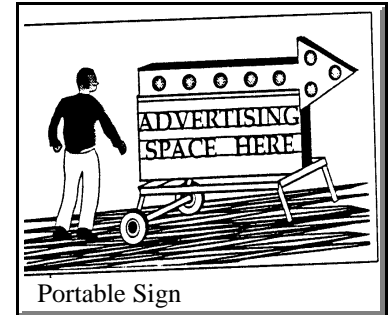
Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Sign: Any sign which is intended to be and is constructed as to be in lasting and enduring condition remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the Ordinance.

Plate Line: The point at which any part of the main roof structure first touches or bears upon an external wall.

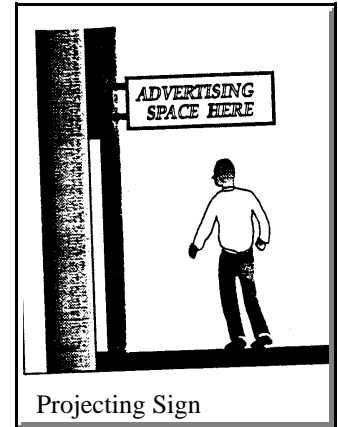
Political Sign: A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.



Portable Sign

Projecting Sign: Any sign affixed to a building wall in such a manner that it's leading edge extends more than six (6) inches beyond the surface of such building or wall.



Projecting Sign

Public Property: Unless otherwise expressly provided, public property means any and all real or personal property over which the Township or other governmental entity has or may exercise control, whether or not the government owns the property in fee, including, sidewalks, rights-of-ways and improved or unimproved land of any kind and all property appurtenant to it.

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

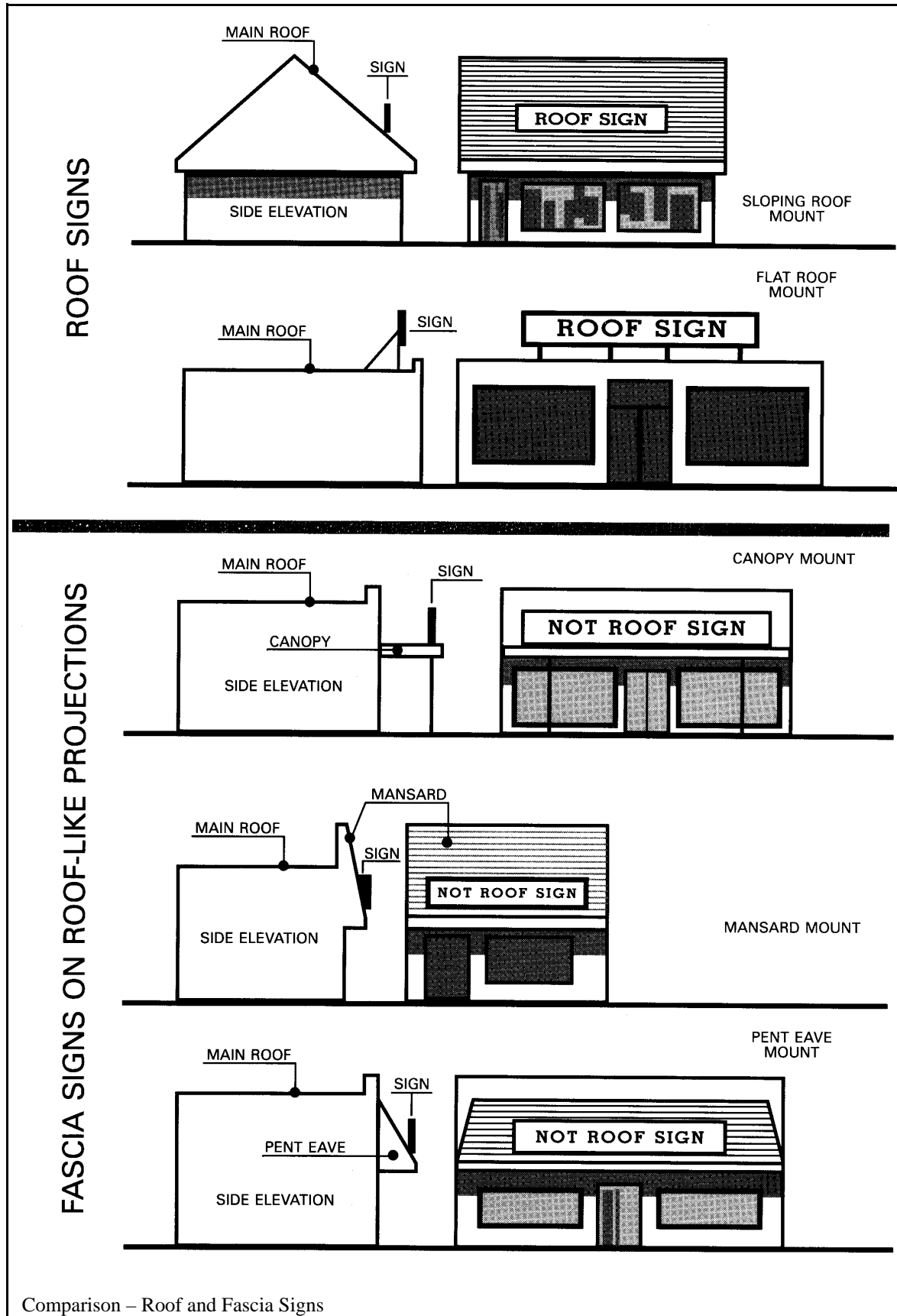
Right-of-Way: No commercial sign shall be erected so as to project beyond a property line, over a public sidewalk or over or within a public right-of-way.

Roof Line - The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

Roof Sign: Any sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. See the following illustration for example of roof signs, and comparison of differences between roof and fascia signs. (See next page.)

Shingle Sign: A sign suspended from a roof overhang of a covered porch, walkway or horizontal plane surface which identifies the tenant of the adjoining space.

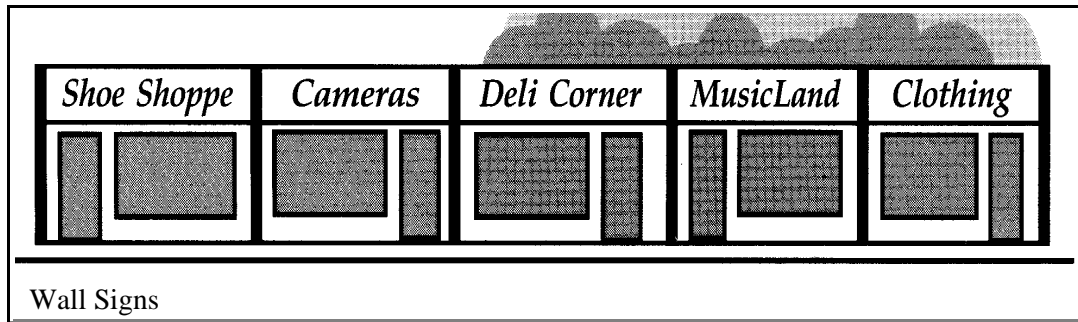
Sign: Any device for visual communication which is used or is intended to attract the attention of the public with a purpose of identifying, when the display of the device is visible beyond the boundaries of the public or private property upon which the display is made. The term "sign" shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Monroe County, the Township, or official historic plaques of any governmental jurisdiction or agency.



Special Event: A promotional event such as, but not limited to, grand openings, bazaars, street fairs, shows, exhibitions, sporting events, runs, bicycling events, and block parties. This does not include sidewalk sales occurring on private property where merchandise normally sold indoors is transferred from indoors to outdoors for sale.

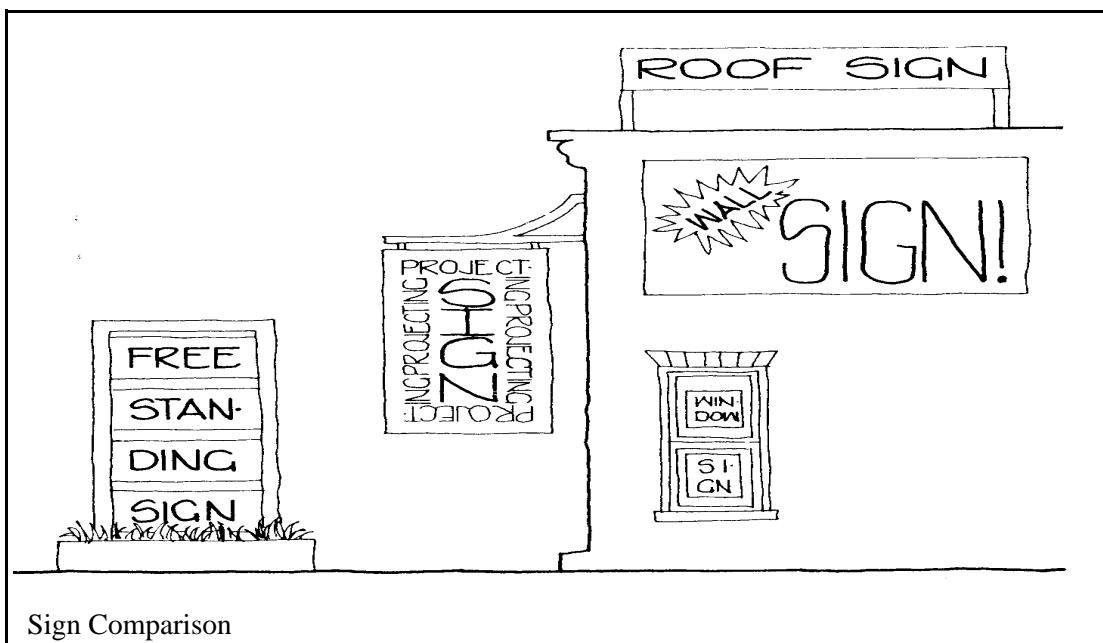
Temporary Sign: Any sign, banner, pennant, or valance of advertising display constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard or other like materials, with or without frames, or any sign not permanently attached to the ground, wall or building.

Traffic Directional Sign: Signs used at driveways to improve public safety and to enhance public access to the site from public streets, which provides information to assist the operators of vehicles in the flow of traffic. Such signs may use names, logos, or symbols of buildings, businesses, activities, uses or places as a means of direction.



Wall Sign: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign: Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a window pane which is intended to be read from the exterior of the building.



1103 Procedures

The procedures included in this §1103 shall apply to all signs requiring permits.

1103.1 Requirement of Permit

A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this Ordinance. However, a permit shall not be required for the following signs and actions, provided however, that such signs shall be subject to any and all applicable provisions of this Ordinance.

- A. Exempt signs as specified in §1104.2.
- B. Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.

