

# FRANKLIN TOWNSHIP

CARBON COUNTY, PENNSYLVANIA

## ZONING ORDINANCE

DRAFT  
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**FRANKLIN TOWNSHIP**  
**CARBON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE COMPREHENSIVELY AMENDING THE FRANKLIN TOWNSHIP ZONING ORDINANCE AND ZONING MAP OF JANUARY 22, 1972, AS AMENDED, PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; AUTHORIZING THE APPOINTMENT OF A ZONING OFFICER; CREATING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Franklin Township, Carbon 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**

**§1 Adoption**

The Franklin Township Zoning Ordinance and Zoning Map of January 22, 1972, as amended, is hereby amended as hereinafter set forth.

**§2 Short Title**

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

**§3 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 uses and structures. This ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- 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, manufactured housing and manufactured housing 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.

#### **§4 Applicability**

- A. 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.
- B. Conformance. Any activity regulated by this ordinance shall only occur or be undertaken and be continued in conformance with the requirements of this ordinance. (See Article IX for nonconforming uses.)
- C. Authorization. This ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania Municipalities Planning Code, as amended.
- D. Regulated Activities.
  - 1. The following activities and any other activity or matter regulated by this ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this ordinance:
    - a. The erection, construction, demolition, alteration, extension, replacement, relocation, or conversion of any building or structure or any activity to prepare the site for the erection, construction, demolition, alteration, extension, replacement, relocation or conversion of any building or structure,
    - b. Change in the type of use or expansion of the use of a structure or area of land; and/or,
    - c. Creation of a lot or alteration of lot lines.
  - 2. No yard 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.
  - 3. 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.
  - 4. No yard 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. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

- E. Repairs and Maintenance. Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit provided such activity does not involve:
1. a change in use;
  2. an expansion, construction or placement of a structure;
  3. an increase in the number of dwelling units or boarding house units; and/or
  4. any other activity regulated by this ordinance.
- F. 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 Township approvals within the Township shall:
1. 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.
  2. Comply with the other applicable requirements of §608.1 of the Pennsylvania Municipalities Planning Code.
- G. Public Utility Commission
1. 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.
  2. 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.

## §5 Interpretation

- A. 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.
- B. Conflict.
1. Township Provisions.
    - a. 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. The provisions of this ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this ordinance.

- b. 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.
2. Other Laws and Regulations. Whenever the provisions of any other law, regulation and/or statute require a greater width or size of yards, 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. Pennsylvania Municipalities Planning Code Amendments. The provisions of this ordinance that only repeat, summarize, or reference provisions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superseded and replaced by any applicable amendments to such provisions of the Pennsylvania Municipalities Planning Code at the date such amendments become effective as State law.

#### **§6 Severability and Repealer**

- A. Severability. If 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 Board of Supervisors that such remainder shall be and shall remain in full force and effect.
- B. Repealer. All ordinances or parts of ordinances or regulations inconsistent herewith are hereby repealed. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued, or liability incurred or any cause or causes of action accrued or existing under any ordinance repealed by this ordinance. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

#### **§7 Effective Date**

This Ordinance shall be effective immediately.

**ARTICLE II**  
**COMMUNITY DEVELOPMENT OBJECTIVES AND COMPREHENSIVE PLAN**

**§8 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 provide for the preservation, protection, management and enhancement of Franklin Township's natural resources and environmental qualities for present and future generations.
- B. To encourage and promote the provisions of a wide range and variety of decent, safe and sanitary housing to meet the needs of all Township residents, newly formed households, growing families and senior citizens, regardless of age, sex, income, religious or ethnic background, which is compatible with the limitations afforded by the environment, transportation network and community facilities and services.
- C. To provide, in an economical and aesthetically beneficial manner, the various facilities and services necessary to meet the existing and future needs of the community in a way that is compatible with the natural and man-made environment.
- D. To provide a transportation system that maximizes the efficient, safe, and convenient movement of goods and people while minimizing the adverse impacts the system may have on the natural and man-made environment.
- E. To encourage opportunities for managed economic growth and development in the Township compatible with the community's natural and man-made environment, including services and facilities, and transportation network and consistent with regional needs and capabilities for appropriate economic activities.
- F. To promote the adequate provision of recreation and cultural amenities.
- G. To achieve the best use of land within the Township, ensuring that varying land uses will complement one another and thus improve the economic base and provide for increased aesthetic and cultural value.

**§9 Comprehensive Plan**

In addition to the General Community Development Objectives set forth in §8, this ordinance is intended to implement the 2011 Central Carbon Regional Comprehensive Plan, as amended, and any other plan which may be adopted by the Township.

### ARTICLE III DEFINITIONS

#### §10 Rules of Construction and Definitions

The following rules of construction shall apply to this ordinance:

- A. For 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 the context clearly indicates a 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*.

#### §11 Terms or Words Not Defined; Diagrams

- A. Terms, Phrases, Words Not Defined - When terms, phrases, or words are not defined, they shall have the meaning as defined in The Complete Illustrated Book of Development Definitions (Moskowitz, Lindbloom, Listokin, Preiss, and Merriam, Transaction Publishers, New Brunswick, NJ, 4th edition, 2015, ISBN: 978-1-4128-5504-) or the latest edition thereof, or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.
- B. Diagrams - The diagrams in §12 are for illustrative purposes only and shall not be interpreted as having any effect on the meaning of the associated term.

#### §12 Definitions

For this ordinance, the following words, terms, and phrases have the meaning herein indicated:

Abandon: To desert, surrender, forsake, or cede. To relinquish or give up with intent of never again resuming one's right or interest. To give up or cease to use. To give up absolutely; to forsake entirely; to renounce utterly; to relinquish all connection with or concern in; to desert. It includes the intention and the external act by which it is carried into effect.

Abused Person Shelter: See *domestic violence shelter*.

Access Drive: One combined entrance/exit or one clearly defined entrance, or one clearly defined entrance separated from another clearly defined exit serving a land development. This term shall not include access drives that are strictly and clearly limited to use by only emergency vehicles.

Accessory Structure (includes Accessory Building): A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include, but are not limited to, a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An *accessory building* is any accessory

structure that meets the definition of a *building*. A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Use: A use or structure customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

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

Adjacent: Two or more lots that share a common lot line.

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, videos, 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 Article III:
  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:

- A. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images of five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of *specified sexual activities* or *specified anatomical areas*. An *adult arcade* shall be considered an *adult business* for regulation by this ordinance.
- B. Adult Bookstore or Adult Video Store: A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any one or more of the following:

1. 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
2. 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.

- C. Adult Live Entertainment Use or Facility: A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving:
1. Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity; or,
  2. Live performances which are characterized by the exposure of specified anatomical areas or simulated or actual specified sexual activities; or,
  3. 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.

- D. Adult Motel: A hotel, motel, or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*, or,
  2. Offers any sleeping room for rent three or more times in one calendar day.

An *adult motel* shall be considered an *adult business* for regulation by this ordinance.

- E. 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. An *Adult motion picture theater* shall be considered an *adult business* for the purpose of this ordinance.



- F. 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. An *adult theater* shall be considered an Adult Business for regulation by this ordinance.
- G. 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.
- H. Escort Agency: A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An *escort agency* shall be considered an *adult business* for regulation by this ordinance.
- I. 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.
- J. 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*. A *massage parlor* shall be considered an *adult business* for regulation by this ordinance.
- K. Nude Model Studio: Any place, which is not excepted by §88C(17), 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. A *nude model studio* shall be considered an *adult business* for regulation by this ordinance.
- L. 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.
- M. 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*.
- N. 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 one or more of the persons is in a state of nudity or semi-nude. A *sexual encounter center* shall be considered an *adult business* for regulation by this ordinance.
- O. Specified Anatomical Areas: Any of the following:
1. Less than completely and opaquely covered human genitals, pubic region, anus, or female breasts below a point immediately above the top of the areola.
  2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

P. Specified Sexual Activities: Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.
4. Excretory functions as part of or in connection with any of the activities set forth in 1, 2 and 3, above.

Adult Care Facility: See *nursing home*.

Agent: Any person other than the owner who, acting for the owner, applies 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. (See also *crop production, animal husbandry, and concentrated animal feeding operation*.)

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

Agritourism: Any activity carried out on a working agricultural operation such as a farm, orchard or vineyard that allows members of the public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities directly related to or part of the agricultural operation, including farming operations, wineries, historical or cultural features, 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 such devices as an 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 Hospital: See *veterinary clinic*.

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

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

Animal Kennel: See *kennel*.

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

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

Apartment: See *dwelling*.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

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. 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.

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.

Attic: Nonliving space in or above a dwelling unheated with headspace of less than 6.5 feet.

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.

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

Bakery or Confectionery, Retail: An establishment where bread, cakes, cookies, candy, fudge and similar items are produced and sold on the premise to consumers.

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 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 6.5 feet. A basement shall be counted as a story for building height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet 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, only breakfast for lodging guests may be included, and no cooking facilities are provided in any rental room.

Best Management Practices: Activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during, and after earth disturbance activities.

Billiard Hall: An establishment with the principal use of playing cue sports such as pool, snooker or carom billiard. Considered a *recreation facility, commercial* for regulation by this ordinance.

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, un-subdivided land or by any combination of the above.

Board of Supervisors or Supervisors: The Board of Supervisors of Franklin Township, Carbon County, Pennsylvania.

Boarding or Lodging House: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally, but not necessarily, included as a part of the services rendered and no cooking facilities are provided in any rental room.

Brewery Pub/Distillery Pub/Winery Pub: A *restaurant* which includes as an accessory use, and primarily intended for sale or consumption on the premises, the brewing of malt beverages of alcoholic and/or non-alcoholic content, the distilling of liquor, and/or the making of wine. Considered a *restaurant* for regulation by this ordinance.

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 15,000 gallons or more of malt beverages per year. Considered *agricultural products processing* for the purposes of this ordinance.

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 other pedestrian improvements which is used to provide separation between incompatible uses to create a visual barrier, block physical passage between uses, and reduce noise, dust and litter.

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

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

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

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

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 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 Height: The vertical distance from grade plane to the average height of the highest roof surface. (See *grade plane*.)

Building Permit or Construction Permit: See *permit*.

Bulk Fuel Storage Facility: Any facility where kerosene, home heating oil, diesel fuel, gasoline, or propane is stored in large volume tanks for distribution to retail or wholesale establishments; or any *retail home heating fuel distributor* where the storage of fuel on the site exceeds a combined total of 20,000 gallons.

Bus, Limousine or Taxi Terminal: An area and/or building where buses, limousines, and/or taxis 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 for the bus.

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 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.

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

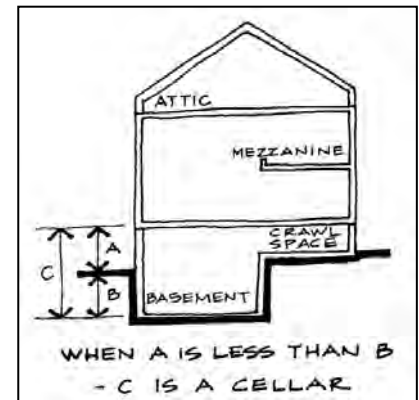
Carport: A roofed building intended for the storage of one or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

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.

Catering Service: The business of providing food and/or beverage service at a site other than the site where the food/beverage is prepared.

Cellar: An enclosed floor area partly or wholly below the finished grade with at least one-half 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 feet. See *basement*.



Cemetery: A place for the interment of deceased pets or human beings 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 Zoning Compliance or Certificate of Use: A document issued by the Zoning Officer stating that a newly constructed or altered building, structure, and/or use complies with this ordinance and may be lawfully used.

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.

Church: See *place of worship*.

Clear-Sight Triangle: An area of unobstructed vision at street intersections. (See §27C.)

Clinic: See *medical clinic*.

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

Commercial Vehicle: A truck with a gross or combined vehicle weight of 26,001 pounds or more which is classified by the Motor Vehicle Code of the State of Pennsylvania (75 Pa.C.S. §1916) as a truck of Weight Class 9 or greater.

Commission: The Planning Commission of Franklin Township, Carbon County, Pennsylvania.

Common Area: All of the real property dedicated for the common use and enjoyment of the residents of a development; including open land and recreation area.

Common Facilities: Improvements in a development that may or may not be 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 Center: A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise-producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential dwelling uses.

Composting: The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

Composting Facility: A facility using land for processing of municipal waste by composting. The term includes land thereby affected during the lifetime of the operations, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a facility for composting residential municipal waste that is located at the site where the waste was generated.

Comprehensive Plan: The Township Comprehensive Plan, which may be a multi-municipal 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 (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 *industry* for regulation by this ordinance.

Conditional Use: A use in a zoning district to be allowed or denied by the Township 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.

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/or retail stores and services primarily for conference center guests.

Conservation Area, Primary - Lands within the 100-year floodplain, wetlands, lakes, ponds, watercourses and slopes of 25 percent or more.

Conservation Area, Secondary - All landscape elements not included in the primary conservation area. These include:

- A. Hydric soils, swales, springs, lowland areas other than wetlands.
- B. Moderately steep slopes between 15 and 25 percent, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- C. Healthy woodlands particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- D. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- E. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetative features.
- F. Historic structures and sites.
- G. Visually prominent topographic features such as knolls, hilltops, and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- H. Existing trails, especially those connecting the tract to other locations in the Township.
- I. Class I, II and III agricultural soils as defined by the United States Department of Agriculture, Natural Resources Conservation Service's County Soil Survey for Carbon County.

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 other compatible uses such as agriculture and forestry.

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

Constrained Land - Selected resources and areas of restricted land multiplied by a protection factor, totaled, and used for the calculation of *adjusted tract area* related to conservation design development.



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

Contractor Shop or Yard: Any premises used as the base of operation by any tradesman or contractor with 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.

Conversion Apartment: See *dwelling, multi-family*.

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.

Cottage Industry: See §28C(2).

Country Club: A recreational property including recreational facilities, restaurant, and meeting rooms, but not including property owner association facilities or other properties operated for profit.

County: The County of Carbon, Commonwealth of Pennsylvania.

County Planning Commission: The Planning Commission of Carbon 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 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.

Crusher Plant: An operation which processes minerals or other materials and crushes them to various sizes for resale or use. Considered *mineral processing* for regulation by this ordinance.

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

Daycare Center: A facility not located in a dwelling unit 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.

Daycare, 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: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code 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 the court of common pleas of the county and judicial district.

Deck: An attached or unattached platform structure 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*.

Determination: Final action by an officer, body or agency charged with the administration of this ordinance or applications hereunder, except the following: (1) the governing body; (2) the zoning hearing board; and (3) the planning commission, only if and to the extent the planning commission is charged with final decision on preliminary or final plans under the subdivision and land development. 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, or who is required to file for a zoning permit.

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

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

Distillery: A facility for the production and packaging of alcoholic liquor for retail and/or wholesale distribution off the premises and licensed as such by the Commonwealth of Pennsylvania. Considered *agricultural products processing* for the purposes of this ordinance. (See also *brewery pub/distillery pub/winery pub*.)

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.

Disturbance: Unstabilized land area where an earth disturbance activity is occurring or has occurred.

Disturbed Area: Any area of land on which an *earth disturbance activity* has occurred.

Domestic Violence Shelter: A residential use 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 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 Theater: See *theater, drive-in*.

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

Driveway: A privately owned and constructed vehicular access from a private or public road into a lot or parcel having frontage or legal access on the said road and serving one single-family dwelling.

Dump: See *landfill and solid waste facility*.