1103.2 Permit Application

Applications for sign permits shall be submitted to the Zoning Officer and shall, at a minimum, contain or have attached thereto the information listed in this section. The applicant shall pay the required application fee at the time when the sign application is filed. Two (2) copies of plans and specifications shall be submitted with each application. One copy shall be returned to the applicant at the time the permit is granted. The plans shall include complete details about the size of the sign, the method of attachment or support, locations and materials to be used, and the name, address and profession of the person designing the plans and specifications. If the Zoning Officer determines that the sign will be subject to excessive stresses, additional data shall be required, showing that supporting surfaces and other members of an existing building to which the sign is to be attached are in good condition and are adequately strong to support the load, including the proposed sign.

- A. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
- B. The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.
- C. A sketch plan of the property involved, showing accurate placement thereon of the proposed sign.
- D. Two (2) drawings of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, color, materials, and weight.
- E. If required by the Zoning Officer, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer, licensed by the State of Pennsylvania, showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable ordinances.
- F. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.
- G. Such other information as the Zoning Officer may require to determine full compliance with this and other applicable ordinances.

1103.3 Issuance of Permits

Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this Ordinance and other applicable ordinances and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign.

1103.4 Expiration

If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, the permit shall become null and void, unless otherwise extended by the Zoning Officer for a single additional ninety (90) day period.

1103.5 Permit Fees

Each sign required by this Ordinance requiring a sign permit shall pay a fee as established pursuant to a Resolution duly adopted by the Township.

1104 General Requirements**1104.1 Prohibited Signs**

All signs not expressly permitted or exempted under this Ordinance from regulation are prohibited. Such prohibited signs include, but are not limited to the following:

- A. "A" Frame or Sandwich Board Signs - "A" frame or sandwich board and sidewalk or curb signs.
- B. Light Strings, Banners, Pennants, and Balloons - Strings of lights not permanently mounted to a rigid background, except those exempt under the §1104.2, banners, pennants, streamers, balloons, and other inflatable figures, except as a temporary sign as provided for in §1105 of this Ordinance.
- C. Animated, Moving and Flashing Signs - Signs which flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes (except as permitted in §1110), or through the impression of movement or flashing except for time and temperature indicators whose movement is either digital or analogue, and flags as permitted by this Ordinance.
- D. Mirrors - Signs which use a mirror or similar device to attract attention by reflecting images or otherwise reflecting light.
- E. Portable and Wheeled Signs - Portable and Wheeled signs, except as a temporary sign, as provided for in §1105 of this Ordinance.
- F. Projecting 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.
- G. Signs on Parked Vehicles - Signs placed on or affixed to vehicles, trailers and/or containers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business, organization or activity.
- H. Signs on Utility Poles or Trees - Signs which are attached or otherwise affixed to utility poles, or trees or other vegetation.
- I. Signs Which Imitate Traffic Control Devices - Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.
- J. Emissions - No sign shall be permitted to emit any sound, odor or visible matter such as smoke.
- K. Roof Signs - No sign attached to a building shall be placed on nor shall extend above any part of the building roof.

1104.2 Exempt Signs

The following signs are hereby exempt from the provisions of this Ordinance, excepting for such instances where any sign listed herein is found to be unsafe or unlawful as provided for in other Sections of this Ordinance.

- A. Awning, Canopy, and Marquee Signs - (See §1104.7.) Signs, not exceeding an 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 in area.
- C. Directional or Instructional Signs
 - 1. On-site signs, not exceeding four (4) square feet in 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.
 - 2. Any such sign exceeding four (4) square feet in area shall be considered a temporary sign subject to §1105.
- D. Non-Commercial Signs - Flags, emblems, and insignia of political, professional, religious, educational, or fraternal organizations providing that such flags, emblems, and insignia are displayed for non-commercial purpose.
- E. Governmental Signs - Governmental signs for control of traffic, emergency response, and other public or regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to services or safety which are erected by, or at the order of a public officer or employee in the performance of the officer's or employee's duties. Such signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.
- F. Holiday Decorations - Signs or other materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays related to observance of the civic, patriotic, or religious holiday.
- G. Interior Signs - Signs not affixed to a window and visible from outside and which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby court or entrance of any theater and which are not displayed to be visible from outside.
- H. Memorial Signs - Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events that are non-commercial in nature.
- I. Name and Address Plates - Wall signs, one (1) per street frontage and not exceeding one and one-half (1.5) square feet in area, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.
- J. No Trespassing, No Hunting, No Fishing, No Dumping, No Parking, No Towing, and Other Similar Signs - No trespassing, no hunting, no fishing, no dumping, no parking, towing and other similar signs (as set forth in Title 75 of the Pennsylvania Vehicle Code and its regulations and as set forth in Title 18 of the Pennsylvania Crimes Code and its regulations) not exceeding two (2) square feet in area.

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 area. Parking lot directional signs shall exceed a height of five (5) feet in height as determined in accord with the definition of *computation of height* in §1102.
2. Instructional Signs - Signs designating the conditions of use or identity of parking areas and not exceeding eight (8) square feet in area for each exposed face nor exceeding an aggregate area of sixteen (16) square feet. Parking lot instructional signs shall not project higher than ten (10) feet on the wall for wall signs and shall not exceed a height of seven (7) feet for ground signs as determined in accord with the definition of *computation of height* in §1102.

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 in area. Sponsors advertising on score boards may not exceed twenty-five (25) percent 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 area.

N. Public Notices - Official notices posted by public officers or employees in the performance of the officer's or employee's duties

O. Reserved

P. Signs on Vehicles - Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles, trailers and/or containers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property.

Q. Symbols or Insignia - Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two (2) square feet in area for and not exceeding four (4) square feet in aggregate 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 area and not exceeding an aggregate area of eight (8) square feet on each machine.

S. Warning Signs - Signs warning the public of the existence of danger, but containing no advertising material; to be removed within three (3) days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.

T. Tourist Signs - Tourist orientation directional signs when erected in accord with a permit issued by PennDOT.

U. Agricultural Signs - Signs advertising the sale of farm products grown on the premises, and signs advertising seed brands used on the premises are exempt from required zoning permits and fees, and shall be permitted in all Districts and shall not exceed six (6) square feet in area..

1104.3 Construction Requirements

All signs permitted by this Ordinance shall be constructed in accord with all construction code requirements and the provisions of this §1104.3.

- A. Obstruction to Exit - No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
- B. Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.
- C. Clearance from Electrical Power Lines and Communication Lines - All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight (8) feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.
- D. Clearance from Surface and Underground Facilities - All signs and supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.
- E. No Obstruction to Any Existing Warning or Instructional Sign - No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.
- F. Traffic Hazards - No sign shall be erected in such a way as to interfere with or to confuse traffic, to present any traffic hazard, or to obstruct the vision of motorists, and all signs shall comply with the clear sight triangle requirements of this Ordinance.
- G. Public Right-of-Way; Setback - No sign may be erected or maintained in the public right-of-way unless an encroachment permit has first been obtained for the sign. No signs other than official traffic signs shall be erected or maintained nearer to a street line than a distance equaling the height of the sign, unless attached flatly to a building.
- H. Clearance - Clearance beneath overhead signs shall be at least nine feet, measured from the ground or pavement to the bottom-most part of the sign.
- I. Height - No portion of a sign shall be positioned in a manner that exceeds the height of the primary structure on the property on which it is located.

1104.4 Maintenance

Each sign shall be maintained in good order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, major cracks, or loose and dangling materials.

1104.5 Illumination

All signs permitted by this Ordinance may be illuminated in accord with the provisions of this §1104.5.

- A. Type of Illumination - Illumination may be by internal, internal/indirect or by indirect means.
- B. Flashing - Flashing signs are prohibited in accord with §1104.1.C. (See §1110 for permitted electronic signs.)
- C. Glare - All signs shall be so designed located, shielded, and directed so as to prevent the casting of glare or

direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.

- D. Floodlighting- Floodlighting of signs shall be arranged so that the source of light is not visible from any point of the lot and so that only the sign is directly illuminated.

1104.6 Signs on Roof

No sign attached to a building shall be placed on nor shall extend above any part of the building roof.

1104.7 Awning, Canopy, and Marquee Signs

- A. Number - There shall not be more than one (1) awning, canopy, or marquee sign exceeding an area of four (4) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in area are exempt from the provisions of this Ordinance, as specified in §1104.2,A.
- B. Area - The area of an awning, canopy, or marquee sign shall not exceed sixteen (16) square feet, but shall be limited to not more than fifty (50%) percent of the area of the face of the awning, canopy, or marquee to which such sign is affixed.
- C. Height - Any awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.
- D. Illumination - Only the face area of the letters or logos may be illuminated and all illumination must be internal behind the surface of the awning, canopy or marquee.
- E. Awning Valance - If sign letters or logos are place on the awning valance, no letters or logos may be placed elsewhere on the awning.

1104.8 Reserved

1104.9 Sign Faces

All signs may be multi-faced.

1104.10 Window Signs

Window signs for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, shall be permitted subject to the following:

- A. Location - Signs on or inside the windows of a business are permitted, but no signs are permitted in unglazed openings, and any interior sign placed within three (3) feet of the window pane shall be considered a window sign.
- B. Area - No more than twenty five percent (25%) of any window pane that is more than three (3) feet in any dimension may be used for such signs. The area of any business identification sign shall be deducted from the total sign area allowed for the use on the property and the total of all window signs shall not exceed fifty (50) percent of the total sign area allowed for the entire business use.
- C. Sign Copy - Sign copy shall be limited to business identification and a graphic symbol or any combination thereof, or signs advertising products or services available on the premises.
- D. Illumination - Window signs may be internally illuminated

1104.11 Freestanding Sign Landscaping

All freestanding business and residential identification signs shall be placed in a landscaped area of not less than four

(4) square feet of landscaping for one (1) square foot of sign area, but in no case less than one hundred and twenty (120) square feet. Sign landscaping shall be part of the required project landscaping plan and shall be maintained in accord with §701.2.

1104.12 Reserved

1104.13 Flags

Flags displayed by for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, shall be subject to the following:

- A. Business Identification - The flag shall identify the business.
- B. Flag Pole - The flag shall be suspended from a pole and the maximum height shall be thirty-six (36) feet.
- C. Area - The maximum area of the flag shall be twenty-four (24) square feet, however this shall not apply to the United States Flag or the Commonwealth of Pennsylvania Flag.
- D. Government Flags - Governmental flags provided for elsewhere in the Ordinance are not restricted by the provisions of this §1104.13.

1104.14 Wall Signs

Wall signs as permitted by this ordinance shall be securely attached to the wall; and each sign shall be parallel to and in the same plane as the wall to which the sign is attached and shall not extend more than six (6) inches from the wall, nor above or beyond the top and ends of the wall.

1104.15 Wood Relief Sign Area Bonus

- A. The following signs shall be eligible for an increase in size of fifty (50) percent provided the sign complies with the requirements of this §1104.15 in addition to all other applicable requirements:
 - 1. Residential development road entrance signs (§1106.2).
 - 2. Individual business identification signs (§1107.1).
 - 3. Shopping center and multiple occupant business identification signs (§1107.2).
 - 4. Business subdivision road entrance signs (§1107.3).
- B. The sign shall be wood or simulated wood relief only. The carved pattern is raised and seems to rise out of the underlying material.
- C. The sign shall be designed as an integral architectural element of the building and component of the site.
- D. Sign colors, materials, and lighting shall be restrained and compatible with the building and site.
- E. The signs shall not exceed a height of fifteen (15) feet.

1105 Temporary Signs

Temporary signs may be erected and maintained in accordance with the provisions contained in this §1105..

1105.1 General Conditions

- A. Permit Required - No person shall erect, construct, repair, alter, or relocate any temporary sign without first obtaining a permit from the Zoning Officer, unless such sign is specifically exempted from permit requirements.

- B. 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.
- C. Illumination - Temporary signs may be illuminated in accord with this Ordinance.
- D. Sign Types - Temporary signs shall be limited to non-projecting wall signs, attached ground signs, or portable and wheeled signs.

1105.2 Temporary Business Signs

Temporary business signs in association with an approved use identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

- A. Number - There shall not be more than two (2) permits for temporary business signs issued for the same premises within one (1) calendar year. Each temporary business sign permit may be erected and maintained for a period not to exceed twenty-one (21) days prior to the activity, service, project, or sale, and shall be removed within seven (7) days of the termination of the activity, service, project, or sale. Or, alternatively, a temporary business sign permit may be applied for a maximum of five (5) times during one (1) calendar year for the same premises; each permit shall be issued for a maximum of seven (7) days. It is expressly stated that temporary business sign permits shall be issued under one method or the alternative and that the methods may not be used jointly or in combination during any one (1) calendar year.
- B. Area - Temporary business signs shall not exceed sixteen (16) square feet in area .
- C. Location - Temporary business signs shall be located only upon the premises upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary business signs shall not exceed a height of fifteen (15) feet as determined in accord with the definition of *computation of height* in §1102.

1105.3 Temporary Development Signs

Temporary development signs in association with an approved use identifying the parties involved in the development to occur or occurring on the premises on which the sign is placed shall be subject to the following:

- A. Number - There shall not be more than one (1) temporary, construction sign for each project or development, except that where a project or development abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.
- B. Area - Temporary construction signs shall not exceed sixteen (16) exceed square feet in area .
- C. Location - Temporary construction signs shall be located only upon the premises upon which construction either is about to occur, or is occurring. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway.
- D. Height - Temporary construction signs shall not exceed a height of fifteen (15) feet as determined in accord with the definition of *computation of height* in §1102.
- E. Special Conditions - Temporary construction signs shall be permitted only as accessory to an approved building permit for a project or development. Temporary construction signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall

be removed upon project completion.

1105.4 Temporary Event Signs (Including Banners)

Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for non-commercial purposes shall be subject to the following:

- A. Number, Area, Height, and Location - The permitted number, area, height, location, and construction of temporary event signs shall be determined by the Zoning Officer with consideration given to the public intended purpose. In any event, no sign shall exceed sixteen (16) square feet in area.
- B. Timing - Temporary event signs may be erected and maintained for a period not to exceed twenty-one (21) days prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within seven (7) days of the termination of such campaign, drive, activity, or event.
- C. Limit on Number of Permits - No more than two (2) permits for temporary event signs shall be issued for the same premises within one (1) calendar year.

1105.5 Temporary Political Signs

Temporary political signs announcing political candidates seeking office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:

- A. Permit - Permits for temporary political signs shall not be required.
- B. Location - On private property, temporary political signs may be located in any required setback.
- C. Height - Temporary political signs shall not exceed a height of fifteen (15) feet, as determined in accord with the definition of *computation of height* in §1102.
- D. Timing - Signs may be displayed for a period not to exceed thirty (30) days prior to the date of the election to which the signs are applicable and shall be removed within fourteen (14) days following the election.
- E. 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.
- F. Support - Each political sign within any public road right-of-way 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.

1105.6 Temporary Real Estate Signs

Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:

- A. Number - There shall be not more than one (1) temporary real estate sign for each one thousand (1,000) feet of lot road frontage for each road on which the lot fronts.
- B. Area - Temporary real estate signs shall not exceed sixteen (16) square feet in area.
- C. Location - Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary real estate signs shall not exceed a height of fifteen (15) feet as determined in accord with the definition of *computation of height* in §1102.

- E. Special Conditions - Temporary real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
- F. Property no Fronting on Public Road - One (1) sign advertising the sale or rental of property not fronting on a Township or state road may be erected at the intersection of a public road and a private road to direct interested parties to the property. The following standards shall apply:
1. Not more than one (1) sign may be erected at each intersection which shall serve to advertise any and all property that is for sale on the private road.
 2. Such signs shall not be permitted at the intersection of two (2) public roads.
 3. The area of each sign shall not exceed two (2) square feet in area, not more than two (2) colors including background shall be used, and the sign shall be square or rectangular in shape.
 4. The sign text shall be limited to *house for sale, property for sale, business for sale, house for rent, property for rent, or business for rent*; and no business name or logo, nor any real estate agent name, shall be displayed on the sign.
 5. Such sign shall not be illuminated;
 6. Permission must be obtained from the owner of the property upon which the sign is erected;
 7. Such signs shall be removed within fourteen (14) days after the sale, rental, or lease.

1105.7 Temporary Contractor or Subcontractor Signs

Temporary contractor or subcontractor signs for the sole purpose of designating the contractor(s) and subcontractor(s) engaged in the development of a property shall be subject to the following:

- A. Number - There shall be not more than one (1) temporary contractor or subcontractor sign for each contractor or subcontractor working on the premises.
- B. Area - Temporary contractor or subcontractor signs shall not exceed six (6) square feet in area.
- C. Location - Temporary contractor or subcontractor signs shall be located only upon the premises where the contractor or subcontractor is working. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary contractor or subcontractor signs shall not exceed four (4) feet in height as determined in accord with the definition of *computation of height* in §1102.
- E. Special Conditions - Temporary contractor or subcontractor signs shall be removed immediately upon completion of the contractor's or subcontractor's work.

1105.8 Temporary Yard or Garage Sale, Open House, or Auction Signs

A permit shall not be required, however, temporary yard sale or garage sale, open house, or auction signs advertising the sale of items and the sales location shall be subject to the following:

- A. Location - Such temporary signs may not be located within the street or road right-of-way. No such sign may be placed on a utility or municipality owned pole or structure. Any such temporary signs shall be self-supported and shall not create a public hazard.

- B. Height - Such temporary signs shall not exceed four (4) feet in height as determined in accord with the definition of *computation of height* in §1102.
- C. Timing - Such temporary signs may be erected no sooner than seven (7) days before the event and must be removed no later than three (3) days after the event. No such sign shall remain erected for a period longer than ten (10) days.

1105.9 Temporary Seasonal Farm Product Signs

Temporary seasonal farm product signs for the sole purpose of advertising the availability of seasonal farm products grown on the premises shall be subject to the following:

- A. Number - There shall be not more than two (2) temporary seasonal farm product sign for each premises.
- B. Area - The surface area of each sign shall not exceed sixteen (16) square feet in area.
- C. Location - Temporary seasonal farm product signs shall be located only upon the premises where the seasonal farm products are sold. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary seasonal farm product signs shall not exceed ten (10) feet in height as determined in accord with the definition of *computation of height* in §1102.
- E. Special Conditions - Temporary seasonal farm product signs shall not be erected more than fifteen (15) days before the harvest of the produce and shall be removed within ten (10) days from the end of the harvest.

1106 Residential Uses

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

1106.1 Building Name and Address Signs

Name and address signs of buildings containing six (6) or more residential units indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or address of the premises shall be subject to the following:

- A. Type - Building name and address signs may be either wall signs or ground signs.
- B. Number - There shall not be more than one (1) name and address sign for each building except that where a building abuts two (2) or more streets, one (1) additional sign oriented to each abutting street shall be permitted.
- C. Area - Building name and address signs shall not exceed four (4) square feet in area for exposed face.
- D. Location - Building name and address signs shall not be located closer than one-half the minimum setback required for the zoning district in which the sign is to be erected or within fifteen (15) feet of any point of vehicular access to a public roadway. The location and arrangement of all building name and address signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Building name and address signs shall not project higher than fifteen (15) feet above the adjoining grade for wall signs and shall not exceed a height of five (5) feet for ground signs as determined in accord with the definition of *computation of height* in §1102.

1106.2 Residential Development Road Entrance Signs

Residential development road entrance signs for developments with two (2) or more buildings with a total of five (5) or more dwelling units indicating only the name of the development, including single-family, two-family, and multi-family developments and mobile home parks, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

- A. **Type** - The residential development road entrance signs shall be ground signs.
- B. **Number** - There shall not be more than two (2) residential development road entrance signs for each point of vehicular access to a development
- C. **Area** - Residential development road entrance signs shall not exceed twenty-four (24) square feet in area.
- D. **Location** - Residential development road entrance 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 public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
- E. **Height** - Residential development road entrance signs shall not exceed a height of five (5) feet for ground signs as determined in accord with the definition of *computation of height* in §1102.
- F. **Sign Faces** - Residential development road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.

1106.3 Exempt Signs

Exempt signs as specified in §1104.2 of this Ordinance.

1106.4 Temporary Signs

Temporary signs as specified in §1105 of this Ordinance.

1107 Commercial, Manufacturing, Public Use And Semi-public Use Signs

For all commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, only the following signs are permitted and then only if accessory and incidental to a permitted use, and such signs shall be subject to the requirements of this §1107 and any other special provisions contained in this ordinance:

1107.1 Individual Business Identification Signs

The provisions of this §1107.1 shall apply to parcels upon which an individual business is located.

A. Building Wall Signs

- 1. **Number** - There shall be not more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, one (1) additional such sign oriented to each abutting street shall be permitted.
- 2. **Area** - The surface area of a wall sign shall not exceed five (5) percent of the area of the building wall, including doors and windows, to which the sign is to be affixed or fifty (50) square feet, whichever is smaller. The surface area of a wall sign may be increased by ten (10) percent if such wall sign consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background, except that provided by the building surface to which the sign is to be affixed, and if illuminated, such illumination is achieved through shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.

3. Location - A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.
4. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or fifteen(15) feet above ground level as determined in accord with the definition of *computation of height* in §1102, whichever is lower.

B. Freestanding Business Identification Signs (See §1110 for permitted electronic signs.)

Free standing business identifications signs shall be subject to the following:

1. Number - There shall not be more than one (1) freestanding business identification sign for each lot.
2. Area - The surface area of a freestanding business identification sign shall not exceed thirty-two (32) square feet in area.
3. Location - A freestanding business identification sign shall maintain side and rear setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.
4. Height - A freestanding business identification sign shall not exceed a height of fifteen (15) feet as determined in accord with the definition of *computation of height* in §1102.