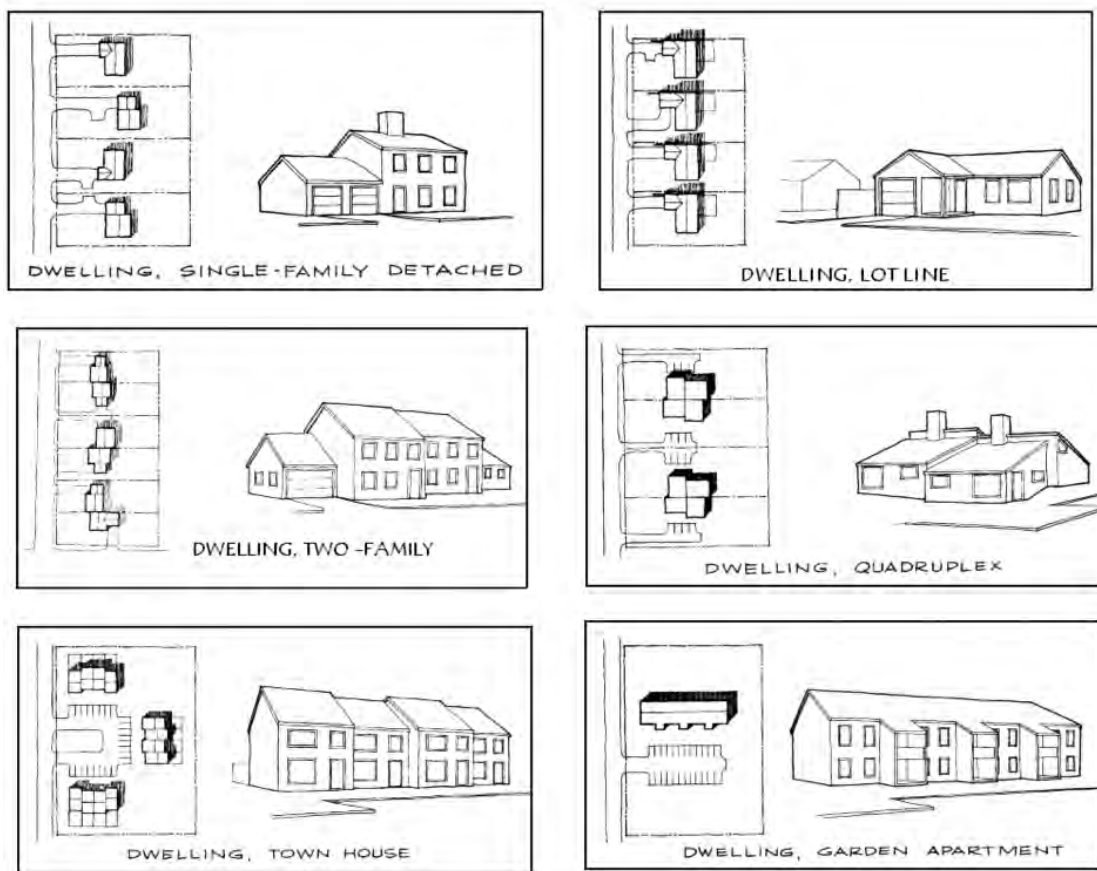
Dwelling - A structure or portion thereof which is used exclusively for human habitation.

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, or a dwelling unit located on the upper floors of a nonresidential building.

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

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

- A. 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.
- 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. 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.
- D. Single-family Attached/Townhouse - A dwelling unit located in a multi-family dwelling structure 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.
- E. Conversion Apartment - The conversion of an existing building into three to or more dwelling 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, Two-Family - A building containing two dwelling units either attached side by side using a vertical party

wall and having one side yard adjacent to each dwelling unit or upstairs/downstairs units.

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 but not including a *short-term rental unit* as defined in this Article 3. 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 in Conjunction with a Nonresidential Use: A dwelling unit in conjunction with a nonresidential use.

Earth Disturbance Activity: A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of heavy animal use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

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.

Emergency Services Station: A building for the housing of fire, emergency medical or police personnel and equipment and for related activities and which may, as an accessory use, include housing for emergency personnel while on-call and social halls.

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

Exotic Animal: See *wild or exotic animal*.

Explosive: As defined by PA Code, Title 25, Chapter 211 - Storage, Handling and Use of Explosives, a chemical compound, mixture, or device that contains oxidizing and combustible materials or other ingredients in such proportions or quantities that an ignition by fire, friction, concussion, percussion or detonation may result in an explosion.

- A. The term includes safety fuse, squibs, detonating cord and igniters.
- B. The term does not include the following:
  - 1. Commercially manufactured black powder, percussion caps, safety, and pyrotechnic fuses, matches and friction primers, intended to be used solely for sporting, recreational or cultural purposes in antique firearms or antique devices, as defined in 18 U.S.C.A. §921 (relating to definitions).
  - 2. Smokeless powder, primers used for reloading rifle or pistol cartridges, shot shells, percussion caps and smokeless propellants intended for personal use.

Explosive Plant or Storage Facility: Land with buildings or structures used in connection with the manufacturing or processing of explosives, as well as the storehouses and magazines for the storage of explosives.

Fair: An exhibition of farm products, livestock, etc., often combined with entertainment and held annually by a state, county or local municipality or a nonprofit organization.

Fairground: A place where fairs, horse races, etc., are held; usually an area set aside by a city, county, or state for an annual fair and often containing exhibition buildings.

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. Up to three unrelated people;
- C. Two unrelated people and any children related to either of them;
- D. Not more than eight people who are residents of a group home meeting the requirements of §54; or
- E. Not more than eight people who are granted a special exception as a single nonprofit housekeeping unit (a *functional family*) pursuant to §55.

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 because of criminal offenses.

Farmers' 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 pre-designated 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.

Financial Institution – See *bank*.

Firewood Processing and Sales: The importing of trees or firewood from any property to any another property for cutting or sale for use as firewood. This may include the storage of the cut trees and firewood, and customers on the site to purchase firewood, but no other retail sales. This shall not include the cutting by a property owner of trees growing on his property for sale as firewood. Considered *agricultural products processing* for regulation by this ordinance.

Fireworks: As defined by PA Code, title 34, Part 1, Chapter 5 - Blasting, Demolition, Fireworks and Explosives, a combustible or explosive composition, substance or combination of substances, or article prepared for producing a visible or an audible effect by combustion, explosion, deflagration, or detonation.

Fireworks Plant or Storage Facility: Land with buildings or structures used in connection with the manufacturing or processing of fireworks, as well as the storehouses or magazines for the storage of finished fireworks. This does not include a fireworks retail establishment operated in accord with state and federal requirements.

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.

Floor Area: See *gross floor area*.

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*.

Functional Family: See *family* and §55.

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 storage of caskets, funeral urns, and other related funeral supplies.
- C. 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, facilities participating in any lottery authorized by the Commonwealth of Pennsylvania, or any other games of chance permitted by Pennsylvania law as accessory to a commercial use.

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 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 public.

Garage Sale: See *yard, lawn, garage, tag or estate sale*.

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

Gazebo: An unenclosed 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

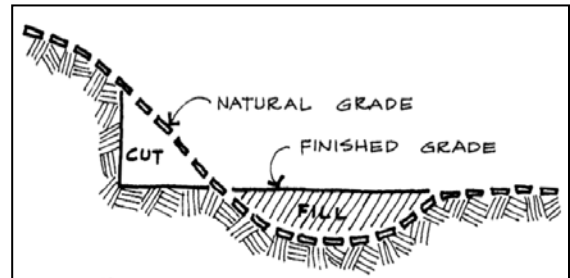


*recreation facility, commercial* for regulation by this ordinance.

**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.

**Grade:** 1) The average finished ground elevation adjoining a building, or 2) The degree of inclination of a slope, road, or other surface.

**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.

**Grade Plane:** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building. (See *building height*.)

**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.

**Green:** An area of Common Open Space, adjoined by streets on at least two and often three or four sides, around which dwelling units are arranged. A green, typically in the range of 5,000 to 10,000 square feet, serves as an organizing element for homes in a conservation design subdivision.

**Greenhouse, Plant 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, Accessory Plant:** An accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, for private noncommercial use for raising of plants.

**Gross Floor Area:** 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 feet, elevator shafts, common stairwells in an apartment building, and unenclosed porches, decks and breeze ways.

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

- A. Involves the care of the maximum number of persons permitted by the *group home* standards of §54 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 by this ordinance.

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

Hazardous Liquid Pipeline: See *pipelines and associated facilities*.

Hearing: An administrative proceeding conducted by a board pursuant to §909.1 of the Pennsylvania Municipalities Planning Code.

Healthcare Campus: An integrated use or development, including, in one building or a combination of buildings some combination of hospital, healthcare facilities and healthcare services providing a broad range of uses that individually and collectively contribute to the promotion of wellness and enable the improvement and maximum recovery of health from physical and mental diseases, illnesses and injuries; provide opportunities for educational advancement, learning, and research related to wellness and health; and create a logical transition between the existing community and health care uses that will protect and preserve the character of the surrounding neighborhood.

Height, Building: See *building height*.

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

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 seven-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the public.

Home Daycare: See *daycare, home*.

Home Occupation: An occupation, profession, activity, or use conducted within a residential dwelling or accessory building by the resident-operator and not more than two nonresident employees. Home occupation uses are intended to be of a service nature and not involve primarily the purchase and/ or sale of goods. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. There shall be no exterior evidence of the home business except a permitted sign and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat, or glare. Home occupations are limited to 25 percent of the total floor area of the

principal building. If the use is of such nature that may require regular visits by customers and/or deliveries, off-street parking space will be required in addition to the spaces required for the residential use. (See also *no-impact home-based business*.)

**Homeless Shelter:** A government or nonprofit corporation facility providing temporary housing to indigent, needy or homeless persons.

**Homeowners Association:** See *property owners association*.

**Hookah Bar/Smoking Lounge:** A businesses serving flavored tobacco or other products for on-site smoking.

**Hospital:** A facility 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, research facilities and staff residences.

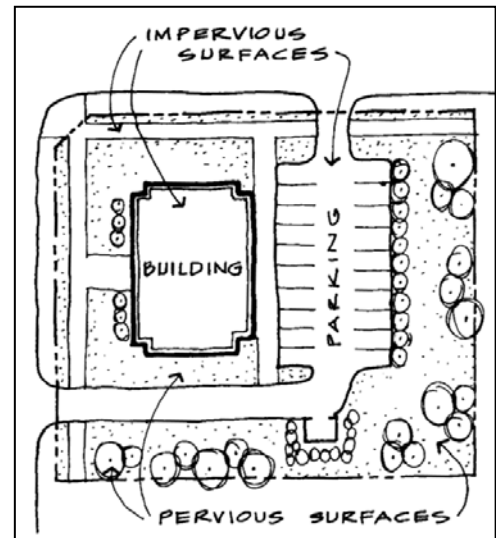
**Hotel:** A facility offering temporary (generally for periods of two weeks or less and not intended to be used as a permanent residence) lodging accommodations to the public, typically based on daily or weekly rentals, and may provide additional services such as restaurants, meeting rooms and recreational facilities.

**Household:** A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit. See *family*.

**Impervious Surface (Impervious Area):** Hard ground cover that prevents or retards the entry of water into the soil and increases runoff, such as asphalt, concrete, rooftops, etc.

**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 motor 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 contractor's 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.

Junk Yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk as defined by this ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. Vehicle sales lots managed by licensed vehicle dealers operated in accord with this ordinance shall not be considered junk yards.

Kennel: Any of the following:

- A. Any commercial establishment where dogs, cats, or other household pets are housed or boarded and where grooming, breeding, training, or selling of animals may be conducted.
- B. As defined by the Pennsylvania Department of Agriculture, Bureau of Dog Law Enforcement: pet shop kennels, dealer kennels, rescue network kennels, research kennels, boarding kennels, nonprofit kennels, and commercial kennels.
- C. The noncommercial keeping of more than a combined total of four domestic dogs or domestic cats that are more than six months of age.

Lake or Pond: A natural or artificial body of water one acre or larger which retains water year-round. Artificial ponds may be created by dams or result from excavation.

Land Development:

- A. Any of the following activities:
1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
    - a. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure;
    - b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
  2. A subdivision of land.
  3. The expansion or addition to a nonresidential building which involves any of the following as measured cumulatively from the effective date of this provision:
    - a. The addition of 25 percent or more of floor area to a structure;
    - b. The increase by 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 stormwater runoff in such volume as will not be controlled by existing stormwater management facilities pursuant to the requirements of this Ordinance.
- B. Unless any of the thresholds established by §A3 above are exceeded, the following shall not be considered land developments:
1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three 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.

Large-Scale Retail/Commercial Development - An individual freestanding building or multiple building development in which the combined total of all structures and outdoor sales areas within the development combine to total 20,000 square feet or more of gross floor area, used for retail sales or commercial establishments.

Livestock - Cattle, bison, sheep, goats, llamas, alpacas, swine, ostriches, emus, and similar 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 (or occupancy), 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 135 degrees.

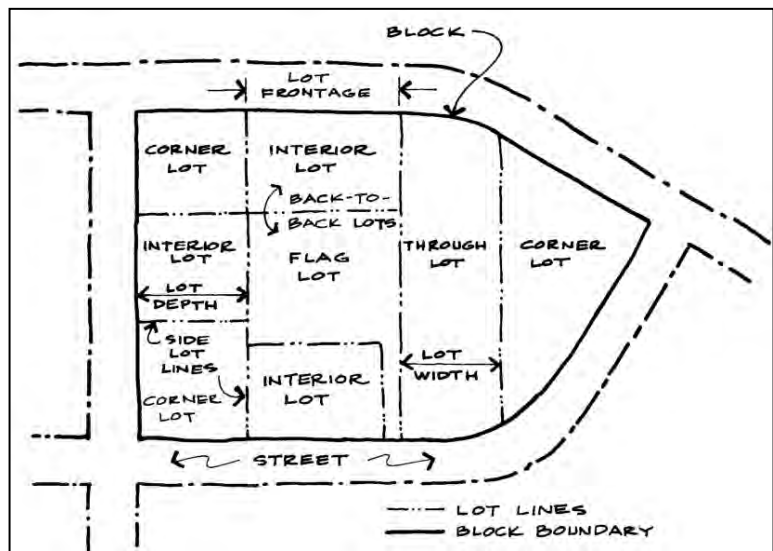
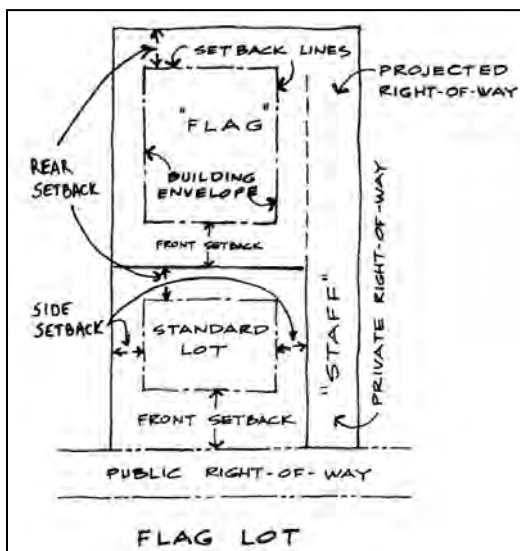
Lot, Existing of Record: Any lot or parcel of property which is legally in existence and properly on file with the County Recorder of Deeds.

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 owned by the lot owner(s) using the right-of-way or driveway.