1107.2 Shopping Center and Multiple Occupant Business Identification Signs

The provisions of this §1107.2 shall apply to developments in which two (2) or more businesses are housed in one (1) or more principal structures.

A. Building Wall Signs

1. Number - There shall be not more than one (1) wall sign for each principal business occupant except that where a principal occupant abuts two (2) or more streets, one (1) additional such sign oriented to each abutting street shall be permitted.
2. Area - The surface area of a wall sign shall not exceed ten (10) percent of the occupant's proportionate share of the area of the building wall, including doors and windows, to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller. The surface area of a wall sign may be increased by ten (10) percent if such wall sign consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background, except that provided by the building surface to which the sign is to be affixed, and if illuminated, such illumination is achieved through shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.
3. Location - A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.
4. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or fifteen(15) feet above ground level as determined in accord with the definition of *computation of height* in §1102, whichever is lower.

B. Freestanding Business Identification Signs (See §1110 for permitted electronic signs.)

Freestanding business identifications signs may be ground signs or monument signs used solely for the identification of the development and shall be subject to the following:

1. Number - There shall not be more than one (1) freestanding business identification sign for each development.

2. Area - The surface area of a freestanding business identification sign shall not exceed a maximum of thirty-two (32) square feet in area.
3. Location - A freestanding business identification sign shall maintain side and rear setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.
4. Height - A freestanding business identification sign shall not exceed a height of fifteen (15) feet as determined in accord with the definition of *computation of height* in §1102.
5. Individual Occupant Identification - The freestanding business identification sign shall not contain the name of any individual business occupant of the premises unless such tenant or occupant occupies thirty (30) percent or more of the total development. Each freestanding business identification sign may include affixed directly to it a directory indicating only the names of the business occupants of the development in which the sign is to be located. The directory shall include the names of all business tenants/occupants on one sign and shall not be comprised of individual signs. The area of a directory sign shall not exceed ten (10) square feet in area for each occupant in the development.

1107.3 Business Subdivision Road Entrance Signs

Business subdivision road entrance signs for developments with two (2) or more commercial, manufacturing, industrial, public and semi-public buildings, referred to as *business* in this section, indicating only the name of the development shall be subject to the following:

- A. Type - The business subdivision road entrance signs shall be ground signs.
- B. Number - There shall not be more than two (2) business subdivision road entrance signs for each point of vehicular access to a development
- C. Area - The surface area of business subdivision road entrance signs shall not exceed twenty-four (24) square feet in area.
- D. Location - Business subdivision road entrance 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 public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Business subdivision road entrance signs shall not exceed a height of five (5) feet as determined in accord with the definition of *computation of height* in §1102.
- F. Sign Faces - Business subdivision road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.

1107.4 Outdoor Automatic Teller Machine (ATM) Signs

Outdoor ATM signs shall be permitted in association with an approved commercial use subject to the following:

- A. Location - Such sign shall be located on the face of the machine and may only identify the individual business name, logo, time, and principal services offered at the ATM.
- B. Area - The area of any such sign shall not exceed ten (10) square feet. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics. The area of any ATM signs not visible beyond the boundaries of the property shall not be deducted from the sum total area permitted for the use. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of

the property and attract the attention of the public.

1107.5 Business Directional Signs

The intent of this section is to allow commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, located in the Township and which do not front on State Route 115, but are located along an intersecting public road, to erect signs directing the public to the *business*.

A. Number

1. There shall not be more than one (1) directional sign for each parcel of land eligible for such sign at each intersection of direction change with not more than three (3) signs in total.
2. In the case of multi-businesses on the same parcel, each business shall not be eligible for signs; instead, the directional signs shall refer to the parcel as a whole.
3. Not more than one (1) sign support shall be permitted on any parcel at an intersection and all directional signs on that parcel shall be attached to that support.

B. Area - The surface area of each sign shall not exceed six (6) square feet in area.

C. Height - A directional sign shall not exceed a height of ten (10) feet, as determined in accord with the definition of *computation of height* in §1102.

D. Sign Information - The information on the sign shall be limited to the business name, logo, telephone number and directional information.

E. Property Owner Permission - The person making application for the erection of a business directional sign shall provide a written statement of permission signed by the owner of the property upon which the sign is proposed.

F. Permit - A permit shall be required for the placement of the directional signs and shall establish the number and location of all the signs.

1107.6 Retail Fuel Sales Signs (See §1110 for permitted electronic signs.)

Retail fuel sales establishments shall in addition to the other permitted signs be permitted one (1) sign with up to four (4) fuel prices attached to the business sign permitted in §1107.1.B. The height of the letters/numerals shall not exceed the following and the sign shall be no larger than necessary to encompass the letters/numerals, but in no case shall exceed the width of the business sign.

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

1107.7 Changeable Panel Signs (See §1110 for permitted electronic signs.)

One (1) changeable panel sign board may be erected on the lot containing one (1) or more commercial, manufacturing, industrial, public or semi-public use, referred to as *business* in this section, subject to the following:

- C. Type - The changeable panel sign shall be a ground sign or may be attached to the same support of the permitted business identification ground sign.
- D. Number - One (1) changeable panel sign may be erected on the business parcel identifying special, unique, limited activities, services, products, or sale of limited duration occurring on the premises on which the changeable panel sign is located.

- E. Area - The area of a changeable panel sign shall not exceed ten (10) square feet in area.
- F. Location - A changeable panel sign shall maintain side and rear setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.
- G. Height - If the changeable panel sign is separate from the main freestanding sign, the changeable panel sign exceed a height of ten (10) feet as determined in accord with the definition of *computation of height* in §1102. The changeable panel sign shall be separated by a minimum of twelve (12) inches from the main ground pole sign.

1107.8 Exempt Signs

Exempt signs as specified in §1104.2 of this Ordinance.

1107.9 Temporary Signs

Temporary signs as specified in §1105 of this Ordinance.

1108 **Reserved**

1109 **Off-Premises Advertising Signs and Billboards** (See §1110 for permitted electronic signs.)

The intent of this §1109 is to limit the number, size and location of off-premises advertising signs and billboards to reduce visual clutter, prevent the distraction of drivers, and maintain the character of the community. Off-premises advertising signs and billboards may be erected and maintained only in accord with the requirements of this §1109 and all other applicable requirements of this Zoning Ordinance, and applications for such signs shall be considered conditional uses.

1109.1 Location; Principal Use

- A. Location - Off-premises advertising signs and billboards shall be located only in the C-2 and I Districts.
- B. Principal Use - Off-premises advertising signs and billboards shall be considered principal uses and shall not be permitted on a lot with any other principal use.

1109.2 Illumination

Off-premises advertising sign or billboard may be illuminated, but flashing lights or devices and animation shall be prohibited.

1109.3 Setbacks

The applicable zone district side and rear setbacks for principal structures shall be maintained for off-premises advertising signs and billboards and the front setback shall be ten (10) feet.

1109.4 Height of Signs

No off-premises advertising sign or billboard shall project above the maximum height limit for buildings or other structures for the District in which the sign is located. The height of the sign shall be determined in accord with the definition of *computation of height* in §1102.

1109.5 Maximum Area of Off-Premises Advertising Signs and Billboards

- A. The maximum area for any one off-premises advertising sign or billboard shall not exceed two hundred (200) square feet.
- B. A sign structure shall contain only one (1) sign per facing.

1109.6 Spacing of Off-Premises Advertising Signs and Billboards:

- A. No off-premises advertising sign or billboard shall be permitted within one thousand three hundred twenty (1,320) feet of another off-premises advertising sign or billboard, measured in all directions. The separation distance shall be measured between the closest points of the two (2) signs in question.
- B. No off-premises advertising sign or billboard shall be permitted within two hundred (200) of any dwelling in the Township or any adjoining municipality. The separation distance shall be measured between the closest points of the proposed sign and the residential lot in question.
- C. No off-premises advertising sign or billboard shall be permitted within five hundred (500) feet of any park, recreational area, trail system, public or parochial school, municipal building, library, church, hospital, or similar institutional use. The separation distance shall be measured between the closest points of the proposed sign and the parcel of land on which the building or use in question is located.
- D. No off-premises advertising sign or billboard shall be erected within one hundred (100) feet of the public street intersection. The separation distance shall be measured between the closest point of the proposed sign and the nearest intersection of the right-of-way lines of the streets in question.
- E. No off-premises advertising sign or billboard shall be constructed at an angle of less than forty-five (45) degrees to the right-of-way upon which it faces.

1109.7 Engineering Certification

Any applications for an off-premise advertising sign or billboard shall be accompanied by certification under seal by a Professional Engineer registered in the Commonwealth of Pennsylvania that the sign as proposed will not present a structural safety hazard.

1110 Electronic Message Signs in C-1, C-2 and I Districts**1110.1 Types of Signs**

In C-1, C-2 and I Districts the following types of signs may be an electronic message sign:

- A. Changeable panel sign (§1107.7).
- B. Individual freestanding business identification sign (§1107.1.B).
- C. Shopping center and multiple occupant business freestanding identification sign (§1107.2.B).
- D. Off-premises advertising sign or billboard (§1109).
- E. A retail fuel sales sign (§1107.6).

1110.2 Standards

In addition to the other applicable requirements of this Ordinance, electronic message signs shall comply with the following:

- A. One Sign - Only one (1) electronic message sign shall be permitted per development parcel. If the sign structure has two (2) sign faces, each sign face may be an electronic message sign.
- B. Size - The electronic message sign shall not exceed eighty (80) percent of the maximum allowable size of a non-electronic message sign of the same type.
- C. Message Display
 - 1. Motion - Electronic message sign motion shall be limited to the transition from one message to another. The image shall be static, with no animation, streaming video, flashing, scrolling, fading, or other illusions

of motion.

2. Transition - Transitions for electronic message signs shall fade and content shall not change more than once every eight (8) seconds with a transition time not exceeding one (1) second.
 3. Continuation - The images and messages displayed shall be complete on display without continuation in content to the next image or message or to any other sign.
 4. Projection - Images or messages projected onto buildings or other objects shall be prohibited.
- D. Luminance - Electronic message signs shall not display light of such intensity or brilliance to cause glare, hazard or impair the vision of the motorist, or interfere with the effectiveness of an official traffic sign, device or signal.
1. Maximum - Electronic message signs shall have a maximum luminance of 5,000 nits during daylight hours. During the nighttime, such signs shall be limited to a maximum luminance of 150 nits.
- LUMINANCE - A measure of the brightness of a surface which is emitting or reflecting light. The unit of measurement is candelas per square meter or nits (1 nit = 1 cd/m²).

NIT - A unit of measure of Luminance.
2. Dimmer Control - All electronic message signs shall be equipped with both a dimmer control and a photocell that automatically adjusts the display's luminance according to natural ambient light conditions.
 3. Light Trespass - Electronic message signs shall comply with the light and glare requirements of §701.8. The maximum light trespass limit at the boundary line of R-1 and R-2 Districts and permanent open space shall be 0.1 foot-candles, and 1.0 foot-candles at the boundary line of OS-W, C-1, C-2 and I Districts .
 4. Measurement - Surface luminance measurements shall be made directly with a calibrated luminance meter in accord with manufacturer's specifications. Readings shall be taken from the area from which the sign will be visible, usually the road, and which is closest to being directly in front of the sign where the luminosity output is most focused. This reading shall be the measurement of an all-white image display to evaluate the worst-case scenario. With an all-white display, a maximum of two-hundred (200) nits shall be permitted during nighttime.
 5. Certification - Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the sign luminance has been factory pre-set to not exceed five thousand (5,000) nits and that the intensity has been protected from end-user manipulation by password-protected software.
- E. Height - The electronic message sign shall not exceed the maximum allowable height of a non-electronic message sign of the same type.
- F. Structural Support - No more than one digital sign or billboard may be installed on a single structural support; that is, signs shall not be stacked vertically or horizontally
- G. Emergency Messages - The applicant shall be required to coordinate and permit message access from local, regional, state and national emergency services during emergency situations and such messages shall not be required to conform to the message standards in this §1110.

1111 Nonconforming Signs**1111.1 Legal, Nonconforming Signs**

Any sign lawfully existing or under construction on the effective date of this Ordinance, which does not conform to one (1) or more of the provisions of this Ordinance, may be continued in operation and maintained as a legal nonconforming sign subject to compliance with the requirements of §1111.2.

1111.2 Maintenance and Repair of Legal Nonconforming Signs

- A. Normal Maintenance - Normal maintenance of legal nonconforming signs, including changing of copy, necessary repairs, and incidental alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted.
- B. Alteration, Enlargement, or Extension - No alteration, enlargement, or extension shall be made to a legal nonconforming sign unless the alteration, enlargement, or extension will result in the elimination of the nonconforming features of the sign.
- C. Conversion - A nonconforming sign shall not be converted to an electronic message sign.
- D. Damage, Destruction, Disrepair - If a legal nonconforming sign is damaged or destroyed by any means, or falls into disrepair, to the extent of fifty (50%) percent or more of its replacement value at the time, the sign may not be rebuilt to its original condition and may not continue to be displayed.
- E. Replacement - Once a nonconforming sign is removed, abandoned or falls into disrepair, it may be replaced only with a sign conforming to district regulations.

1112 Removal of Certain Signs**1112.1 Obsolete Signs**

- A. Removal - 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.
- B. Notice - 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.
- C. Time for Removal - Removal of the sign shall be affected within thirty (30) days after receipt of the notice from the Zoning Officer.
- D. Township Action to Remove - If such sign is not removed after the conclusion of such thirty-day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.

1112.2 Unsafe Signs

- A. Notice - 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.

- B. Correction - Correction of the condition which caused the Zoning Officer to give such notice shall be effected within ten (10) days after receipt of the notice.
- C. Township Action to Remove - 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.
- D. Immediate Peril - Notwithstanding, the foregoing provisions, the Zoning Officer is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever the Zoning Officer determines that such sign is an immediate peril to persons or property.

ARTICLE XII ADMINISTRATION

1200 Applicability

1200.1 Conformance; Permit/Revocation

- A. Conformance - Any activity regulated by this Ordinance shall only occur or be undertaken and be continued in conformance with the requirements of this Ordinance.
- B. Permit/Revocation - No owner, contractor, worker or other person shall perform building or construction activity of any kind regulated by this Ordinance unless a valid zoning permit has been issued and posted for such work, nor shall such persons conduct such work after notice that a zoning permit has been revoked.

1200.2 Authorization

This Ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania Municipalities Planning Code (MPC).

1200.3 Regulated Activities; Repairs and Maintenance

- A. Permits Required - 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, placement, extension or demolition 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;
 3. Creation of a lot or alteration of lot lines;
 4. An increase in the number of dwelling units or boarding house units;
 5. Repair or remodeling of a structure, replacement of structural parts and replacement of twenty-five (25) percent or more of shingles or siding;
 6. Establishing a transient retail business;
 7. Establishing a no-impact home-based business or a home occupation;
 8. Establishing an event parking area; and/or,
 9. Constructing or paving a driveway connecting to a Township road.
- B. Setbacks; Open Space - No setback or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
- C. Lot Conformity - No lot shall be formed from part of a lot already occupied by a building unless such building, all required setbacks and open spaces connected therewith, and the remaining lot conforms with all requirements prescribed by this Ordinance for the district in which said lot is located. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this Ordinance.

- D. Setbacks; Minimum Requirements - No setback or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

1201 General Procedure for Permits

1201.1 Principal Permitted Use

Within 30 days of receiving a proper and complete application for a principal permitted use (permitted by right), the Zoning Officer shall either:

- A. Issue the permit under this Ordinance; or,
- B. Refuse the permit, indicating at least one (1) applicable reason, in writing, to the applicant or his/her representative.

1201.2 Reviews

Certain activities require approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission.

1201.3 Appeal

See §1205, §1206 and §1211 describe the appeal of Zoning Officer actions to the Zoning Hearing Board.

1201.4 Timing

After a zoning permit has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance provided the work complies with other Township Ordinances. However, it is recommended that applicants wait thirty (30) days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty (30) day appeal period shall be at the risk of the applicant.

1202 Permits and Certificates

1202.1 Applicability See §1200.

1202.2 Types of Uses

- A. Principal Permitted Uses (Permitted by Right Uses) and Accessory Uses - If a use is listed as a principal permitted use or an accessory use by this Ordinance and meets the requirements of this Ordinance, the Zoning Officer shall issue a permit in response to a complete application.
- B. Conditional Use - A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the Board of Supervisors following review by the Township Planning Commission and a public hearing conducted by the Board of Supervisors.
- C. Special Exception Use - A permit under this Ordinance for a use requiring a Special Exception shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board following review by the Township Planning Commission and a public hearing conducted by the Zoning Hearing Board.
- D. Application Requiring a Variance - A permit under this Ordinance for a use requiring a Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board following review by the Township Planning Commission and a public hearing conducted by the Zoning Hearing Board.

1202.3 Applications

- A. Required - Any request for action by the Zoning Hearing Board, application for a conditional use, or for a permit under this Ordinance shall be made, in writing, on a form provided by the Township and in accord with the procedures established by the Township. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to the Township employee responsible for processing such application. The applicant is responsible to ensure that the responsible Township official notes the date of the official receipt on the application.
- B. Number of Copies - The applicant shall submit the number of paper copies and the electronic copy as established by Township policy.
- C. Information Required - Any application to the Zoning Officer, Zoning Hearing Board, Planning Commission or Board of Supervisors shall include all information required by this Ordinance.
1. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may determine that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.
 2. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may require any other additional information or any level of detail deemed necessary to determine compliance with this Ordinance or to identify any impacts of the proposed use.
- D. Survey - In cases where the size of the lot, proposed setbacks, lot coverage or other aspect of the proposed construction or development is of such nature as to make confirmation of compliance with the required standards uncertain based solely on the plot plan submitted by the applicant, or if the exact location of property lines or property corners cannot be determined by the Township, the Township may require the applicant to submit a survey of the subject parcel. Said survey shall be made by a Pennsylvania Registered Land Survey and shall show all details required by the Township to confirm compliance with the particular standards in question. The Township may require such survey prior to issuance of a permit to document that all requirements can be satisfied, or prior to issuance of a certificate of use/occupancy to confirm that all improvements have been developed in accord with the applicable requirements.
- E. Other Laws and Regulations
1. The Zoning Officer shall issue permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances and with the laws and regulations of the Commonwealth and the Federal Government.
 2. The Applicant bears all responsibility for ensuring compliance with all applicable laws and regulations, including, but not limited to, compliance with this Ordinance, the Township Storm Water Management Ordinance, the Township Subdivision and Land Development Ordinance, any and all regulations governing wetlands and/or other natural resources, and all other Township, County, State and/or Federal laws and regulations.
- F. Ownership - No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application. (See definition of *landowner* in Article III.)
- G. Advisory Reviews - The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission, the Monroe County Planning Commission, the Monroe County Conservation District or Township Engineer) for review and comment.

H. Principal Permitted Uses (Permitted by Right Uses) and Accessory Uses - Applications for principal permitted uses and accessory uses shall, at a minimum, include the following:

1. Names and address of the applicant, or appellant; and, the name and address of the owner of the affected property.
2. A description of the existing and proposed use(s) of the property, including numbers of dwelling units, minimum square feet of proposed dwelling units and number of proposed business establishments, if any.
3. A description of any proposed nonresidential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards, or other significant public health and safety hazards.
4. If a principal nonresidential use is proposed within close proximity to dwellings, a description of hours of operation and proposed methods of storing garbage outdoors on-site.
5. A listing of any specific sections of this Ordinances being appealed, with the reasons for any appeal.
6. A plot plan legible in every detail and drawn to scale, but not necessarily showing precise dimensions, which includes the following information:
 - a. Name of the development.
 - b. Name and address of land owner and/or land developer. (If a corporation, list names of officers.)
 - c. Location map.
 - d. North arrow, true or magnetic.
 - e. Graphic and written scale.
 - f. County tax identification number for the parcel(s).
 - g. Date plot plan was completed.
 - h. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
 - i. Proposed and existing street and lot layout, including street names and right-of-way widths.
 - j. Existing and proposed man-made and/or natural features:
 - (1) Water courses, lakes and wetlands (with names).
 - (2) Rock outcrops, ledges and stone fields.
 - (3) Buildings, structures, signs and setbacks required by this Zoning Ordinance.
 - (4) Approximate location of tree masses.
 - (5) Utility lines, wells and sewage system(s).
 - (6) Entrances, exits, access roads and parking areas, including the number of spaces.
 - (7) Drainage and storm water management facilities.
 - (8) Plans for any required buffer plantings.
 - (9) Any and all other significant features.
7. Location of permanent and seasonal high water table areas and 100 year flood zones.
8. Tract boundaries accurately labeled.
9. The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed.
10. Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.

11. A statement of the type of water supply and sewage disposal proposed.

12. The present Zoning District and major applicable lot requirements.

13. The location of all areas or features of the project parcel which are subject to the Township Official Map and the type of reservation as specified on the Official Map.

I. Conditional Uses and Special Exceptions - See §1208.1 for conditional use and special exception application requirements.

J. Variances - Applications for variances shall include the information required by Zoning Hearing Board policies and procedures.

1202.4 Inspections

Inspections associated with an application for a development or use shall be conducted in accord with the policies and procedures adopted by the Township.