Lot, Interior: A lot other than a corner lot, the rear and side lines 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, Gross: The total area within the property or lot lines including the road right-of-way portion; the gross area. The term includes *area of land, land area, lot size, parcel area, parcel size, tract area* and any similar terms.

Lot Area, Minimum Required: The horizontal land area contained within the property lines of a lot, measured in acres or square feet, determined by multiplying the area of each listed resource by the applicable protection factor and deducting the total area of constrained land from the gross lot area. If two or more resources overlap, only the resource with the highest protection factor shall be used.

<b>CONSTRAINED LAND</b>				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
A	existing public or private road rights-of-way and existing utility or other rights-of-way		X 1.00	=
B	that portion of lands under conservation easement that are restricted from further development		X 1.00	=
C	floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)		X 1.00	=
D	100-year floodplain (if not mapped by FEMA area is included in floodway above)		X 0.25	=
E	wetlands as determined by a delineation		X 0.90	=
F	steep slopes (25% or greater)		X 0.75	=
G	steep slopes (15% up to 25%)		X 0.10	=
H	ponds, lakes, and streams to the high water mark		X 0.50	=
I	<b>CONSTRAINED LAND = SUM OF A through H =</b>			

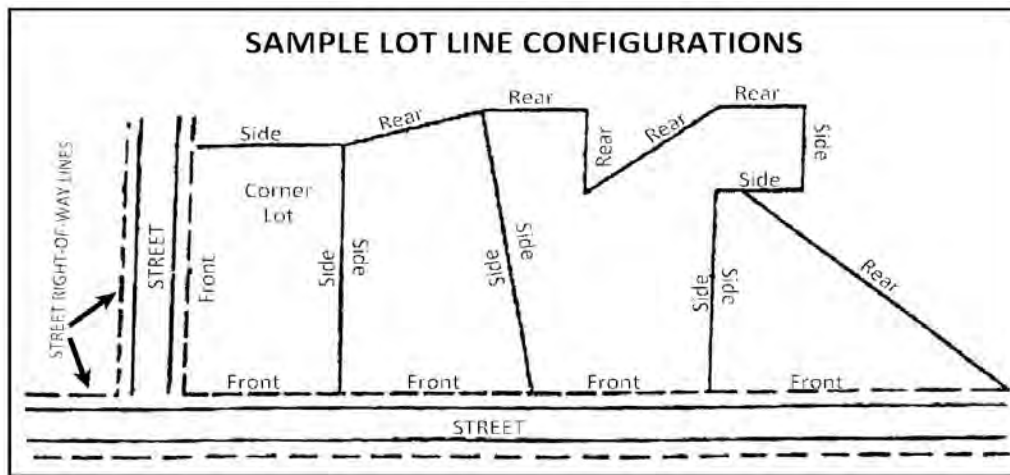
Lot Coverage: That portion of the lot covered by all created improvements, including but not limited to primary buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools and other impervious areas provided that where a municipal boundary bisects a lot, the total area of the lot, regardless of the municipal boundary, shall be used for 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. On corner lots, lot depth shall be measured along the longest dimension of 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, required*. (See illustration on the next page.)

Lot Line, Front: The lot line(s) separating the lot from any street. In the case of a flag lot, the lot line where the narrow access corridor widens shall be considered the front lot line.

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 lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines, provided that the length of the line constituting the rear line of the required front yard shall never be less than 50 feet.

Lumbering: See *forestry*.

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

Manufactured Housing or House (Mobile Home): Housing which bears a label as required by and referred to in the act of November 17, 1982 PL.676. No. 192). known as the Manufactured Housing Construction and Safety Standards Authorization Act, certifying that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633).

Manufactured Housing (Mobile Home) Lot: A parcel of land in a manufactured housing park which is leased by the park owner to the occupants of the manufactured house erected on the lot and which is improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured house.

Manufactured (Mobile Home) Housing Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured housing lots for the placement thereon of manufactured houses.

Manufactured (Mobile Home) Housing Sales: See *vehicle and equipment sales operation*.

Manufacturing, Light: Facilities involving generally unobtrusive processes carried on entirely within a fully enclosed building and including incidental storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

A. Light manufacturing includes, but is not limited to:

1. Grain storage, distribution, processing, and milling operations.
2. 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.

3. Textile and clothing manufacturing.
4. Furniture or other wood products production.

B. Light manufacturing does not include:

1. Basic industrial processing. (See definition of *industry*.)
2. Processing of raw materials, except for milling and processing of grain.
3. Slaughterhouses or the production of fish or meat products, or other use as defined by *agricultural products processing*.
4. Rendering of fats and oils.

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

Massage Facility, Therapeutic: A *service establishment*, as regulated by this ordinance which meets all of the following criteria:

- 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*.

Mechanical Equipment (relating to accessory solar energy systems and accessory wind turbine generators): Any device, such as an outdoor electrical unit/control box, that transfers the energy from the energy system to the intended on-site structure.

Medical 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 24 hours.

Medical Marijuana Dispensary: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Commonwealth to dispense medical marijuana. Considered a *retail business* for regulation by this ordinance.

Medical Marijuana Grower/Processor: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Commonwealth to grow and process medical marijuana. Considered a *manufacturing, light* for regulation by this ordinance.

Meeting, Assembly, or Banquet Halls: A structure designed for an assemblage of persons for gatherings such as

weddings, banquet, parties, etc.

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

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

Mineral Depot: Any site, facility or operation with the primary use being the transfer of minerals from a railroad car or vehicle to another railroad car or vehicle for distribution, and/or the primary use being storage of minerals for distribution. This shall not include a *bulk fuel storage facility* or the storage or transfer of minerals incidental to another approved use.

Mineral Extraction: The mining, removal or recovery by any means whatsoever (including, but not limited to, open excavations and quarries, subsurface mining and drilling) 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 on-site extraction of sand, gravel, rock, stone, earth or fill from borrow pits for public road construction undertaken by a public entity or the on-site 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. This shall not include activities typically part of a *pipeline compressor station, metering station or operation/maintenance facility*.

Mobile Food Service Operation: The preparation/cooking, serving and/or sale of food conducted from a portable stand, vehicle, or trailer. Examples are food trucks and hotdog stands/carts. Such operations conducted as a temporary event by a public use or a semi-public use (e.g., a fair or carnival) are not included and

vendors who travel from site to site (e.g., construction sites or manufacturing plants) selling exclusively to customers employed at the visited site are not included.

Mini-Mart: See *convenience store*.

Mobile Home: See *manufactured housing*.

Mobile Home Lot: See *manufactured housing lot*.

Mobile Home Park: See *manufactured housing park*.

Mobile Sales Operation: Sales from a portable stand, vehicle, or trailer. Examples are furniture, rug and produce sales. Such operations conducted as a temporary event by a public use or a semi-public use (e.g., a fair or carnival) and vendors who travel from site to site (e.g., construction sites or manufacturing plants) selling exclusively to customers employed at the visited site are not included.

Motel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodation to the public, typically for daily or weekly rentals. 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 Development: Any development of a single parcel of property that includes one or more buildings containing three or more dwelling units. Any residential development which proposes the construction of two or more two-family dwellings on one parcel of property is also considered a multi-family development. Two-family dwellings in a multi-family development are considered townhouses.

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

Municipality: Franklin Township, Carbon County, Pennsylvania.

Natural Gas Processing Plant: See *pipelines and associated facilities*.

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

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no other employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or

lights.

- E. The 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.
- F. 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.
- G. The business shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- H. The business shall not involve any illegal activity.

Nonconformity and Associated Definitions: See Article IX.

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

Nursery, Plant Wholesale: The growing, cultivation, storage, and sale of garden plants, flowers, trees, and shrubs to landscapers, developers, builders, and retail establishments.

Nursery, Retail: See *garden center, retail*.

Nursing Home: See *personal care home*.

Occupancy: Any use of or activity upon a premise 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 Zoning Map: The Official Zoning Map of Franklin Township, Carbon County, Pennsylvania.

Off-Track Wagering Facility: A facility licensed pursuant to the provisions of the Racehorse Reform Act for 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 Development: The well site preparations, well site construction, drilling, hydraulic fracturing and/or site restoration associated with an oil and/or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installment and use of all associated equipment, including tanks, meters and other equipment and structures whether permanent or temporary; and the site preparation construction, installment, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas, other than compressor stations and natural gas processing plants or facilities performing the equivalent functions, that operate as midstream facilities and which are only authorized consistent with this ordinance.

Oil or Gas Well: A type of *mineral extraction* involving a bore hole drilled or being drilled for 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 or to be used for systems of monitoring, producing

or extracting gas from solid waste disposal facilities, as long as the wells are subject to the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act, and do not penetrate a workable coal seam.

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

Open Space, Common: Open space that is part of a 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 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 Borough/Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

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 apply 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, 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 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: A surfaced area or courtyard or a deck less than one foot above ground elevation designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side

which may adjoin a structure or for any fences or walls less than four feet in height, shrubs or hedges. Outdoor areas which are screened against insects or enclosed by a roof or awning shall be considered a structure. (See *porch*.)

Pawn Shop - A business which offers loans in exchange for personal property as equivalent collateral. If the loan is repaid in the contractually agreed time frame, the collateral may be repurchased at its initial price plus interest. If the loan cannot be repaid on time, the collateral may be liquidated by the shop. Considered a *retail business* for regulation by this ordinance.

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

Permit: A document issued by the proper authority 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 Township Board of Supervisors, and for special exceptions following approval by the Zoning Hearing Board.
- B. Building Permit or Construction Permit: Issued by the Building Code Official and indicates that a proposed construction, alteration, or reconstruction of a structure will comply with the Uniform Construction Code.

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 60, and/or physically disabled and/or the developmentally disabled and which is licensed as a personal care center by the Commonwealth of Pennsylvania.

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

Pipelines and Associated Facilities: See *transmission pipeline*.

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 kitchen and dining facilities, meeting and activity rooms, and recreation facilities.

Planing Mill: A commercial operation equipped with machinery for cutting, finishing, or molding lumber after it has been through a sawmill and is seasoned.

Planning Commission: The Planning Commission of Franklin Township, Carbon County, Pennsylvania.

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

Porch: A structure or part of a structure which is enclosed on one or more sides by a fence or wall which is four feet high or higher or covered by a roof or awning; or a structure which would otherwise be classified as a patio or deck except that it is one foot or more above the ground elevation.

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, 75 percent or more of which is used on the site of production, shall be considered part of the principal permitted use for which the energy is used.

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

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

Principal Use: The primary or predominate use(s) 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, land surveyor, lawyer, minister, optometrist, planner, physician, or realtor.

Property Owners Association (POA): A non-profit corporation organized by the developer or homeowners for establishing an association of all property owners in a private development which purposes shall include the ownership and maintenance of open space common areas and all development improvements.

Public: Something owned, operated, and supported by a government or government agency for the use or benefit of the public.

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.

Qualified Professional: An individual authorized to prepare plans pursuant to §503(1) of the Pennsylvania Municipalities Planning Code which states that *plats and surveys shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the “Engineer, Land Surveyor and Geologist Registration Law,” except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (P.L. 1527, No. 535), known as the “Landscape Architects Registration Law,” when it is appropriate to prepare the plat using professional services set forth in the definition of the “practice of landscape architecture” under section 2 of that act.*

Racetrack: 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 Facility, Commercial: Outdoor or indoor areas or structures, operated by non-governmental entities, open to the public, which may contain entertainment and amusement devices or attractions including, but not limited to, picnic groves, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, and the like, but excluding 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 recreational vehicle park*.

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

Recycling Facility: A center for the collection and/or processing of recyclables. 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 shall be considered a *junkyard* or *solid waste facility* as regulated by this ordinance.

Related or Relative: See *family*.

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 its maintenance. See also *addition* and *alteration*.



Research, Engineering or Testing Laboratories: A facility for investigation into the natural, physical, or social sciences, which may include engineering and product development, physical activities usually associated with wet labs or places with running water, gases, special ventilation devices, chemicals, special heating and electrical or electronic equipment, or use of animals or human subjects under controlled conditions. It may also include pilot plant operations not exceeding 25 percent of the gross floor area of the facility used to test concepts and ideas, to determine physical layouts, material flows, type of equipment required, costs, and to secure other information prior to full-scale production.

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 180 days, as opposed to temporary visits to bed and breakfast establishments, motels, hotels, campgrounds, recreational vehicles, and similar dwellings, and which serves as the primary residence for the occupants. *Long term residency (or occupancy)* 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 inns, campgrounds, recreational vehicle parks or manufactured housing 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.

Resource Recovery Facility: A processing facility that provides for the extraction and utilization of materials or energy from municipal waste (as defined by PA Code Title 25, §271.1).

- A. The term includes a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy and a chemical and biological process that converts municipal waste into a fuel product.
- B. The term includes a facility for the combustion of municipal waste that is generated offsite, whether or not the facility is operated to recover energy.
- C. The term includes land affected during the lifetime of operations, including, but not limited to, areas where processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility.
- D. The term does not include:
  1. A *composting facility* as defined herein.
  2. Methane gas extraction from a municipal waste landfill.
  3. A recycling facility as defined herein, an accessory drop-off point or collection center for recycling, or a source separation or collection center for composting leaf waste.

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. See *drive-in use* for uses where ordering and pickup of food takes place from a vehicle.

**Restaurant, Traditional:** 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*.

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

**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 20,000 gallons. Any such establishment where the storage of fuel on the site exceeds a combined total of 20,000 gallons shall be considered a *bulk fuel storage facility*.

**Retaining Wall:** A solid or integrated vertical structure more than four feet in height designed for the separation or retention of varying ground levels.

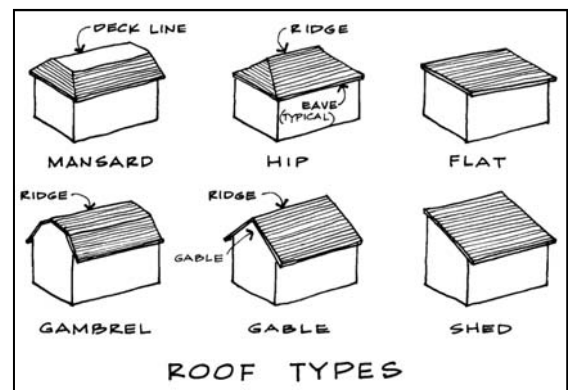
**Right-of-Way:** Land reserved for use as an access, street, drainage facility or other private, public or community use

**Roof:** The outside top covering of a building.

**Row House:** See *dwelling, townhouse*.

**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.

**Sawmill:** A commercial operation where timber is sawed into boards. This does not include a portable sawmill operating temporarily as an accessory to a timber harvest.



**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.

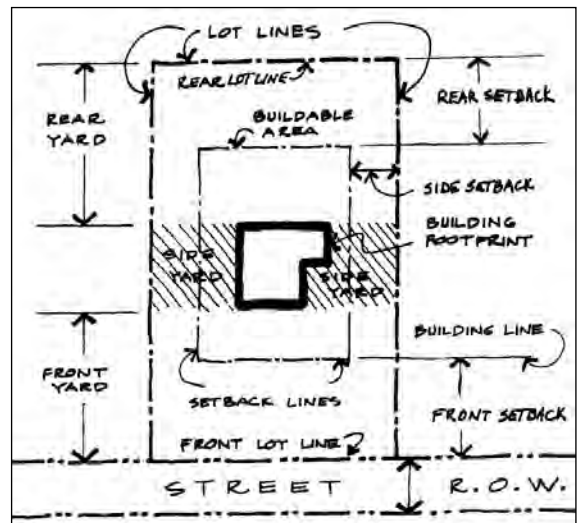
**Semi-Public Building or Use:** A building or use operated by community-based organizations for the general use of residents, including fire houses, ambulance buildings, private schools, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics.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

**Service Establishment:** 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 and similar uses, and which is not otherwise listed as a use in the Schedule of Uses.