1202.5 Revocation of Permits

If a zoning permit is revoked, the person holding the permit shall immediately surrender such permit and all copies to the Zoning Officer, and all work and/or use of the property shall be discontinued in accord with the permit revocation. The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in case of:

A. False Information - Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (The Pennsylvania Criminal Code provides for penalties for providing false information to a Township employee in the carrying out of his/her duties); or,

B. Condition Violation - Violation of any condition lawfully imposed upon a special exception, variance or conditional use; or,

C. Noncompliance - Any work being accomplished or land or structures being used in such a way that does not comply with this Ordinance or an approved site plan or approved permit application;

D. Other Laws and regulations - Violation of any applicable Township, County, State or Federal Law or regulation; or,

E. Other - Any other just cause set forth in this Ordinance.

F. Appeal - The thirty (30) day time limit for appeal in §1211 shall not apply to the revocation of a permit.

1202.6 Changes to Approved Plans

A. Written Consent - After the issuance of a permit and/or approval under this Ordinance, an approved application shall not be changed without the written consent of the Township, as stated in Subsection B below.

B. Conditional Uses and Special Exceptions - Changes to an approval by the Board of Supervisors as a conditional use or by the Zoning Hearing Board as a special exception use shall require re-approval of the changes by such bodies if the Zoning Officer determines that such changes affect matters that were within the scope of approval of such body. Such approval by the Zoning Hearing Board or the Board of Supervisors is not required for clearly minor technical adjustments or matters that are solely corrections of information that do not affect any of the significant features of the site plan or the intensity of the use, as determined by the Zoning Officer.

- C. Notice - A copy of such adjustment or correction shall be provided, in writing, to the Planning Commission, the Board of Supervisors or the Chairperson of the Zoning Hearing Board, as appropriate, if the change concerns a plan approved by such body.

1202.7 Certificate of Use/Occupancy

- A. Required - A certificate of use/occupancy shall be required by the Township upon a change of use or completion of work authorized by a permit or approval under this Ordinance. It shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until such certificate has been issued. A new certificate of use/occupancy shall be required if a change in use of the property is proposed; and then such certificate shall be issued only after all required approvals are obtained.
- B. Application - An application for a certificate of use/occupancy shall be made on an official Township form. If the use is in conformance with Township ordinances and approvals, such certificate shall be issued, in duplicate, within ten (10) business 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 a certificate of use/occupancy. If the Zoning Officer determines, to the best of his/her current knowledge, that such work or use conforms with this Ordinance and applicable Township codes, approvals and permits, then such certificate of use/occupancy shall be issued. If the work or use does not conform the application shall be denied.
- D. Action Period - The Zoning Officer shall issue or deny the certificate of use/occupancy within thirty (30) days of receipt of a complete application. An incomplete application shall be cause for denial.

1203 Fees

1203.1 Application Fees

As authorized by §617.3(e) and §908(1.1) of the MPC, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance. Permits, certificates, conditional use permits, special exception permits and variances shall be issued only after all fees have been paid in full; and, the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

1203.2 Stenographer Fees

The appearance fee for a stenographer shall be shared equally by the applicant and the Township as required by §908(7) of the MPC. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person appealing from the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1204 Zoning Officer

1204.1 Appointment

The Zoning Officer shall be appointed by the Board of Supervisors in accord with §614 of the MPC. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices not in conflict with the MPC.

1204.2 Duties and Powers

It shall be the duty of the Zoning Officer to enforce, literally, the provisions of this Ordinance and amendments thereto and Zoning Officer to shall have such duties and powers as are conferred by this Ordinance, and as are reasonably implied for that purpose. The Zoning Officer shall not have the power to permit any construction or allow any use

or change of use which does not conform to the Zoning Ordinance. The Zoning Officer's duties shall include, but are not limited to, the following:

- A. Applications - Receive and examine all applications for zoning permits, and issue permits when there is compliance with the provisions of this Ordinance and deny permits for noncompliance.
- B. Conditional Uses, Special Exceptions, and Variances - Receive zoning permit applications for conditional uses, special exceptions, and variances and forward these applications to the Township Planning Commission and/or the Zoning Hearing Board for action thereon in accord with all applicable provisions of this Ordinance.
- C. Zoning Hearing Board Action - Receive applications for interpretations, appeals and variances, and forward these applications to the Zoning Hearing Board for action thereon.
- D. Inspections and Surveys - Conduct inspections and surveys to determine compliance or noncompliance with the provisions of this Ordinance. The Zoning Officer shall have the right to enter upon the land of another in the course of his lawful duties upon obtaining permission from the owner.
- E. Certificates/Documents - Issue certificates of use/occupancy, certificates of nonconforming use and other documents necessary to the administration of this Ordinance.
- F. Record Keeping - Record and file all applications for zoning permits with the accompanying plans and documents and keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building or land.
- G. Nonconformities - When directed by the Board of Supervisors, identify and register nonconforming uses and structures as required by the provisions of this Ordinance.
- H. Zoning Map - Maintain the Official Zoning Map of the Township showing the current zoning classification of all land in the Township.
- I. Stop Work - Issue stop, cease and desist orders and enforcement notices, and order, in writing, correction of all conditions found to be in violation of the provisions of this Ordinance.
- J. Enforcement Proceedings - With the approval of the Board of Supervisors, or when directed by them, institute in the name of the Township any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of any building; and to restrain, correct or abate such violations, so as to prevent the occupancy or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises which is in violation of this Ordinance.
- K. Revocation - Revoke any order or zoning permit issued under a mistake of fact or contrary to the law of the provisions of this Ordinance.
- L. Testimony - Upon the request of the Board of Supervisors, the Planning Commission or the Zoning Hearing Board, present facts, records or reports which they may request to assist such body in making decisions.

1204.3 Qualifications

Pursuant to §614 of the MPC, the following minimum qualifications shall apply to any Zoning Officer appointed to serve the Township after the adoption of this Ordinance, unless such mandatory qualifications are waived by motion of the Board of Supervisors:

- A. The person shall demonstrate a working knowledge of Township zoning.
- B. The person shall be familiar with Constitutional issues concerning search and seizure and with the process of filing actions with the Magisterial District Judge.
- C. The person shall exhibit an ability to thoroughly evaluate site plans and building plans.
- D. The person shall demonstrate competent oral and written communication skills.
- E. The person shall be familiar with the MPC.

1205 Zoning Hearing Board

1205.1 Membership and Qualifications

- A. Membership - The Board of Supervisors shall create a Zoning Hearing Board, which shall have the number of members and alternate members with such powers and authority, and which shall conduct all proceedings as set forth in Article IX of the MPC.
- B. Recommended Qualifications - Each Zoning Hearing Board member should:
 - 1. Become familiar with the MPC and the Zoning Ordinance and Subdivision and Land Development Ordinance.
 - 2. Attend seminars and/or workshops pertaining to Township planning and/or zoning.
- C. Vacancies - The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- D. Removal of Members - See §905 of the MPC.
- E. Organization.
 - 1. Officers - The Board shall elect officers from its own membership who shall serve annual terms and may succeed themselves.
 - 2. Quorum - For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, except that the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided by §908 of the MPC. The quorum may be met by alternate members, serving as permitted by §906(b) of the MPC.
 - 3. Rules - The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and laws of the Commonwealth of Pennsylvania.

1205.2 Jurisdiction

In accord with §909.1(a) of the MPC, the Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive Validity Challenges - Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §609.1 (Landowner Curative Amendments) and §916.1(a) (2) (Validity of Ordinances) of the MPC.

- B. Procedural Validity Challenges - Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.
- C. Zoning Officer Appeals - Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Variances - Applications for variances from the terms of this Ordinance pursuant to §910.2 of the MPC.
- E. Special Exceptions - Applications for special exceptions under this Ordinance pursuant to §912.1 of the MPC and the requirements of this Ordinance.
- F. Preliminary Opinion Appeal - Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the MPC.
- G. E & S; Stormwater Appeals - Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.

1206 Zoning Hearing Board -- Hearings and Decisions

The Zoning Hearing Board shall conduct hearings and make decisions in accord with §908 of the MPC, and the provisions of this §1206. The hearings shall be conducted by the Board, or, the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

1207 Variances

1207.1 Jurisdiction

The Zoning Hearing Board shall hear duly filed requests for variances.

1207.2 Standards

The Board may grant a variance only in accord with the requirements of §910.2 of the MPC. **The applicant shall have the burden of proof to show compliance with such standards.** As of January 2003, the MPC provided that **all** of the following findings are made where relevant in a given case:

- A. Unique Physical Circumstances or Conditions - That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or District in which the property is located.
- B. Necessary for Reasonable Use - That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. Self-Creation - That such unnecessary hardship has not been created by the appellant.
- D. Neighborhood; Adjacent Property; Public Welfare - That the variance, if authorized, will not alter the essential

character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

- E. Minimum Variance - That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1208 Conditional Uses and Special Exceptions

1208.1 Pre-submission Conference; Applications

- A. Pre-submission Conference - The applicant for a conditional use or special exception shall contact the Zoning Officer to arrange a pre-submission conference to outline the nature of the proposed application and to determine the nature and extent of the information to be supplied on the site development plan. In addition to the site development plan, the applicant shall also submit a statement setting forth full particulars of the need, purpose and operation of the structure or use.
- B. Electronic Format - In addition to submitting the application in paper format, applications for conditional uses and special exceptions shall be submitted on compact disk in *pdf* or other electronic format approved by the Zoning Officer.
- C. Application Information - Applications for conditional uses and special exceptions shall, at a minimum, include a narrative detailing how the development or proposed use will comply with the standards in §1208.4 and a site development plan. The plan shall be prepared by a civil engineer, surveyor, land planner, architect or other competent person. Site development plan elements shall include those listed below which are appropriate to the proposed development or use as indicated by the Zoning Officer in the pre-submission conference

1. Legal Data

- a. The tax number of the property from the latest tax records.
- b. The name and address of the owner of record.
- c. The name and address of the person, firm or organization preparing the map, including the seal and signature of the responsible professional(s).
- d. The date, North point and written and graphic scale.
- e. Sufficient description or information to define precisely the boundaries of the property. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest ten (10) seconds or closer. The error of closure shall not exceed one (1) in five thousand (5,000).
- f. The locations, names and existing widths of adjacent streets and curb lines.
- g. The locations and owners of all adjoining lands as shown on the latest tax records.
- h. The locations, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.
- i. A complete outline of existing deed restrictions or covenants applying to the property.
- j. The zoning district in which the property is located.