**Setback, Front:** The required minimum open space measured from the street right-of-way extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line. See also *yard* and *lot line*.

**Setback, Rear:** The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the rear lot line. See also *yard* and *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 illustration on next page, and *yard* and *lot line*.)



**Setback, Side:** A required minimum 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. See also *yard* and *lot line*.

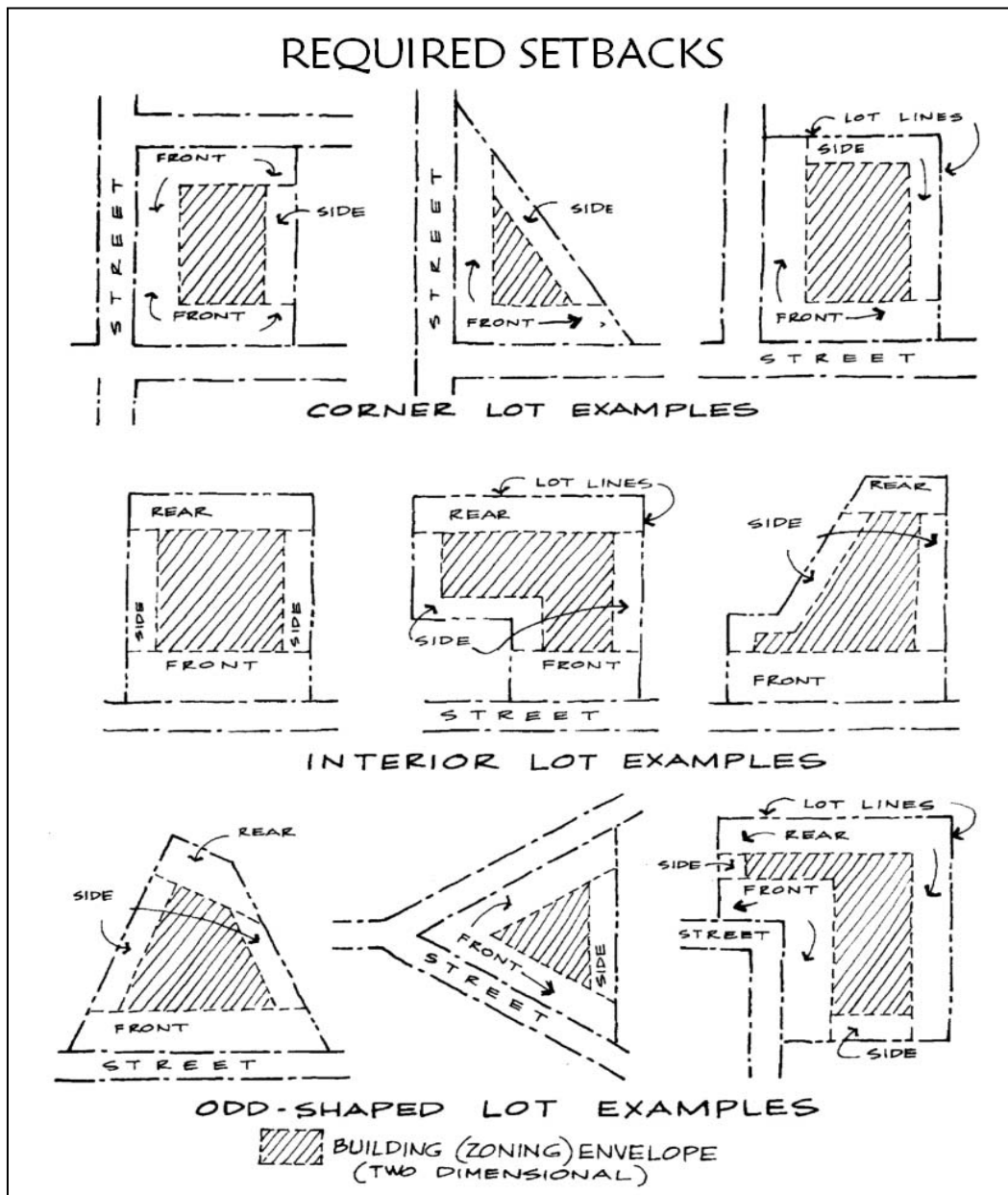
**Sewage Disposal, Central, Community or Off-Site:** A sewage collection and disposal system in which sewage is carried from more than one individual lot, dwelling or other unit by a system of pipes to a central treatment and subsurface or other type of disposal area or stream discharge in compliance with the Pennsylvania Department of Environmental Protection regulations and/or regulations of the Township, whichever may be more stringent.

**Sewage Disposal, On-Site:** Any structure designed to biochemically treat sewage within the boundaries of an individual lot from one individual dwelling or one individual nonresidential building.

**Sewage Treatment Plant:** A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system, which may be publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and Regulations involving an effluent discharge to surface waters or to a soil-based or other treatment system.

**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 Preserve** - Any area of land which is used for hunting of animals where a fee or other consideration is charged.



**Shooting Range, Indoor Commercial:** Any fully enclosed building used for the discharge of any firearm for recreational or training purposes.

**Shooting Range, Outdoor Commercial:** Any area not within a fully enclosed building used for the discharge of any firearm for recreational or training purposes.

**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.

**Short Term Rental Unit:** Any single-family dwelling unit, two-family dwelling unit, or multi-family dwelling unit which is rented for transient use usually for periods of 30 consecutive days or less, typically, but not exclusively, for use by tourists or nonresident individuals temporarily employed or staying in the area.

Sign: See Article XI.

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

Slaughterhouse: A use involving the killing of animals to produce 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 slaughterhouse. Slaughterhouse shall not include a custom butcher shop that does not involve killing of animals which is considered a *retail business*.

Slope: The change in elevation over a horizontal distance usually expressed in percent. Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For this ordinance, slope shall be measured over three, two-foot contour intervals (six cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania. (See also *grade*.)

Small Animals and Fowl - Rabbits, bees, insects, chickens, turkeys, ducks, geese, pheasants, pigeons and any other similar animal.

Solar Access: A property owner's right to have sunlight shine on the owner's land.

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

Solar Energy System, Accessory: An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. This definition shall include the terms passive solar and active solar systems.

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 Glare: The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

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

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

or air pollution control facility or any other material defined by the PA DEP as solid, liquid, municipal, medical, industrial, toxic or hazardous waste.

Solid Waste Facility: Any facility or operation 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. Considered a *solid waste facility* for regulation by this ordinance.

Solid Waste Transfer Facility - A type of *solid waste facility* which receives and processes or temporarily stores solid waste at a location other than the generation site, and which facilitates the transportation or transfer of the waste to a processing or disposal facility.

Sorority House: See *fraternity house*.

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 Pennsylvania 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 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.

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

State: The Commonwealth of Pennsylvania and its agencies.

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. (e.g., a POD)

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. If there is no floor above it, then the space between such floor and the ceiling next above it. (See *basement*.)

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.

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

Structure, Portable: Any structure, that is not permanently affixed to the ground but is designed to be moved from place to place including, but not limited to, accessory structures constructed of metal frameworks with plastic or cloth covering.

Structure, Temporary: Any structure that is erected for the limited period specified in the zoning permit.

Studio: An establishment or workspace for:

- A. The creation, manufacture, and/or preparation of individually crafted artwork, 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.
- B. The production of radio, television, or movies.
- C. The teaching of dance, acting, martial arts and similar training activities.

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

Surface 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 to another site.

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. If the swimming pool can hold more than two feet of water, it is regulated by §28E.

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

- 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 scarifying beneath the skin by use of needles for 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 creating a permanent mark or design on the skin.
- D. The use of heat, cold, or any chemical compound to imprint permanent markings on human skin by any means other than tattooing.

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

Temporary: A period of less than 180 consecutive days unless otherwise specified by this ordinance.

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

Tent: A portable structure usually made of cloth, plastic, or similar material which may be self-supporting or mounted on poles and secured by ropes or cable to a wooden platform or to the ground.

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.

Theater, Indoor: 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 motion picture theater*.

Townhouse: See *dwelling, single-family attached/townhouse*.

Township: The Township of Franklin/Franklin, Carbon County, Pennsylvania.

Tract: A parcel, site, piece of land, or property that is the subject of a development application.

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 16.

Transient Use: Occupancy of a dwelling unit by two or more families or groups for less than 30 consecutive days at separate times over the course of a year; not including unrelated individuals who may be temporarily staying at the location as guests of the principal occupant for no type of compensation.

Transitional Living Facility: A temporary home for individuals after release from an institution (as for mental disorder, drug addiction, or criminal activity) that is designed to facilitate their readjustment to private life.

Transmission Pipeline:

- A. Distribution Pipeline: A natural gas pipeline other than a gathering or transmission line (reference 49 CFR 192.3). A distribution pipeline is generally used to supply natural gas to the consumer and is found in a network of piping located downstream of a natural gas transmission line.



- B. Gas: Natural gas, flammable gas, or gas which is toxic or corrosive. (Reference 49 CFR 192.3) Gases are normally compared to air in terms of density. The specific gravity of air is 1.0. Any gas with a specific gravity less than 1.0 (such as natural gas) will rise and usually disperse. Any gas having a specific gravity greater than 1.0 will fall and collect near the ground or in low lying areas such as trenches, vaults, ditches, and bell holes – such occurrences can be hazardous to human health and safety.
- C. Gas Transmission Pipeline: A pipeline, other than a gathering line, that 1) transports gas from a gathering line or storage facility to a distribution center, storage facility, or large-volume customer that is not downstream from a distribution center; 2) operates at a hoop stress of 20 percent or more of specified minimum yield strength; or, 3) transports gas within a storage field. (Reference 49 CFR 192.3) A gas transmission pipeline includes all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.
- D. Hazardous Liquid: Includes petroleum, petroleum products, anhydrous ammonia, and carbon dioxide. (Reference 49 CFR 195.2)
- E. Hazardous Liquid Pipeline: All parts of a pipeline facility through which a hazardous liquid 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.
- F. Institutional Use: A nonprofit, religious, or public use, such as a religious building, library; public or private school, hospital, or government-owned or government-operated building, structure, or land used for public purpose.
- G. Petroleum Products: Flammable, toxic, or corrosive products obtained from distilling and processing of crude oil, unfinished oils, natural gas liquids, blend stocks and other miscellaneous hydrocarbon compounds.
- H. Pipeline: Used broadly, pipeline includes all parts of those physical facilities through which gas, hazardous liquid, or carbon dioxide moves in transportation.
- I. Pipeline Compressor Station, Metering Station or Operation/Maintenance Facilities: 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, dehydrate, alter or transform the pipeline product. The facility may contain some type of liquid separator consisting of scrubbers and filters that capture any liquids or other undesirable particles from the pipeline. The definition also includes utility transfer stations which are owned, operated and maintained by the local natural gas utility and mark the point at which it assumes official control of the gas. The definition excludes pipeline valves, metering stations, pig launchers/receivers, and other components which are located within the pipeline right-of-way and do not compress, decompress, process, heat, alter or transform the pipeline product.
- J. Pipeline Corridor: The linear area where a transmission pipeline or hazardous liquid pipeline and associated facilities are located, including rights-of-way and easements over and through public or private property.
- K. Transmission Pipeline: When not specified includes both hazardous liquid and gas transmission pipelines. Transmission pipelines carry oil, petroleum products, natural gas, natural gas liquids,

anhydrous ammonia, and carbon dioxide from producing regions of the country to markets.

**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.

**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 axles, or more than four tires, or with a trailer.

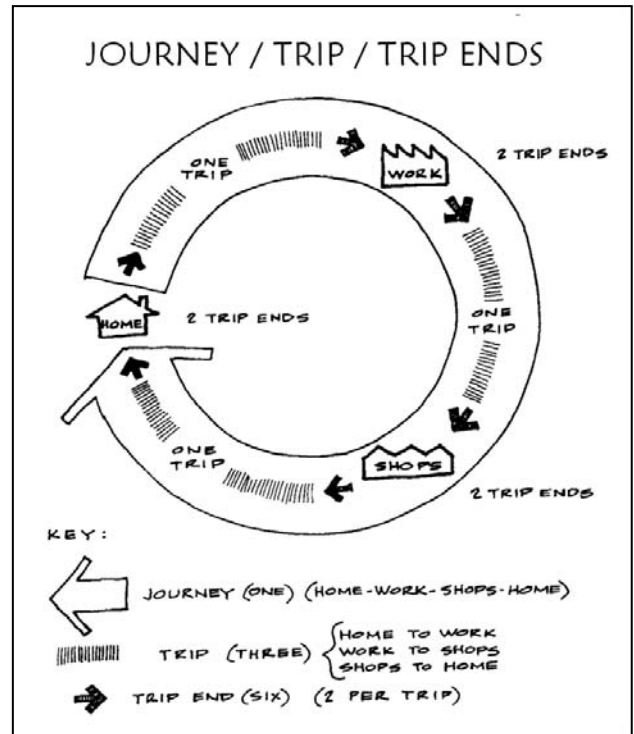
**Two-Family Dwelling:** See *dwelling, two family*.

**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, trailers, farm machinery and implements, and other wheeled equipment; any vehicle requiring a state registration; boats; and aircraft.



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

Vehicle 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, and which may include the dispensing of motor fuels into the fuel tanks of motor vehicles and the sale of other retail products.

Vehicle and Equipment Sales Operation: The use of any building, land area or other premise for the display and sale of new and used vehicles of operable condition; manufactured houses or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than 50 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, Indoor: 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.

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 for storm water management.

Water Extraction, Large Scale: Any use which involves the pumping or removal of 10,000 gallons or more per day of water from groundwater or spring water sources or from a water body or stream, with or without bottling, for retail or wholesale sale, commercial/industrial use, or other nonresidential use.

Water Supply, Central, Community or Off-Site: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses.

Water Supply, On-Site: A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot.

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

Well Site (Oil or Gas): A graded pad designed and constructed for the drilling of one or more oil and/or gas wells.

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

Wind Turbine Generator, Accessory: A wind energy conversion system that converts wind energy into electricity using 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.

Winery: An establishment with facilities for fermenting and bottling wine which does not meet the definition of a *winery, farm*. Considered *agricultural products processing* for regulation by this ordinance.

Winery, Farm: An establishment located on a farm with a producing vineyard, orchard, or similar growing area and producing wine on the premises from grapes or other fruit grown primarily on the premises. It may include tasting of wine produced on the premises; retail sales of wine related items and gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements; and a *restaurant, traditional or restaurant, outdoor* not involving any *drive-in/stand use*.

Wireless Communications Facility: See §132H.

Wood Chipping Operation: The importing of trees or other wood from any property to any another property for producing wood chips. This may include the storage of the cut trees and wood chips, and customers on the site to purchase wood chips, but no other retail sales. This shall not include the cutting by a property owner of trees growing on his property for wood chip production or the temporary production of wood chips accessory to a timber harvest. Considered *agricultural products processing* for regulation by this ordinance.

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 the property 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 Franklin Township, Carbon County, Pennsylvania.

Zoning Map: The Official Zoning Map of Franklin Township, Carbon County, Pennsylvania.

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**

**§13 Designation of Districts**

A. Designation. For the purposes of this ordinance, Franklin Township is hereby divided into the following Zoning Districts:

- A Agricultural District
- R Residential District
- C-1 Neighborhood Commercial District
- C-2 General Commercial District
- I Industrial District

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

C. Conservation Subdivision Design Overlay District - Developer's Option. The Optional Conservation Subdivision Design Overlay District is hereby created to promote the conservation of open lands in the Township. Based on the request of the Developer, the District shall apply to all areas of the Township in Districts where residential development is permitted, and in addition to all the applicable standards of this ordinance, the requirements of Article VI Part 1 shall apply.

D. Airport Hazard Overlay District. The Airport Hazard Overlay District is hereby created to include all the land lying beneath the approach surfaces, primary surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as applied to airports as defined and regulated by this Ordinance. In addition to all other applicable standards of this ordinance the requirements of §19 (Airport Hazard Overlay District) shall apply in the Airport Hazard Overlay District.

E. Healthcare Overlay District. The Healthcare Overlay District is hereby created to:

- (1) Consolidate a broad range of resources that individually and collectively contribute to the promotion of wellness and provide the community with essential healthcare services necessary to protect the public health safety and welfare in an integrated and campus-like setting.
- (2) Assist physicians, nurses, other health care providers and other persons in their positions of service or as general caregivers to promote wellness and improve health of persons of all ages.
- (3) Provide opportunities for educational advancement and learning and research and discovery related to wellness and health.

In addition to all other applicable standards of this ordinance the requirements of §18 shall apply in the Healthcare Overlay District.

F. Intent. The intent of each District and the uses permitted in each District are set forth below or in the specific sections establishing any overlay district.

- (1) A Agricultural District. The A Agricultural District is established to conserve the existing agricultural and woodland characteristics of the Township by recognizing agriculture and forest management as part of the local economy. Limited commercial activities associated with agriculture and forest management are allowed as additional means for generating income for landowners along with uses typically associated with areas of less dense development. Recognizing that agricultural and forest land may be the primary asset of the owner, residential development is permitted with conservation design and open space design encouraged with density bonuses
- (2) R Residential District. It is the intent of the R Residential District to provide an area within the Township where low and moderate density residential development can be situated and a safe, family environment can be promoted. Areas set aside for this zone include sections of the Township where this type of development already exists and areas where further development of this type could be located without creating conflicts with other incompatible land uses. Lot sizes are based on the need to safeguard the health of the residents and therefore require adequate space to be provided for the placement of on-site sewage and wells. Provisions are also included to allow smaller minimum lot sizes and higher densities where community sewage treatment facilities and/or community water supplies are made available. Commercial activities or other uses which would substantially interfere with this purpose are prohibited.
- (3) C-1 Neighborhood Commercial District. The C-1 Neighborhood Commercial District is established to provide for smaller-scale, retail/service commercial uses to serve the needs of surrounding residents and which will be compatible with adjoining residential neighborhoods. Dwelling located on upper stories of commercial uses is encouraged to provide for a live/work community.
- (4) C-2 General Commercial District. The C-2 General Commercial District is established to provide for the development of general commercial trades and retail/service activities.
- (5) I Industrial District. The I Industrial District is established with easy access to the Pennsylvania Turnpike to provide for a variety of light manufacturing, industrial and supporting uses where such uses have historically operated in the Township.

#### **§14 Official Zoning Map**

- A. Adoption. The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Franklin Township which is hereby adopted by reference and declared to be a part of this ordinance together with all amendments thereto.
- B. 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 Municipalities Planning Code.
- C. 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 Board of 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.

**§15 District Boundaries**

- A. 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 Deeds Office and on the County Tax Maps at the time of the enactment of this ordinance unless such district boundary lines are fixed by dimensions or otherwise as shown on the Official Zoning Map.
- B. Interpretation. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined using the scale shown on the Official Zoning Map. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be in the middle of the main tracks of said railroad line.
- C. Uncertainty. In the event of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer is authorized to determine the correct district boundary in accord with the guidelines of this ordinance. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

**§16 District Regulations**

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

- A. Use Regulations. District Use Regulations are provided in the following Schedule of Uses.
- (1) Limitations.
- (a) 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 allowed as a principal permitted use, accessory use, conditional use or special exception, or allowed by the Zoning Hearing Board in accord with §16B within a particular zoning district, shall be deemed to be prohibited within that zoning district.
- (b) 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.
- (c) Larger lot sizes, greater setbacks, buffers, and other more restrictive standards may be required by other provisions of this ordinance.
- (2) 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.
- (3) 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 and Zoning Hearing Board, respectively. Following a public hearing, the Board of Supervisors for conditional uses and the Zoning Hearing Board for special exceptions shall act on the application in accord with this ordinance.

- B. Uses Not Specified in Schedule of Uses. This §16B, by special exception, refers to the Zoning Hearing Board a proposed use which is not specifically listed in the schedule of uses of any of the various zoning districts established under this ordinance. The intent is to address a use which was not anticipated at the time the ordinance was adopted and is not allowed anywhere in the Township. If a proposed use is listed in the schedule of uses for another district, this §16B shall not be applied to allow the use in a district where it is not listed.
- (1) Jurisdiction. Whenever an application is made to the Zoning Officer for such a 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.
  - (2) Findings. The use may be permitted only if the Zoning Hearing Board makes all the following findings, and the burden of proof shall be upon the applicant:
    - (a) The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
    - (b) The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this ordinance.
    - (c) The use is not permitted in any other zoning district in the Township.
    - (d) The use where proposed would be consistent with the Township Comprehensive Plan.
  - (3) 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 review and recommendation.
  - (4) 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 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 ordinance and the Pennsylvania Municipalities Planning Code.

**§17 Schedule of Uses and Development Standards**

<b>SCHEDULE OF USES</b>						
Listed uses shall only be permitted in the noted districts and shall not be included in a more general use classification. P - Permitted by right (Zoning Officer). CU - Conditional use (Planning Commission/ Board of Supervisors). NP - Not permitted. SE - Special exception use (Planning Commission/Zoning Hearing Board). Section references are in addition to all other applicable standards.						
Types of Uses (See definitions in Article III)	See Section	Zoning Districts				
		A	R	C-1	C-2	I
<b>RESIDENTIAL</b>						
Boarding house or lodging house	56	NP	NP	P	P	NP
Conservation design subdivision	32	P	P	NP	NP	NP
Conversion apartment	51	SE	SE	NP	NP	NP
Dormitory	-	NP	NP	NP	P	NP
Dwelling occupied by owner, lessee, or manager of nonresidential use in C-1, C-2 or I Districts	-	NP	NP	P	P	P
Dwelling on second floor or above in C-1 or C-2 Districts	-	NP	NP	NP	P	NP
Fraternity house	<i>see group quarters</i>					
Group home	54	P	P	P	P	NP
Group home, institutional	-	NP	NP	P	P	NP
Manufactured (mobile home) housing park	52	SE	NP	NP	NP	NP
Multi-family dwelling	50	SE	NP	NP	NP	NP
Religious quarters	same as applicable dwelling type					
Single-family detached dwelling	-	P	P	NP	NP	NP
Sorority house	<i>see group quarters</i>					
Two-family dwelling	49	P	P	NP	NP	NP
<b>COMMERCIAL</b>						
Types of Uses	Section	A	R	C-1	C-2	I
Adult business	88	NP	NP	NP	NP	SE
Amusement arcade	-	NP	NP	P	P	NP
Amusement park	91	NP	NP	NP	SE	NP
Animal hospital	<i>see veterinary clinic</i>					
Archery range, indoor commercial	<i>see recreation facility, commercial</i>					
Archery range, outdoor commercial	94	S	NP	NP	NP	NP
Auction house	-	NP	NP	NP	P	P
Bakeries and confectionaries, retail	-	NP	NP	P	P	NP
Bank	-	NP	NP	P	P	NP
Bed and breakfast inn	95	SE	SE	P	P	NP
Billiard hall	<i>see recreation facility, commercial</i>					
Brewery pub/distillery pub/winery pub	<i>see restaurant according to type</i>					
Bus station	-	NP	NP	P	P	P
Bus, limousine, or taxi terminal	-	NP	NP	NP	NP	P
Business office	-	NP	NP	P	P	P
Business services	-	NP	NP	P	P	P
Camp/retreat	98	SE	NP	NP	NP	NP
Campground or recreational vehicle park	-	SE	NP	NP	NP	NP

COMMERCIAL						
Types of Uses	Section	A	R	C-1	C-2	I
Car wash	129A	NP	NP	NP	SE	P
Catering service	-	NP	NP	P	P	NP
Charging station	-	NP	NP	P	P	P
Conference center	-	NP	NP	P	P	NP
Convenience store	-	NP	NP	NP	P	NP
Country club	-	P	NP	NP	NP	NP
Crematorium	-	NP	NP	NP	P	P
Day care center	-	NP	NP	P	P	P
Development sales office	-	P	P	NP	NP	NP
Drive-in use for uses allowed in district	-	SE	SE	SE	SE	SE
Exercise club	-	NP	NP	P	P	NP
Farmers market	-	NP	NP	NP	P	P
Flea market, indoor	<i>see retail business</i>					
Flea market, outdoor	-	NP	NP	NP	SE	SE
Funeral home	-	NP	NP	P	P	NP
Gaming establishment	107	NP	NP	NP	SE	NP
Garden center, retail	-	NP	NP	NP	P	P
Golf course	-	P	NP	NP	NP	NP
Golf course, miniature	<i>see recreation facility, commercial</i>					
Golf driving range	<i>see recreation facility, commercial</i>					
Hookah bar/smoking lounge	-	NP	NP	NP	SE	NP
Hotel	-	NP	NP	P	P	NP
Kennel	93A	SE	NP	NP	NP	NP
Large-scale retail/commercial for uses allowed in district	112	NP	NP	NP	SE	SE
Lumberyard	-	NP	NP	NP	P	P
Manufactured (mobile) home sales	-	NP	NP	NP	P	P
Massage facility, therapeutic	<i>see service establishment</i>					
Medical clinic	-	NP	NP	P	P	NP
Medical marijuana dispensary	<i>see retail business</i>					
Medical marijuana grower/processor	<i>see manufacturing, light</i>					
Meeting, assembly, or banquet hall	-	NP	NP	P	P	NP
Menagerie	93D	SE	NP	NP	NP	NP
Micro-brewery/distillery	-	NP	NP	P	P	NP
Mobile food service or sales operations	116	NP	NP	NP	SE	SE
Motel	-	NP	NP	P	P	NP
Nightclub	-	NP	NP	P	P	NP
Off-track wagering facility	<i>see gaming establishment</i>					
Office or office building	-	NP	NP	P	P	P
Outdoor entertainment	-	NP	NP	SE	SE	NP
Parking garage or lot as the principal use of a lot	-	NP	NP	NP	SE	P
Recreation facility, commercial (other than uses listed separately)	-	NP	NP	P	P	P
Recreational vehicle park	<i>see campground or recreational vehicle park</i>					
Resort	-	NP	NP	NP	P	NP
Restaurant, outdoor	-	NP	NP	SE	SE	NP

<b>COMMERCIAL</b>						
<b>Types of Uses</b>	<b>Section</b>	<b>A</b>	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Professional offices	-	NP	NP	P	P	P
Racetrack	119	SE	NP	NP	NP	NP
Restaurant, take-out	-	NP	NP	P	P	NP
Restaurant, traditional	-	NP	NP	P	P	NP
Retail business (other than uses listed separately)	-	NP	NP	P	P	NP
Retail home heating fuel distributor ≤ 20,000 gallons storage	-	NP	NP	NP	SE	P
Retail home heating fuel distributor > 20,000 gallons storage	<i>see bulk fuel storage facility</i>					
Self-storage facility	120	NP	NP	NP	P	P
Service establishment	-	NP	NP	P	P	NP
Shooting preserve	-	P	NP	NP	NP	NP
Shooting range, indoor commercial	-	SE	NP	NP	P	P
Shooting range, outdoor commercial	121	SE	NP	NP	NP	NP
Shopping center or mall	-	NP	NP	NP	P	NP
Short-term rental units	122	NP	NP	SE	SE	NP
Studio	-	NP	NP	P	P	NP
Swimming pool, commercial	127	NP	NP	NP	P	NP
Tattoo, body piercing, scarifying, or branding parlor	-	NP	NP	NP	P	P
Tavern	-	NP	NP	P	P	NP
Theater, drive-in	-	NP	NP	NP	SE	NP
Theater, indoor	-	NP	NP	P	P	NP
Travel plaza	-	NP	NP	NP	P	P
Truck wash	129A	NP	NP	NP	SE	P
Vehicle and equipment rental fully enclosed in building	<i>see retail business</i>					
Vehicle and equipment rental operation, outdoor storage	-	NP	NP	NP	SE	SE
Vehicle and equipment repair operation	129B	NP	NP	NP	SE	SE
Vehicle and equipment sales operation	129C	NP	NP	NP	SE	SE
Veterinary clinic, indoor	-	P	NP	P	P	P
Veterinary clinic, outdoor facilities	-	SE	NP	NP	SE	NP
Wholesale business	-	NP	NP	NP	P	P
Zoo	93D	SE	NP	NP	NP	NP
<b>MANUFACTURING, INDUSTRIAL AND SIMILAR USES</b>						
<b>Types of Uses</b>	<b>Section</b>	<b>A</b>	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Agricultural products processing	-	NP	NP	NP	NP	P
Airport	90	SE	NP	NP	NP	NP
Bituminous concrete batch plant	<i>see industry</i>					
Brewery	<i>see agricultural products processing</i>					
Bulk fuel storage facility	97	NP	NP	NP	NP	SE
Composting facility	-	NP	NP	NP	NP	P
Concrete batch plant	<i>see industry</i>					
Contractor shop or yard	101	SE	NP	NP	SE	P
Cottage industry	28C(2)	C	NP	NP	NP	NP
Crusher plant	<i>see mineral processing</i>					
Distillery	<i>see agricultural products processing</i>					
Distribution center/truck terminal	104	NP	NP	NP	NP	SE