2. Natural Features

- a. The existing contours with intervals of ten (10) feet or less, as determined at the pre-submission conference, referenced to a datum satisfactory to the Zoning Officer.
- b. The proposed finished contours with intervals of ten (10) feet or less referenced to the same datum.
- c. The boundary of any area in the one-hundred-year floodplain, and stormwater overflow area.
- d. The location of existing wetlands, swamps or marshes, watercourses, including intermittent streams, wooded areas and any other pertinent natural pre-submission conference feature
- e. Soil survey data, including capabilities for on-lot septic systems, as taken from the Soil Conservation Survey or as mapped by a qualified soil scientist.
- f. Soil percolation test results and/or comments from the Monroe County Conservation District, as requested in the pre-submission conference

3. Utilities, structures and uses on and within 200 feet of the site

- a. The location of all utilities, including:
 - (1) Power lines.
 - (2) Telephone lines, including cellular transmission towers; and cable television lines.
 - (3) Storm sewers (including culverts), giving dimensions, grades and direction of flow.
 - (4) Sanitary sewers, giving dimensions, grades, elevations and direction of flow.
 - (5) Waterlines, giving dimensions and elevations.
- b. Curbs and gutters, sidewalks, paved areas and access.
- c. The outline of structures and use areas.
- d. Fences, landscaping, screening and other improvements, as determined at the pre-submission conference.

4. Proposed improvements and use

- a. The design and location of all uses and use areas not requiring structures.
- b. The location of proposed buildings or structures.
- c. The design and location of all outdoor signs, if any.
- d. The design and locations of driveways, parking areas, sidewalks and other paved areas, including existing and proposed profiles and cross sections.
- e. The location of proposed or existing well and sewage disposal systems or water- and sewer lines.
- f. The plan and location of any proposed grading, landscaping or screening.

- g. A copy of any proposed deed restriction or covenants.
 - h. The plan and location of any proposed public improvements on or adjacent to the property.
5. Evidence shall be shown of compliance with the Department of Environmental Protection, PennDOT highway occupancy standards and Department of Labor and Industry Standards.
 6. The location of all areas or features of the project parcel which are subject to the Township Official Map and the type of reservation as specified on the Official Map.
 7. Any other information which may be determined during the pre-submission conference to be necessary to ascertain the conformity of the site plan with the intent and requirements of this Ordinance.

1208.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval by the Board of Supervisors pursuant to the express standards as provided for specific conditional uses in this Ordinance, in §1208.4, and any other applicable standards in this Ordinance.

- A. Expansions - Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure of less than five hundred (500) square feet of gross floor area shall not be considered a conditional use.

- B. Procedure

1. Submission - The application shall be submitted to the designated Township official. The official may refuse to accept an application which does not provide all information required to determine compliance with this Ordinance.
2. Zoning Officer Review - The Zoning Officer may report, in writing or in person, to the Planning Commission or the Board of Supervisors stating whether the application complies with this Ordinance. The Zoning Officer may recommend a review by the Township Engineer.
3. Planning Commission Review of Conditional Use
 - a. In accord with §603(c)(2) of the MPC, the Township Planning Commission shall be provided with an opportunity to review any proposed conditional use. The Commission, at its option, may provide a written advisory review.
 - b. If such review is not received by the Board of Supervisors within the time limit within which the Board of Supervisors shall issue its decision then the Board of Supervisors may make its decision without having received comments from the Planning Commission.
4. Board of Supervisors Action - The Board of Supervisors shall conduct hearings and make decisions in accordance with §908 and §913.2 of the MPC. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it determines are necessary to implement the purposes of the MPC and this Ordinance, and to protect the public health, safety, and welfare.
5. Notice - In addition to the notice and posting requirements of the MPC, notice of all conditional use hearings shall be mailed to the owners of all properties contiguous to the parcel which is the subject of the hearing not less than fourteen (14) calendar days prior to the hearing. Such notice shall be by U.S. Mail to the last known address of the contiguous owners as listed in Monroe County tax assessment records.

1208.3 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Zoning Hearing Board pursuant to the express standards and criteria as provided for specific special exceptions in this Ordinance and in §1208.4.

- A. Expansions - Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure of less than five hundred (500) square feet of gross floor area shall not be considered a special exception.
- B. Procedure
 - 1. Submission - The application shall be submitted to the designated Township official.
 - 2. Zoning Officer Review - The Zoning Officer may report, in writing or in person, to the Planning Commission or the Zoning Hearing Board stating whether the application complies with this Ordinance. The Zoning Officer may recommend a review by the Township Engineer.
 - 3. Planning Commission Review of Special Exception Uses
 - a. The Township Planning Commission shall be provided with an opportunity to review any proposed special exception use. The Planning Commission, at its option, may provide a written advisory review.
 - b. If such review is not received by the Zoning Hearing Board within the time limit within which the Board must issue its decision then the Zoning Hearing Board may make a decision without having received comments from the Planning Commission.
 - 4. Zoning Hearing Board Action on Special Exception Uses
 - a. The Board shall hear and decide a request for a special exception use under the procedures in §1206 of this Ordinance and §908 of the MPC.
 - b. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it determines are necessary to implement the purposes of the MPC and this Ordinance, and to protect the public health, safety, and welfare.

1208.4 Standards and Criteria for Conditional Uses and Special Exceptions

In addition to the applicable general provisions of this Ordinance and to the standards and criteria provided in this Ordinance for specific conditional uses and specific special exceptions, the standards and criteria in this §1208.4 shall be applied in the review of applications for conditional uses and special exceptions. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the public health, safety, and welfare; and, the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

- A. Comprehensive Plan; Ordinances - The proposed use shall be consistent with the purposes, goals, objectives and standards of the Comprehensive Plan, this Ordinance, and all other ordinances of the Township.
- B. Location - The proposed use shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.
- C. Adverse Effects - The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements,

public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.

- D. Public Improvements - The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, and services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use, the applicant shall be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other Ordinances of the Township. The permit approval shall be so conditioned.
- E. Additional Factors - The following additional factors shall be considered:
1. Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs.
 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Adequacy and arrangement of pedestrian traffic, access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 5. Adequacy of storm water and drainage facilities.
 6. Adequacy of water supply and sewage disposal facilities.
 7. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 9. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

1208.5 Conditions of Approval for Conditional Uses and Special Exceptions

No application shall be approved unless it is found that, in addition to complying with all of the standards and criteria enumerated above, all of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety, and welfare of parties affected, all conditions and safeguards deemed necessary by the Board of Supervisors or Zoning Hearing Board to protect the general health, safety, and welfare, as well as to implement the purposes of this Ordinance and the MPC, shall be imposed as conditions of approval in accord with §912.1 or §913.2 of the MPC, as the case may be. Conditions which may be imposed may include, but not be limited to, provisions for additional parking, traffic control, landscaping, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

1208.6 Subdivision and Land Development Plans

- A. Timing of Submission - The Township Planning Commission and Board of Supervisors or the Zoning Hearing

Board will process an application for a conditional use or a special exception, respectively, prior to, or concurrently with, land development approval, if such subdivision or land development approval is required under the provisions of the Township Subdivision and Land Development Ordinance. The intent of prior action on a conditional use or a special exception is to afford the applicant the opportunity to obtain initial zoning approval before committing the resources necessary to prepare and submit a detailed plan to conform to the requirements of the Subdivision Ordinance.

- B. Conditions - At the time of land development approval which has been preceded by conditional use or special exception approval, the Board of Supervisors shall have the right to attach any and all reasonable conditions of approval to any subdivision or land development plan which was preceded by conditional use or special exception approval.

1209 Reserved

1210 Mediation

Parties to proceedings authorized by this Ordinance and the MPC may use the Mediation Option as authorized by and in accord with §908.1 of the MPC.

1211 Time Limits for Appeals

The time limitations for appeals shall be as follows:

1211.1 Zoning Hearing Board -- County Court

No person shall be allowed to file any appeal with the Zoning Hearing Board later than thirty (30) days after the officially issued decision of the Zoning Officer, or appeal to the County Court of Common Pleas later than thirty (30) days after the officially issued decision of the Board of Supervisors or the Zoning Hearing Board, except as may be provided under §914.1 of the MPC.

1211.2 Revoked Permits

This thirty (30) day time limit for appeal shall not apply to the revocation of a permit by the Zoning Officer in accord with §1202.5.

1212 Appeals to Court and Other Administrative Proceedings

Appeals to Court and other administrative proceedings shall be governed by Article X-A and Article IX of the MPC, respectively.

1213 Public Utility Corporation Exemptions

In accord with §619 of the MPC, this Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings

1214 Limited Township Exemption

The minimum lot area requirements of this Ordinance shall not apply to uses or structures owned by the Township for uses and structures that are intended for a legitimate governmental, recycling, public recreation, storm water control or public health and safety purpose.

1215 Amendments and Curative Amendments

- A. Amendments - The Board of Supervisors may amend this Ordinance by complying with the requirements set forth

in Article VI of the MPC.

B. Curative Amendments

1. Landowner Curative Amendments - A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that the challenge and proposed amendment be heard and decided as provided in §609.1 and §916.1 of the MPC.
2. Township Curative Amendments - If the Township determines that this Ordinance or any portion of this Ordinance is substantially invalid, it may proceed with a municipal curative amendment pursuant to §609.2 of the MPC.

1216 Violations

1216.1 Compliance

Failure to comply with any provision of this Ordinance; failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board; or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a certificate of use/occupancy, shall be violations of this Ordinance.

1216.2 Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. Any complaint filed in writing with the Zoning Officer, and which includes the full name, address and telephone number of the complainant, shall be investigated by the Zoning Officer with the results reported to the complainant. Any verbal complaints may be investigated at the discretion of the Zoning Officer.

1216.3 Enforcement Notice

When written notice of a violation of any of the provisions of this Ordinance is served by the Zoning Officer, personally or by certified mail, in the manner prescribed by §616.1 of the MPC and set forth in this §1216.3, such violation shall be discontinued or corrected as set forth in said notice.

- A. Violation - If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in §1216.3.B.
- B. Notice Recipient(s) - The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested, in writing, by the owner of record.
- C. Notice Content - An enforcement notice shall state at least the following:
 1. The name of the owner of record and any other person against whom the Township intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 4. The date before which the steps for compliance shall be commenced and the date before which the steps shall be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- D. Appeal - In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- E. Filing fee - Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

1217 Penalties and Remedies

1217.1 Causes of Action

In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance the following actions may be taken:

A. Township Action

1. The Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
2. The Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, may bring an action for money damages and/or injunctive relief.

B. Aggrieved Owner or Tenant

1. Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
2. Such action under this Ordinance shall be limited to injunctive relief with any enforcement action reserved to the Township pursuant to §1217.2.C.
3. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

1217.2 Enforcement Remedies

A. Penalties

1. Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) dollars (state law) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

2. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge.
 3. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
 4. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.
- B. Order of Stay - 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. Township Exclusive Right of Enforcement - Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township, the right to commence any action for enforcement pursuant to this section.

1218 Liability

Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the flood plain, site plan review, subdivision or land development approval, erosion control, storm water runoff, activity on steep slopes, or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.