<b>MANUFACTURING, INDUSTRIAL AND SIMILAR USES</b>						
<b>Types of Uses</b>	<b>Section</b>	<b>A</b>	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Explosive plant or storage facility	105	NP	NP	NP	NP	SE
Firewood processing and sales	-	SE	NP	NP	NP	P
Fireworks plant or storage facility	105	NP	NP	NP	NP	SE
Grain storage, distribution, processing, and milling operations	<i>see agricultural products processing</i>					
Heliport	90	SE	NP	NP	NP	SE
Industrial wastewater treatment facility	109	NP	NP	NP	NP	SE
Industry	-	NP	NP	NP	NP	P
Junk yard	111	SE	NP	NP	NP	NP
Manufacturing, light	-	NP	NP	NP	P	P
Medical marijuana grower/processor	<i>see manufacturing, light</i>					
Mineral depot	-	NP	NP	NP	NP	SE
Mineral extraction (see definition for limited processing)	114	SE	NP	NP	NP	NP
Mineral processing	115	SE	NP	NP	NP	SE
Oil and gas development	117	SE	NP	NP	NP	SE
Pipelines and associated facilities	<i>see transmission or hazardous liquid pipeline . . .</i>					
Planing mill	-	SE	NP	NP	NP	SE
Power plant	118		NP	NP	NP	SE
Recycling facility	<i>see manufacturing, light</i>					
Research, engineering or testing laboratory	-	NP	NP	NP	NP	P
Resource recovery facility	-	NP	NP	NP	NP	SE
Sawmill	-	SE	NP	NP	NP	SE
Slaughterhouse	123	NP	NP	NP	NP	SE
Solar power generation, commercial	124	SE	NP	NP	NP	P
Solid waste facility	125	NP	NP	NP	NP	SE
Solid waste staging area	<i>see solid waste facility</i>					
Staging area for equipment and material	101	SE	NP	NP	NP	SE
Storage yard for forest products and minerals	126	SE	NP	NP	NP	SE
Surface water withdrawal facility	109	SE	NP	NP	NP	SE
Transmission or hazardous liquid pipeline, and pipeline compressor station, metering station or operation facility	128	CU	CU	CU	CU	CU
Truck terminal	<i>see distribution center/truck terminal</i>					
Warehouse	-	NP	NP	NP	P	P
Water extraction, large scale	130	NP	NP	NP	NP	SE
Wind energy facility	131	SE	NP	NP	NP	NP
Winery	<i>see agricultural products processing</i>					
Wireless communication facilities (See §132F for collocation, modification, or replacement.)	132	SE	NP	NP	SE	SE
Wood chipping operation	<i>see agricultural products processing</i>					
<b>PUBLIC/SEMI-PUBLIC/INSTITUTIONAL</b>						
<b>Types of Uses</b>	<b>Section</b>	<b>A</b>	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Animal shelter	93A	SE	NP	NP	SE	NP
Assisted living facility	-	SE	NP	P	P	NP
Cemetery, not including a crematorium	-	SE	P	NP	NP	NP
Club/lodge, private	-	NP	NP	P	P	NP

<b>PUBLIC/SEMI-PUBLIC/INSTITUTIONAL</b>						
<b>Types of Uses</b>	<b>Section</b>	<b>A</b>	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
College	-	NP	NP	NP	P	NP
Community center	-	NP	NP	P	P	NP
Correctional facility	102	NP	NP	NP	SE	SE
Cultural center	-	NP	NP	NP	P	NP
Domestic violence shelter	-	NP	NP	P	P	P
Emergency services station	-	SE	NP	NP	P	NP
Fairground	-	SE	NP	NP	SE	SE
Garage, public parking	-	NP	NP	NP	SE	NP
Homeless shelter	-	NP	NP	NP	P	NP
Hospital	-	SE	NP	NP	P	NP
Nursing home	<i>see personal care home</i>					
Park and ride facility	-	NP	NP	NP	SE	SE
Personal care home	-	SE	NP	P	P	NP
Place of worship	-	SE	P	P	P	NP
Public building or use (other than uses listed separately)	-	NP	NP	P	P	NP
Public park or playground	-	P	SE	P	P	NP
Recreation facility, public	<i>see public building or use</i>					
School, public or private, nursery, primary or secondary	-	SE	SE	P	P	NP
Semi-public building or use (other than uses listed separately)	-	NP	NP	P	P	NP
Trade school	-	NP	NP	P	P	NP
Transitional living facility	-	NP	NP	P	P	NP
<b>AGRICULTURE, FORESTRY AND RELATED USES</b>						
<b>Types of Uses</b>	<b>Section</b>	<b>A</b>	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Agricultural products processing only for types of products raised on premises up to 10,000 sq. ft. building area	-	P	NP	NP	NP	NP
Agritourism	-	P	NP	NP	NP	NP
Animal husbandry, commercial	92	P	NP	NP	NP	NP
Concentrated animal feeding operation (CAFO)	100	S	NP	NP	NP	NP
Crop production	92	P	P		P	P
Livestock operation	<i>see animal husbandry, commercial</i>					
Lumbering or timbering	<i>see forestry</i>					
Nursery, plant commercial	-	P	NP	NP	P	NP
Forestry	-	P	P	P	P	P
Greenhouse, plant commercial	-	P	NP	NP	P	NP
Retail sales of related products with an active agriculture/forestry use up to 5,000 sq. ft. building area	-	P	NP	NP	NP	P
Stable, commercial	93C	P	NP	NP	NP	NP
Stable, private	93B	P	NP	NP	NP	NP
Winery, farm	-	P	NP	NP	NP	NP
<b>ACCESSORY USES AND STRUCTURES</b>						
<b>Types of Uses</b>	<b>Section</b>	<b>A</b>	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Accessory use customary to approved use	28	P	P	P	P	P
Animal husbandry, home use	92C	P	P	P	P	P
Bus shelter	28A	P	P	P	P	P

<b>ACCESSORY USES AND STRUCTURES</b>						
<b>Types of Uses</b>	<b>Section</b>	<b>A</b>	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Carport	28A	P	P	P	P	P
Cottage industry	28C(2)	C	NP	NP	NP	NP
Daycare, home	-	P	P	P	P	P
Deck	28A	P	P	P	P	P
Farm stand	-	P	P	P	P	P
Fence or wall	28B	P	P	P	P	P
Garage, private	28A	P	P	P	P	P
Gazebo	28A	P	P	P	P	P
Greenhouse, plant (private)	28A & D	P	P	P	P	P
Guard house	28A	P	P	P	P	P
Helistop (also allowed as an accessory use to any hospital)	28I	SE	P	P	P	SE
Home garden	28D	P	P	P	P	P
Home occupations	see §28C(1)					
Hot tub	28A	P	P	P	P	P
No impact home-based business	28C(1)	P	P	P	P	P
Parking area accessory to approved use	29	P	P	P	P	P
Patio	28A	P	P	P	P	P
Pets, keeping of	-	P	P	P	P	P
Porch	28A	P	P	P	P	P
Private flea market or similar event	28M	P	P	P	P	P
Satellite dish antenna or satellite antenna	28K	P	P	P	P	P
Shed	28A	P	P	P	P	P
Signs accessory to approved use	154	P	P	P	P	P
Solar collector, accessory	28O	P	P	P	P	P
Swimming pool, private	28E	P	P	P	P	P
Tennis court	28L	P	P	P	P	P
Wind energy conversion system, accessory	28N	P	P	P	P	P
Yard, lawn, garage, tag or estate sale	28N	P	P	P	P	P
<b>ALL USES NOT COMPLYING WITH ZONING STANDARDS</b>	-	N	N	N	N	N

<b>SCHEDULE OF DEVELOPMENT STANDARDS</b>					
(Except as a condition for a special exception or conditional use, or as required by other ordinance sections.)					
Standards	Zoning District				
	A	R	C-1	C-2	I
<b>Minimum Required Lot Area<sup>1</sup></b> (square feet)					
Central water and central sewage	43,560	10,000	12,000	20,000	43,560
Central water and on-lot sewage	43,560	15,000	15,000	20,000	43,560
On-lot water and central sewage	43,560	15,000	15,000	20,000	43,560
On-lot water and on-lot sewage	43,560	30,000	20,000	20,000	43,560
<b>Minimum Lot Width<sup>1</sup></b> (feet)	see subdivision and land development ordinance				
<b>Maximum Lot Depth to Width Ratio</b>	see subdivision and land development ordinance				
<b>Minimum Setbacks</b> (feet) See §143 for nonconforming lots.					
Front measured from edge of road right-of-way	50	40	30	35	40
Side, each	15	15	none <sup>2</sup>	15	20
Rear	20	20	none <sup>2</sup>	20	20
Distance between buildings	See §27A(4) and §28A(2)(b)				
<b>Maximum Impervious Lot Coverage</b> (percent)					
Residential	20	25	25	25	25
Nonresidential	35	35	75	75	75
<b>Building Height</b> (feet) See §26D for exceptions.					
principal residential	40	40	40	40	40
accessory residential	25	25	25	25	25
principal nonresidential <sup>3</sup>	40	40	40	40	50
accessory nonresidential <sup>3</sup>	25	25	25	25	25
1. The minimum lot area and width shall be adequate to comply with all applicable requirements. 2. No building shall extend nearer to any R Residential District boundary in the rear than the rear setback required in the R Residential District nor nearer the side than the side yard required in the R Residential District. All property lines abutting a R Residential District along the side or rear shall be screened to a minimum height of four feet and a maximum height of seven feet per §60. 3. Agricultural buildings shall be exempt from lot coverage limits and building height. See Article VI, Part 1 for conservation subdivision design. See §50 for multi-family dwellings.					

**§18 Healthcare Overlay District**

A. Applicability. To be eligible for development pursuant to the Healthcare Overlay District, a lot shall meet all the following minimum requirements:

- (1) The minimum lot area shall be 30 acres.
- (2) The lot must have a minimum of 300 feet of frontage on an arterial road and access to such arterial road.



- (3) Public water and sewer must be available to the site.
  - (4) The lot must be located, in its entirety, in the I-Industrial District. However, not more than a total of 120 acres of the I-Industrial District shall be devoted to the Healthcare Overlay District. The limitation applies to any single project, and a cumulative total of all projects approved under the terms of the Healthcare Overlay District.
  - (5) The principal facility in the Healthcare Campus shall be a hospital licensed by the Commonwealth of Pennsylvania.
- B. Permitted Uses. Any development containing a Healthcare Campus shall be permitted by right within the Healthcare Overlay District subject to compliance with the requirements of this ordinance. A Healthcare Campus may include:
- (1) Commercial day-care facilities for children of the hospital staff.
  - (2) Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs.
  - (3) Hospital.
  - (4) Healthcare facilities and services.
  - (5) Health and fitness equipment for staff and patients.
  - (6) Hospices.
  - (7) Intermediate care and skilled nursing facilities.
  - (8) Medical and dental offices.
  - (9) Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, physical rehabilitation center, blood banks, outpatient surgery centers, dialysis center, alternative medicine (e.g., therapeutic massage, acupuncture, day spa).
- C. Permitted Accessory Uses. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
- (1) Administrative offices.
  - (2) Automobile parking lots and parking garages.
  - (3) Housing for students, employees, and their families in accordance with the underlying zoning district.
  - (4) Heliport, if accessory to a hospital.
  - (5) Customary accessory uses such as cafeterias, gift shops, newsstands, other small retail operations intended primarily for the occupants' visitors.

- D. Design Guidelines and Standards. The following design guidelines and standards shall be used by the Township Planning Commission and Board of Supervisors when reviewing subdivision and land development plans for development pursuant to the Healthcare Overlay District. Where these standards are mandatory and more restrictive than other provisions of this ordinance, these standards shall apply.
- (1) All buildings should relate visually to one another and appear to be part of a unified design theme and, to the fullest extent possible, architectural elements of buildings shall be generally consistent with elements in the adjoining properties and community.
  - (2) When multiple structures are proposed as part of a single project, the structures shall be designed to appear as part of an integrated complex within a unified site design and architectural characteristics.
  - (3) The campus shall provide adequate sustainable landscaping to enhance the appearance of buildings and provide an attractive environment for employees, patients, and the general public.
  - (4) Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment.
  - (5) Sidewalks and pathways shall be provided to accommodate pedestrian circulation from parking areas to buildings, between buildings, and to plazas, open spaces, and other outdoor amenities. This pedestrian network should enhance a campus-like appearance of the campus.
  - (6) All outdoor refuse collection stations shall be to the rear or sides of buildings and screened from view.
  - (7) Adequate provision shall be made for the collection, disposal and recycling of garbage, trash, and medical and hazardous waste.
- E. Signs. Signs in the Healthcare Overlay District shall be consistent with the requirements of Article XI except as set forth herein.
- (1) All signs and exterior lighting shall be designed to support a unified design theme within a development area.
  - (2) Multiple-tenant buildings and complexes shall develop a master sign program that supports a unified design theme within a development area. The master sign program, to be approved by the Board of Supervisors shall establish requirements for consistent use of sign materials, location, size, height, color, and lighting.
  - (3) No part of any sign shall be located within 15 feet of the front lot line, except signs attached to buildings.
  - (4) Any flag of the United States shall comply with the following requirements:
    - (a) No single flag that is flown shall exceed 60 square feet in area and no single parcel shall fly more than three flags.
    - (b) Flagpoles shall not exceed 50 feet in height.
  - (5) No side of any directional sign shall exceed 24 square feet in area.
  - (6) The limitation on number and cumulative area of signs in the Healthcare Overlay District shall be as follows:

Standard	Property Frontage	
	Single frontage property (facing only one public road or private road controlled by a condominium or planned community)	Double frontage property (facing a combination of more than one public road or private road controlled by a condominium or planned community)
Maximum sign area of attached signs per building <sup>1</sup>	2 sq. ft. of sign per lineal feet of one building façade facing a public street	2 sq. ft. of sign per lineal feet of one building façade facing a public street
Maximum area of attached signs <sup>1</sup>	Hospital: 450 sq. ft. per building All other buildings: 250 sq. ft.	Hospital: 450 sq. ft. per building per side of street frontage All other buildings: 250 sq. ft.
Maximum number of attached signs <sup>1</sup>	4	8
Maximum number of free standing signs per healthcare campus	1	2
Maximum area of each frestanding sign	160 sq. ft.	160 sq. ft.
Total area of all signs on property	N/A	N/A
<sup>1</sup> Attached Signs: Any combination of wall sign (parallel or projecting), roof sign, marquee, awning, or canopy signs that are physically attached to the building.		

(7) Any land development submission for any lot or lot(s) in a Healthcare Overlay District shall include a master plan demonstrating compliance with the requirements of the District including, but not limited to, the conceptual layout of additional phases of development and, where multiple buildings are proposed, a sign program that supports a unified design theme within a development area. The master plan shall be approved by the Board of Supervisors as a part of the relevant land development proceedings.

F. Area, Setback, and Height Regulations. A Healthcare Campus shall comply with the dimensional requirements of the Schedule of Development Standards in this Article IV for the I-Industrial District; provided, however, that the maximum building height shall be 50 feet/three stories and the minimum lot size shall be 30 acres. In addition to those exemptions provided by §26D, this height limitation shall not include any architectural features such as a penthouse, roof structure or other architectural features which are not intended for human occupancy or are needed for the housing of elevators, stairways, tanks, ventilating fans or similar equipment or mechanical systems.

G. Parking.

- (1) Hospital: 3 spaces/1,000 square feet of gross floor area.
- (2) Medical office buildings (and related uses): 1 space/200 square feet of gross floor area.

**§19 Airport Hazard Overlay District**

A. Purpose. The purpose of this §19 is to:

- (1) Create an airport district overlay that considers safety issues around the Beltzville Airport,
- (2) Regulate and restrict the heights of constructed structures and objects of natural growth,
- (3) Create appropriate zones,
- (4) Establish the boundaries thereof and provide for changes in the restrictions and boundaries of such zones,
- (5) Create the permitting process for use within said zones, and,
- (6) Provide for enforcement, assessment of violation penalties, an appeals process, and judicial review.

B. Relation to Other Zone Districts. The Airport Hazard Overlay District shall not modify the boundaries of any underlying zoning district. Where identified, the Airport Hazard Overlay District shall impose certain

requirements on land use and construction in addition to those contained in the underlying zoning district.

- C. Definitions. The following words and phrases when used in this §19 shall have the meaning given to them in this §19C unless the context clearly indicates otherwise. Words and phrases not defined in this §19C but defined in Article III shall be given the meanings set forth in Article III. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Airport: The Beltzville Airport.

Airport Elevation: The highest point of an airport's useable landing area measured in feet above sea level. The airport elevation of the Beltzville Airport is (insert airport elevation here).

Airport Hazard: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this §19 and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

Approach Surface (Zone): An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

Conical Surface (Zone): An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

FAA: Federal Aviation Administration of the United States Department of Transportation.

Height: For the purpose of determining the height limits in all zones set forth in this §19 and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

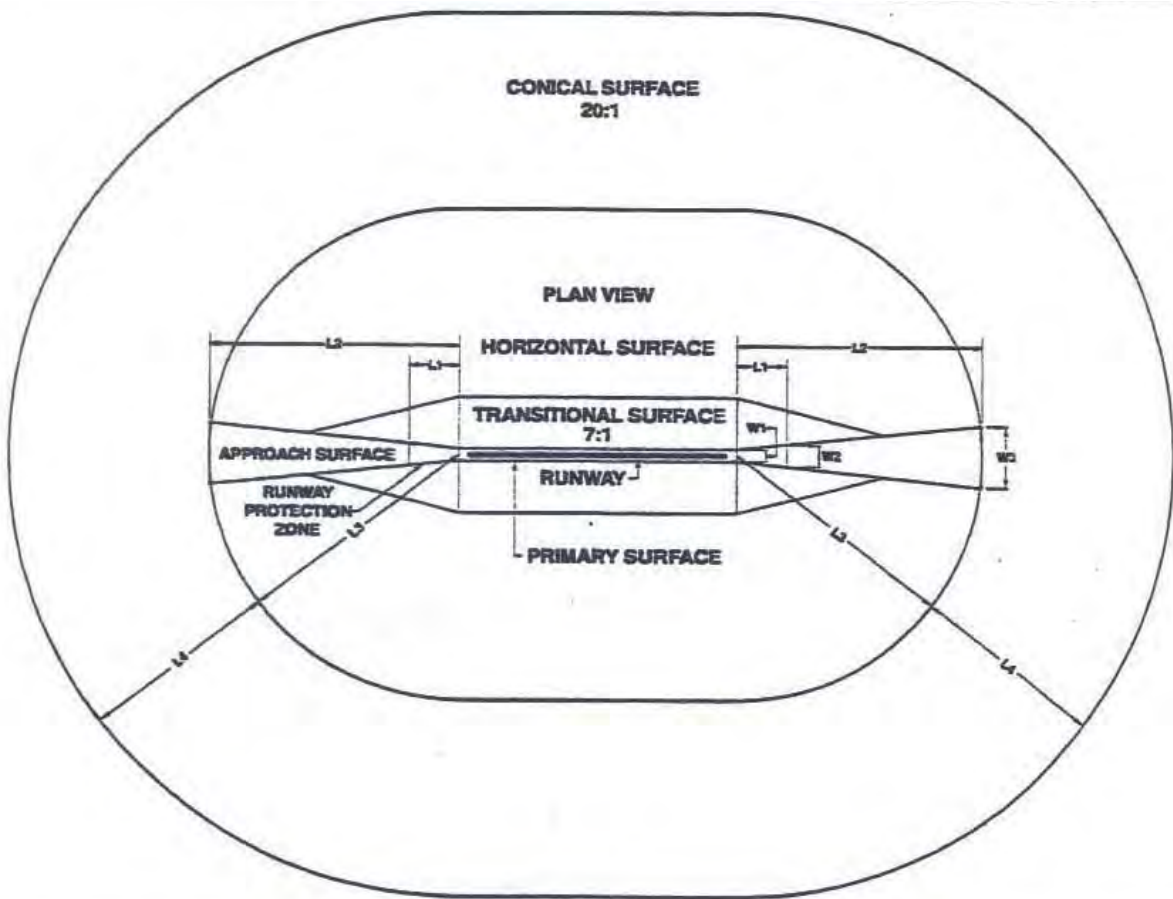
Height: For the purpose of determining the height limits in all zones set forth in this §19 and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface (Zone): An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

Other Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this §19 or an amendment thereto.

Figure 1: Part 77 Surfaces and Dimension Requirements



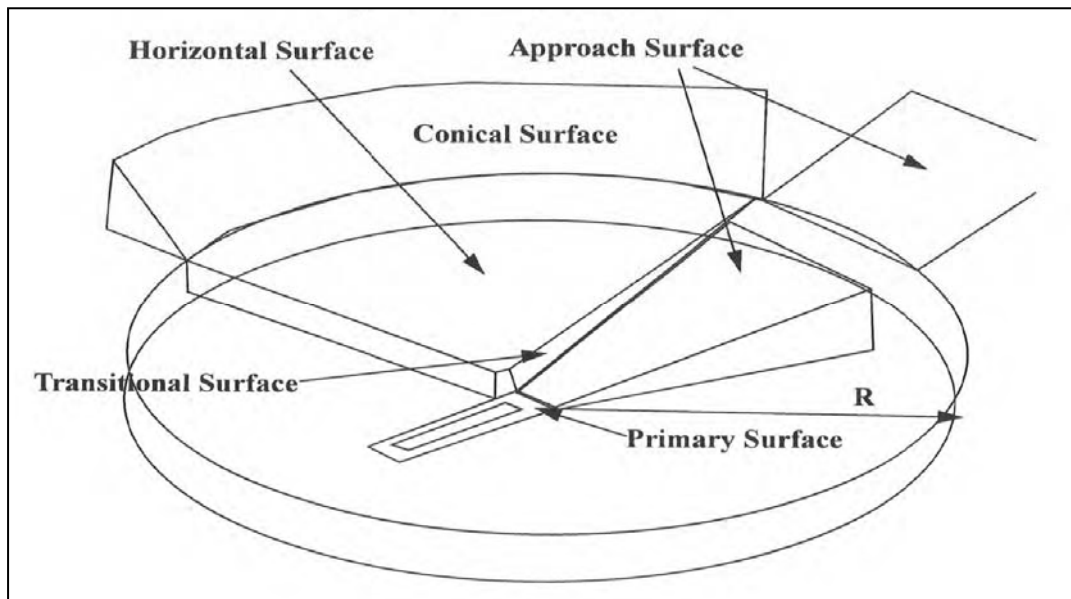
FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS										
Runway Type	Runway End		Conical Surface (L4)	Horizontal Surface (L3)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface
	Approach	Other			Length (L2)	Inner Width (W1)	Other Width (W3)			
Small Airplanes <sup>2</sup>	V	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1
		NP	4,000	5,000	5,000	500	1,250	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
	NP	V	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
Large Airplanes <sup>3</sup>	V	V	4,000	5,000	5,000	500	1,500	20:1	500	7:1
		NP	4,000	10,000	5,000	500	1,500	20:1	500	7:1
		NP 3/4	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
		P	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
	NP	V	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP 3/4	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
Large and Small Airplanes	NP 3/4	V	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
	P	V	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		P	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1

1 - In Feet  
 2 - Less than 12,500 lbs maximum certified takeoff weight  
 3 - Greater than 12,500 lbs maximum certified takeoff weight

V = Visual approach 20:1  
 NP = Nonprecision approach 34:1  
 NP 3/4 = Nonprecision approach with visibility minimums as low as 3/4 statute miles 34:1  
 P = Precision approach 50:1

Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums

Source: Federal Aviation Administration

**Figure 1 Continued: Graphical Depiction**

**Non-Precision Instrument Runway:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

**Obstruction:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this §19.

**Precision Instrument Runway:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**Primary Surface (Zone):** An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

**Runway:** A defined area of an airport prepared for landing and takeoff of aircraft along its length.

**Structure:** An object, including a mobile object, constructed, or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

**Transitional Surface (Zone):** An imaginary surface that extends outward and upward from the edge of the primary and approach surfaces to the horizontal surface at a slope of seven feet horizontally to one foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

**Tree:** Any object of natural growth.

**Utility Runway:** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

D. Establishment of Airport Zones. There are hereby created and established certain zones within the Airport Hazard Overlay District, defined in §19C and depicted on Figure 1 and illustrated on the Beltzville Airport Surface Areas Map, hereby adopted as part of this §19. The Map is for informational purposes and the locations of the zones must be determined using the Imaginary surfaces Dimension Requirements in Figure 1. The Airport Zones include:

- (1) Approach Surface
- (2) Conical Surface Zone
- (3) Horizontal Surface Zone
- (4) Primary Surface Zone
- (5) Transitional Surface Zone

E. Permit Applications.

- (1) PennDOT Form AV-57. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the Beltzville Airport, shall first notify PennDOT Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof.
- (2) PennDOT BOA Response. The PennDOT BOA response must be included with this permit application for it to be considered complete.
- (3) No Penetration of Airspace. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this §19.
- (4) Penetration of Airspace. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations per §19F.
- (5) Maintenance; Parts Replacement. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

F. Variance.

- (1) Documentation. Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced).
- (2) FAA and PennDOT BOA. Determinations of whether to grant a variance will depend on the determinations made by the FAA and PennDOT BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:
  - (a) No Objection. The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.





- (b) Conditional Determination. The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in §19I (Obstruction Marking and Lighting).
- (c) Objectionable. The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.
- (3) Grant of Variance. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accord with the intent of this §19.
- G. Use Restrictions. Notwithstanding any other provisions of this §19, no use shall be made of land or water within the Airport Hazard Overlay District in such a manner as to:
- (1) Create electrical interference with navigational signals or radio communications between the Beltzville Airport and aircraft,
  - (2) Make it difficult for pilots to distinguish between airport lights and others,
  - (3) Impair visibility in the vicinity of the Beltzville Airport,
  - (4) Create bird strike hazards, or,
  - (5) Otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Beltzville Airport.
- H. Pre-Existing Nonconforming Uses.
- (1) Continuance of Nonconformity. The regulations prescribed by this §19 shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of December 1, 1991 (the effective date of the original Township Airport Ordinance – Ordinance No. 91-6), or otherwise interfere with the continuance of a nonconforming use.
  - (2) Increase of Nonconformity. No nonconforming use shall be structurally altered or permitted to grow higher so as to increase the nonconformity.
  - (3) Substantially Abated Nonconformity. A nonconforming use once substantially abated (subject to the underlying standards in this ordinance,) may only be reestablished consistent with the provisions herein.
- I. Obstruction Marking and Lighting. Any permit or variance granted pursuant to the provisions of this §19 may be conditioned according to the process described in §19F to require the owner of the structure or object of natural growth in question to permit the Township, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.
- J. Violations and Penalties. It shall be the duty of the Zoning Officer to administer and enforce the regulations

prescribed herein. Application for permits and variances shall be made to the Zoning Officer on a form published for that purpose. Applications required by this §19 to be submitted to the Zoning Officer shall be promptly considered and granted or denied. Application for action by the Zoning Hearing Board shall be forthwith transmitted to the Zoning Hearing Board by the Zoning Officer.

- K. Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this §19 and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.
- L. Appeals. Appeals to actions taken under this §19 shall be pursued in accord with the provisions of this ordinance.

**§20 - §24 Reserved**

**ARTICLE V  
SUPPLEMENTAL PROVISIONS**

**§25 Introduction**

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

**§26 Deviations from Required Sizes**

No part of any structure, whether attached to the principal structure or not; including but not limited to, porches, carports, decks, balconies, chimneys, bay windows or overhangs, shall project into any required setback; and no lot, required setback, or other space shall be so reduced in area or dimension as to make it less than the minimum required by this ordinance except in accord with this §26.

- A. Nonconforming Lots of Record. See §143.
- B. Access Drives. Access drives serving a permitted use shall be permitted in all required setbacks except as may be otherwise regulated by this ordinance and provided a buffer of five feet is maintained from rear and side property lines.
- C. Front Setback Exception. Where a vacant lot exists between two improved lots with nonconforming front setbacks, each of which has a building within 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 adjoining buildings.
- D. Height Limitations.
- (1) Appurtenances. Unless otherwise regulated by this ordinance, height regulations shall not apply to spires, belfries, cupolas, penthouses (not used for human occupancy), nor to chimneys, ventilators, skylights, utility poles, solar collectors or related equipment, and ornamental or other necessary mechanical appurtenances normally associated with homes, churches and similar establishments. Such appurtenances shall however be erected only to such height as necessary to accomplish their intended purpose. Any such structure which exceeds a height of 60 feet shall be considered a conditional use.
  - (2) Agricultural or Industrial. Agricultural or industrial structures, such as barns, silos, grain elevators, storage tanks or similar types of structures, may be erected above the height limits specified in the District Development Standards where the function or process involved typically requires a greater height. Any such industrial structure which exceeds a height of 70 feet shall be considered a conditional use.
  - (3) Towers. Accessory wind turbine generators, commercial wind energy facilities and wireless communications facilities may also exceed the height regulations contained in the District Development Standards but only as provided in §28N, §131 and §132, respectively.
  - (4) Other Regulations. The location and height of all structures shall comply with all applicable rules, regulations, standards and criteria of the Federal Aviation Administration and PennDOT Bureau of Aviation.
  - (5) Accessory Buildings. In R Residential Districts, accessory buildings shall not exceed 25 feet in height.

- E. Projections into Required Setbacks. The following projections shall be permitted into required setbacks:
- (1) Terraces, Patios, and Porches. Unroofed and otherwise unenclosed terraces, patios, and open porches which project no more than 10 feet and are not closer than five feet to any adjacent property line.
  - (2) Stairs and Landings. Uncovered stairs and landings which do not project more than four feet.
  - (3) Ordinary Projections. The ordinary projections of sills, belt courses, and ornamental features may project up to six inches.
  - (4) Fire Escapes. If required by law, open or lattice enclosed fireproof fire escapes may project into a required setback not more than four feet.
  - (5) Chimneys and Pilasters. Chimneys and pilasters may project into a required setback not more than three feet.
- F. 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 unless specifically permitted by this ordinance.

## **§27 Miscellaneous Provisions**

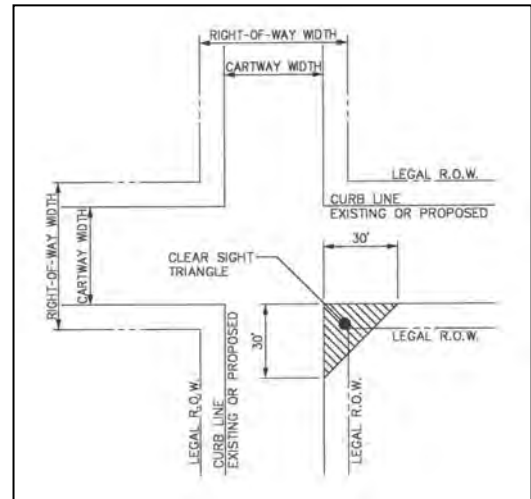
- A. Two or More Uses on a Lot.
- (1) Development Standards. Except for lot size as permitted by this §27A, two or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this ordinance which would normally apply to each building or use if each were on a separate district lot, including but not limited to setbacks, parking, lot coverage, and sewage disposal requirements.
  - (2) Residential Density. For the purposes of density of dwellings, lot size shall be increased to maintain the density required by this ordinance. For example, the parcel size required for three single-family dwellings on one parcel would be determined by multiplying the minimum lot size for one dwelling by a factor of three.
  - (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, solid waste facilities, or other uses with a special minimum parcel size requirement listed in this ordinance, in which case the parcel size shall be increased to provide for the minimum land area for each use on the parcel.
  - (4) Structure Separation. Principal structures located on the same lot shall be separated by a distance at least equal to twice the side yard setback required for the district unless the Uniform Construction Code requires a greater separation. (See §28A for accessory structures.)
- B. Street Frontage. A building shall be permitted only upon a lot with frontage on a public road right-of-way or private road right-of-way with access to a public road.

C. Clear View at Street Intersections. At all street intersections, nothing shall be erected, except street or traffic signs and utility poles, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2.5 and 10 feet above the grade of the triangular area defined by the accompanying clear sight triangle diagram. In the case of no existing or proposed curb, the measurement shall be along the edge of the cartway.