If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

APPENDIX

PARKING DEMAND (04.11)								
	Source: <u>Parking Generation, 4th Edition, ITE</u>							
	NOTES:							
	Average & 85th Percentile - where ITE provides data for a weekday, a Saturday, etc., the highest value is shown.							
	85th Percentile - not provided in certain cases with a very limited number of studies; highest value of cited studies is shown.							
	Peak - provided in certain cases with a very limited number of studies; highest value of cited studies is shown.							
				PEAK PERIOD DEMAND				
				Average	85 Percentile	PEAK		
000	Port and Terminal							
021	Commercial Airport			0.84	1.48		per	daily enplanement
093	Light Rail Transit Station with Parking			136.00	212		per	1,000 daily boardings
100	Industrial							
110	General Light Industrial			0.75	1.13		per	1,000 sq. ft. GFA
110	General Light Industrial			0.64	0.81		per	employee
130	Industrial Park			0.62	1.85		per	1,000 sq. ft. GFA
130	Industrial Park			0.89	0.98		per	employee
140	Manufacturing			1.02	1.18		per	1,000 sq. ft. GFA
140	Manufacturing			0.97	1.14		per	employee
150	Warehousing			0.51	0.81		per	1,000 sq. ft. GFA
150	Warehousing			0.78	1.01		per	employee
151	Mini-Warehouse			0.14	0.17		per	1,000 sq. ft. GFA
200	Residential - See Zoning Ordinance §27-1004.6.B							
				PEAK PERIOD DEMAND				
300	Lodging			Average	85 Percentile	PEAK		
310	Hotel			1.20	1.54		per	room
311	All Suites Hotel					1.3	per	room
312	Business Hotel			.60	.75		per	room
320	Motel			.71	.85		per	room
330	Resort Hotel			1.29	1.59		per	room

PARKING DEMAND (04.11)		PEAK PERIOD DEMAND			
400	Recreational	Average	85 Percentile	PEAK	
411	City Park			5.1	per acre
414	Water Slide Park	72.9			per acre
420	Marina	.59			per berth
430	Golf Course	8.68	9.83		per hole
435	Multipurpose Recreational Facility	1.78			per hole
435	Multipurpose Recreational Facility	10.67			per 1,000 sq. ft. GFA
435	Multipurpose Recreational Facility	16.00			per acre
437	Bowling Alley	5.02	5.58		per lane
438	Billiard Hall	6.56			per 1,000 sq. ft. GFA
438	Billiard Hall	2.89			per billiard table
440	Adult Cabaret	5.90			per 1,000 sq. ft. GFA
441	Live Theater	.38	.39		per attendee
441	Live Theater	.25	.32		per seat
444	Movie Theater with Matinee	.26	.36		per seat
445	Multiplex Movie Theater	.15	.20		per seat
445	Multiplex Movie Theater	36.20	45.00		per screen
464	Roller Skating Rink	5.8			per 1,000 sq. ft. GFA
465	Ice Skating Rink	3.9			per 1,000 sq. ft. GFA
466	Snow Ski Area	1.31	1.62		per acre of ski trails
466	Snow Ski Area	.25	.31		per daily lift ticket
473	Casino/Video Lottery Establishment			35.34	per 1,000 sq. ft. GFA
473	Casino/Video Lottery Establishment			1.42	per gaming position
481	Zoo			12.10	per acre
488	Soccer Complex	56.3	69.30		per field
490	Tennis Courts			3.16	per tennis court
491	Racquet/Tennis Club	3.56	4.13		per court
492	Health/Fitness Club	5.27	8.46		per 1,000 sq. ft. GFA
492	Health/Fitness Club	.13	.16		per member
493	Athletic Club	3.55	4.94		per 1,000 sq. ft. GFA
493	Athletic Club	.07	.21		per member
495	Recreational Community Center	3.20	5.03		per 1,000 sq. ft. GFA

PARKING DEMAND (04.11)		PEAK PERIOD DEMAND			
500	Institutional	Average	85 Percentile	PEAK	
520	Elementary School	.17	.21		per student
522	Middle School/Junior High School	.09	.10		per student
525	School for the Blind			1.08	per student
525	School for the Blind			1.47	per employee
525	School for the Blind			2.67	per 1,000 sq. ft. GFA
530	High School	.23	.25		per student
536	Private School (K-12)	.39			per student
540	Junior/Community College	.18	.20		per school population
550	University/College	.33	.38		per school population
560	Church	8.37	14.38		per 1,000 sq. ft. GFA
560	Church	.20	.25		per seats
560	Church	.45	.60		per attendee
561	Synagogue			.41	per attendee
562	Mosque	17.32	25.79		per 1,000 sq. ft. GFA
565	Day Care Center	3.16	3.70		per 1,000 sq. ft. GFA
565	Day Care Center	.24	.33		per student
565	Day Care Center	1.38	1.78		per employee
580	Museum	1.32	1.79		per 1,000 sq. ft. GFA
590	Library	2.61	4.19		per 1,000 sq. ft. GFA
595	Convention Center			.44	per attendee
		PEAK PERIOD DEMAND			
600	Medical	Average	85 Percentile	PEAK	
610	Hospital	2.50	3.41		per 1,000 sq. ft. GFA
610	Hospital	4.49	7.35		per bed
610	Hospital	.81	1.08		per employee
612	Surgery Center			5.67	per operating room
620	Nursing Home	.98	1.50		per 1,000 sq. ft. GFA
620	Nursing Home	.35	.48		per bed
620	Nursing Home	.88	1.51		per employee
630	Clinic	4.94	4.96		per 1,000 sq. ft. GFA
640	Animal Hospital/Veterinary Clinic			1.6	per 1,000 sq. ft. GFA
640	Animal Hospital/Veterinary Clinic			1.4	per employee

PARKING DEMAND (04.11)		PEAK PERIOD DEMAND			
700	Office	Average	85 Percentile	PEAK	
701	Office Building	2.84	3.45		per 1,000 sq. ft. GFA
701	Office Building	.83	.98		per employee
720	Medical-Dental Office Building	3.20	4.27		per 1,000 sq. ft. GFA
730	Government Office Building	4.15	6.13		per 1,000 sq. ft. GFA
730	Government Office Building	.83	1.01		per employee
732	United States Post Office			33.20	per 1,000 sq. ft. GFA
732	United States Post Office			2.01	per employee
735	Judicial Complex			4.1	per 1,000 sq. ft. GFA
735	Judicial Complex			.8	per employee
800	Retail	Average	85 Percentile	PEAK	
812	Building Materials and Lumber Store			1.69	per 1,000 sq. ft. GFA
813	Free-Standing Discount Superstore	4.49	5.54		per 1,000 sq. ft. GFA
816	Hardware/Paint Store			2.87	per 1,000 sq. ft. GFA
820	Shopping Center	4.67	5.91		per 1,000 sq. ft. GFA
843	Automobile Parts Sales	2.25	2.74		per 1,000 sq. ft. GFA
845	Motorcycle Dealership			2.97	per 1,000 sq. ft. GFA
848	Tire Store			4.17	per 1,000 sq. ft. GFA
850	Supermarket	3.78	5.05		per 1,000 sq. ft. GFA
851	Convenience Market (Open 24 Hours)	3.11	3.79		per 1,000 sq. ft. GFA
853	Convenience Market With Gasoline Pumps	8.38	10.50		per 1,000 sq. ft. GFA
854	Discount Supermarket			5.8	per 1,000 sq. ft. GFA
857	Discount Club	2.90	3.93		per 1,000 sq. ft. GFA
859	Liquor Store			2.98	per 1,000 sq. ft. GFA
861	Sporting Goods Superstore	1.78	2.40		per 1,000 sq. ft. GFA
862	Home Improvement Superstore	3.19	4.34		per 1,000 sq. ft. GFA
863	Electronics Superstore			3.03	per 1,000 sq. ft. GFA
864	Toy/Children's Superstore	1.94			per 1,000 sq. ft. GFA
866	Pet Supply Superstore			1.17	per 1,000 sq. ft. GFA
867	Office Superstore			.61	per 1,000 sq. ft. GFA
868	Book Superstore			.89	per 1,000 sq. ft. GFA

PARKING DEMAND (04.11)		PEAK PERIOD DEMAND			
800	Retail	Average	85 Percentile	PEAK	
876	Apparel Store			17.02	per 1,000 sq. ft. GFA
880	Pharmacy/Drugstore without Drive-Through Window	2.94	3.74		per 1,000 sq. ft. GFA
880	Pharmacy/Drugstore without Drive-Through Window	3.73	5.10		per employee
881	Pharmacy/Drugstore with Drive-Through Window	2.18	2.94		per 1,000 sq. ft. GFA
881	Pharmacy/Drugstore with Drive-Through Window	1.63	2.20		per employee
890	Furniture Store	1.04	1.34		per 1,000 sq. ft. GFA
890	Furniture Store	1.73	2.16		per employee
892	Carpet Store	1.79	3.00		per 1,000 sq. ft. GFA
892	Carpet Store	2.27	3.20		per employee
896	Video Rental Store	2.41	2.76		per 1,000 sq. ft. GFA
900	Services	Average	85 Percentile	PEAK	
912	Drive-in Bank	4.00	5.67		per 1,000 sq. ft. GFA
920	Copy, Print and Express Ship Store			3.00	per 1,000 sq. ft. GFA
931	Quality Restaurant	16.40	22.70		per 1,000 sq. ft. GFA
931	Quality Restaurant	.47	.67		per 1,000 sq. ft. GFA
932	High-Turnover (Sit-Down) Restaurant (No Bar or Lounge)	13.50	20.60		per 1,000 sq. ft. GFA
932	High-Turnover (Sit-Down) Restaurant (With Bar or Lounge)	16.30	20.40		per 1,000 sq. ft. GFA
932	High-Turnover (Sit-Down) Restaurant (No Bar or Lounge)	.35	.54		per seat
932	High-Turnover (Sit-Down) Restaurant (With Bar or Lounge)	.48	.73		per seat
933	Fast-Food Restaurant without Drive-Through Window	12.40	14.50		per 1,000 sq. ft. GFA
933	Fast-Food Restaurant without Drive-Through Window	.52	.77		per seat
934	Fast-Food Restaurant with Drive-Through Window	9.98	15.13		per 1,000 sq. ft. GFA
934	Fast-Food Restaurant with Drive-Through Window	.35	.64		per seat
936	Coffee/Donut Shop without Drive-Through Window	13.56	17.33		per 1,000 sq. ft. GFA
937	Coffee/Donut Shop with Drive-Through Window	10.40	18.97		per 1,000 sq. ft. GFA
939	Bread/Donut/Bagel Shop without Drive-Through Window			9.78	per 1,000 sq. ft. GFA
940	Bread/Donut/Bagel Shop with Drive-Through Window			4.50	per 1,000 sq. ft. GFA
945	Gasoline/Service Station with Convenience Market	.75	1.03		per fueling position
960	Dry Cleaners	1.40	2.44		per 1,000 sq. ft. GFA