D. Corner Lot Setbacks. Each setback of a lot which abuts a street shall be equal in size to the front setback required for the district. Any other setbacks may be considered side setbacks.

E. Reserved.

F. Pervious Surfaces and Lot Coverage. The following requirements shall apply to the use of pervious surfaces for compliance with lot coverage limitations.



Clear Sight Triangle

- (1) Pervious surfaces proposed in the development of a lot shall be reviewed by the Zoning Officer and Township Engineer and, if found acceptable, approved on a case-by-case basis.
- (2) The percentage of the pervious surface to be counted as lot coverage shall be based upon actual field performance data provided by the manufacturer.
- (3) A detailed design and surface specifications shall be submitted to the Zoning Officer and the Zoning Officer shall be notified three days prior to construction so that the Zoning Officer may observe the installation.
- (4) Pervious surface design, installation, testing, maintenance, and cleaning shall be performed in accord with generally accepted practice, manufacturer standards and any applicable professional/manufacturer association standards or required installer certification.
- (5) Upon completion, initial permeability testing shall be performed in the presence of the Zoning Officer or Township Engineer and a written report shall be submitted to the Zoning officer documenting the testing method and results.
- (6) The pervious surface shall be tested annually for permeability with a written report submitted to the Zoning Officer. If the permeability is reduced to a level of 75 percent of the initial rate, the owner shall restore the permeability to the initial rate using accepted cleaning methods or reinstallation.
- (7) The maintenance of the pervious surface shall be governed by a written and recorded agreement between the landowner and the Township in a form prescribed by Resolution of the Board of Supervisors.
- (8) Approved pervious surfaces shall not be replaced with any impervious surface material.

## **§28 Accessory Structures and Uses**

A. Accessory Structures. All accessory structures, unless otherwise permitted by this ordinance, shall conform to the minimum setbacks established in Article IV.

- (1) Attached Accessory Structures. An accessory structure attached to a principal building shall be considered a part of the principal building and shall conform to the setbacks for principal structures.
- (2) Unattached Accessory Structures.
  - (a) Unattached accessory structures in any district may be erected no closer than 10 feet to a side or rear property line within the required rear or side setbacks provided that the ground floor does not exceed 125 square feet and the maximum height is limited to 18 feet.
  - (b) Unattached accessory structures shall be a minimum of five feet from principal or other accessory structures.
- (3) Playhouses. Child playhouses shall be considered accessory structures and shall comply with the requirements. However, a permit shall not be required for a child playhouse under 100 square feet in total floor area.
- (4) Utilities. Well houses and other accessory structures housing/supporting utilities and electricity generators, whether or not housed in a structure, shall comply with this §28A.
- (4) Disability Ramps and Outdoor Elevators. Temporary ramps or temporary outdoor elevators accessory to single-family dwellings or two-family dwellings to provide access for a disabled person shall not be required to meet required setbacks provided the landowner provides a written agreement that the ramp or elevator will be removed when the person needing it no longer occupies the dwelling. A permit shall not be required.
- (5) Prohibited Storage Units. A manufactured house, box or other type trailer, any unit which was originally designed with wheels and axle(s), truck body, cargo container, or other similar unit not originally designed for accessory residential storage shall not be used as an accessory building in R Residential Districts. Such units may be used for temporary storage for not more than one month in a 12-month period. Units in other districts shall comply with accessory structure setbacks.

#### B. Fences and Walls

- (1) Permit. A permit is required for the installation of a fence or wall.
- (2) Location. No fence shall be erected within two feet of a public or private road right-of-way and shall not violate the clear view requirements of §27C.
- (3) Setbacks. Regular structure setback requirements do not apply.
- (4) Fence Materials and Construction.
  - (a) All fences shall be designed and constructed to serve as permanent fences which are solidly constructed, and which can resist the effects of weather and which are permanently affixed in place, except as provided below.
  - (b) The following fences or fencing materials are specifically prohibited:

[1] Barbed wire fences unless specifically reviewed and approved by the Zoning Hearing Board and

where the Board determines such fences are safe and substantially free from accident exposure.

- [2] Picket or pointed fences which are less than 36 inches in height.
- [3] Canvas fences.
- [4] Cloth fences.
- [5] Electrically charged fences.
- [6] Turkey wire.
- [7] Temporary fences such as snow fences and expandable fences and collapsible fences, except when needed to meet emergency conditions or during construction of a building.

(c) All chain link fences erected shall be erected with the closed loop at the top of the fence.

(d) All entrances or gates shall open into the property.

(e) If the fence is wood cover or wood frame, the framework must face onto the interior of the lot, unless the fence is designed to provide equal frame and cover area to adjoining yards.

(f) If the fence is open metal mesh, supported by posts and frames of either pipe or wood, the posts and frames must be on the interior of the mesh.

(g) If the fence is of masonry construction, a finished surface must be provided on the exterior side.

- (5) Application for Fence. All applicants for permits to construct a fence shall make application for a zoning permit and shall include with said application a plan or sketch showing the proposed location of the fence and the materials to be used, including sufficient information to determine conformance with the requirements of this ordinance. The applicant shall submit a narrative statement and location plan explaining the need and reason for the proposed fence.

#### C. Home Occupations and Cottage Industry

- (1) Home Occupations. It is the intent of this §28C(1) 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. The following standards shall apply:

(a) Incidental and Secondary. The home occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence.

(b) Total Area. The home occupation(s) may be conducted in the dwelling and/or an accessory building, but the total area of all areas used for all home occupations on the premises shall not exceed 40 percent of the gross floor area of the dwelling unit including basement.

(c) Display. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation(s) shall be permitted.

(d) Exterior. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a home occupation except for a sign, if permitted, and required parking area.

(e) Employees. The home occupation shall be conducted only by members of the family residing in the dwelling on the premises and not more than two persons other than residents of the dwelling shall

be employed on the premises.

- (f) Parking. 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. A minimum of two additional off-street parking spaces shall be provided for all home occupations.
- (g) Nuisances; Noise.
- [1] No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- [2] A home occupation shall not involve noise which will be audible to neighboring residents between the hours of 6:00 p.m. and 7:00 a.m. The Township may also require the applicant to use insulation to minimize any audible noise or may disapprove the application where, in their opinion, the proposed activity will involve unreasonable noise.
- (h) Retail or Wholesale Sale. No goods or items for retail or wholesale sale shall be permitted except for items produced on the premises or goods and items incidental to the operation of an approved home occupation.
- (i) Traffic. The use shall not create any adverse impact on existing traffic or circulation patterns in the neighborhood nor cause a substantial increase in the volume of traffic in the neighborhood. For the purposes of this Ordinance, a 20 percent increase shall be considered substantial.
- (j) Sign. One sign not more than 12 square feet for each face shall be permitted in accord with Article XI.
- (k) Performance Standards. Article VII, Part 2, Performance Standards, shall also apply to home occupations.
- (l) Prohibited Uses. The following uses shall not be permitted as home occupations: commercial stables, commercial kennels, or motor vehicle or small engine repair shops, retail or wholesale sales, restaurants, crematoria, funeral parlors or other uses not meeting the requirements of this §28C(1).
- (m) Accessory Uses. The following types of uses shall be permitted as accessory uses in all districts:
- [1] Professional offices for individual practitioners.
- [2] Custom dressmaking or tailoring.
- [3] Foster family care for not more than four children simultaneously.
- [4] Day care that provides care for six or fewer children at any one time who are not relatives of the care giver.
- [5] Tutoring for not more than four children simultaneously.
- [6] Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises
- [7] Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises
- [8] Single chair beauty shops and barbershops.
- [9] No-impact home-based businesses as defined in Article III.



- (n) Special Exceptions. All applications for home occupations not specifically enumerated as permitted in §28C(1)(m) shall not be permitted in the R Residential Districts. In all other districts, all applications for home occupations not specifically enumerated as permitted in §28C(1)(m), excluding those prohibited by §28C(1)(l), shall be considered special exceptions. Based upon the potential impacts of a proposed home occupation not specifically permitted by this section, the Zoning Hearing Board may determine that a type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not adequate.
- (2) Cottage Industry. It is the intent of this §28C(2) to regulate as special exceptions the operation of cottage industries to permit a variety of commercial uses in A Agricultural Districts under certain conditions established to minimize effects on neighboring properties and the district as a whole. The burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential effects of a proposed cottage industry not specifically permitted by this section, the Zoning Hearing Board may determine that a particular type or intensity of use is unsuitable to be a cottage industry or that the proposed lot area or setbacks are not adequate. The following standards shall apply:
- (a) Interior Only; Parcel Size. The cottage industry must be conducted entirely inside a building situated on a minimum of five acres and the required minimum setbacks for the building shall be double the normal district setbacks for principal buildings.
- (b) Outdoor Storage. No outdoor storage of materials, goods, products, supplies, or equipment used in the cottage industry shall be permitted unless adequate screening and buffers are provided in accord with §60.
- (c) Employees. The cottage industry shall be conducted by members of the family residing in the dwelling on the premises and the number of nonresident employees shall not exceed five.
- (d) Parking. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
- (e) Nuisances; Noise
- [1] No cottage industry shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the district.
- [2] A cottage industry shall not involve noise which will be audible to neighboring residents between the hours of 6:00 p.m. and 7:00 a.m. The Township may also require the applicant to use insulation to minimize any audible noise or may disapprove the application where, in their opinion, the proposed activity will involve unreasonable noise.
- (f) Traffic; Trucks.
- [1] The use shall not create any adverse impact on existing traffic or circulation patterns in the neighborhood nor cause a substantial increase in the volume of traffic in the neighborhood. For the purposes of this Ordinance, a 20 percent increase shall be considered substantial.
- [2] Deliveries by tractor-trailer trucks shall be permitted but tractor-trailer trucks shall not be stored or parked on the premises.

- (g) Sign. One sign not more than 12 square feet for each face shall be permitted in accord with Article XI.
- (h) Performance Standards. Article VII, Part 2, Performance Standards, shall also apply to cottage industries.
- (i) Prohibited uses. Any use not meeting the requirements of this §28C(2), any use for which a special minimum parcel size is required and the following uses shall not be permitted as a cottage industry:

-Adult businesses	-Heliports
-Airports	-Hotels
-Amusement parks	-Junk yards
-Amusement arcades	-Industry
-Banks	-Mineral extraction
-Bulk fuel storage facilities	-Mineral processing
-Bus terminals	-Motels
-Campgrounds and recreational vehicle parks	-Race tracks
-Car and truck washes	-Recycling facilities
-Commercial communications device sites	-Self-storage facilities
-Convenience stores	-Shooting ranges, outdoor commercial
-Correctional facilities	-Solid waste facilities
-Drive-in stands/uses	-Solid waste landfills
-Flea markets, outdoor	-Solid waste transfer facilities
-Funeral parlors	-Theaters, indoor or drive-in
-Gambling establishments	-Truck terminals/Distribution Centers

- (3) Home Occupation or Cottage Industry Application Information. All applicants for permits to undertake a home occupation or cottage industry shall, in addition to all other required information, submit the following to the Zoning Officer:
- (a) A complete description of the nature and operation of the home occupation or cottage industry.
- (b) The type of use and the product or service produced or rendered.
- (c) The names of the residents who will operate the home occupation or cottage industry.
- (d) The number of additional employees or other nonresident personnel, if any, to be employed by the home occupation or cottage industry.
- (e) The portion of the residential or accessory structure to be devoted for the use of the home occupation or cottage industry.
- (f) Any building or structural modifications, signs or other physical changes required to the interior or the exterior of the structure.
- (g) The expected maximum number of customers, visitors or clientele expected to be served by the home occupation during any one hour and the number of hours and schedule of operations when home occupation or cottage industry will be open to the public.

- (h) A description or plan indicating how compliance will be achieved with off-street parking requirements.
  - (i) A certification by the applicant that the home occupation or cottage industry shall not detract from the residential character of the neighborhood and that all the facts submitted with the application are true and correct and that any incorrect information submitted shall be cause for the Township to require cessation of the home occupation or cottage industry.
  - (j) A certification and agreement by the applicant that the home occupation or cottage industry will be discontinued if changes occur in the character of the operation so that it no longer complies with the requirements of this ordinance.
- D. Home Gardening, Nurseries and Greenhouses. Home gardening and accessory structures used for nurseries or as greenhouses are permitted accessory to residential uses provided, they are used by the residents thereof for noncommercial purposes, are not located in any required front setback, and do not involve the outdoor storage of equipment and supplies.
- E. Private Outdoor Swimming Pools.
- (1) A single private outdoor, in-ground or above-ground, swimming pool per dwelling unit is permitted as an accessory use provided that such swimming pool is for the private use of the occupants of the principal structure or for their guests.
  - (2) Pools and associated patios and decks shall only be permitted in required side and rear yards and the minimum side and rear setback for the pool water shall be four feet and the minimum side and rear setback for patios and decks shall be two feet.
  - (3) Any pool whose body of water is closer than six feet to a property line shall be shielded by a six-foot high privacy fence, hedge, or other suitable visual obstruction to ensure privacy for the adjoining property. Such a privacy fence may also serve as the fence required to deter direct access to the body of water as required herein if it complies with the other requirements of this §28E.
  - (4) Entry to in-ground and above-ground swimming pools shall be secured in accord with the Uniform Construction Code.
  - (5) A zoning permit shall not be required for pools which cannot hold more than 24 inches of water depth.
  - (6) Repair or replacement of fencing on existing pools shall conform to these requirements.
- F. Reserved.
- G. Temporary Uses.
- (1) Definition. A use accessory to a permitted principal use that operates at a fixed location for a temporary period.
  - (2) Zoning Permit Required. No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this §28G and other applicable provisions of this ordinance shall have first been issued.

- (3) Particular Temporary Uses Permitted. The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this ordinance.
- (a) Contractor's Office and Construction Equipment Sheds.
- [1] Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
  - [2] Maximum length of permit shall be one year.
  - [3] Office or shed shall be removed upon completion of construction project.
  - [4] Required water supply and sanitary facilities shall be provided.
- (b) Real Estate Sales Office.
- [1] Permitted in any district for any new approved subdivision. A model home may be used as a temporary sales office.
  - [2] Maximum length of permit shall be two years.
  - [3] The office use shall be discontinued upon completion of the development of the subdivision.
  - [4] Required water supply and sanitary facilities shall be provided.
- (c) Temporary Shelter.
- [1] When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a manufactured house or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
  - [2] Required water supply and sanitary facilities per PA DEP requirements and electrical service per the PA Uniform Construction Code shall be provided.
  - [3] Maximum length of permit shall be 12 months, but the zoning officer may extend the permit for a period or periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least 15 days prior to expiration of the original permit.
  - [4] Prior to issuance of any occupancy permit for the new or rehabilitated residence, the manufactured house shall be removed from the property, or the recreational vehicle shall be removed from the property or be discontinued as the temporary shelter
- (4) Temporary Uses by Conditional Use. For temporary structures or uses that are not specifically permitted by right by this ordinance, and other than customary accessory uses and other than those uses that were lawfully occurring on a periodic basis prior to the adoption of this ordinance, a temporary permit may be issued by the Board of Supervisors as a conditional use for a structure or use that would not otherwise be permitted, subject to the following additional provisions:

- (a) Duration. The Board of Supervisors shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of seven days in any 60-day period. The Board of Supervisors may grant a single approval once for numerous occurrences of an event.
- (b) Statement from Owner. The applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the use or structure is removed once the permit expires.
- (c) Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
- (d) Conditions. The temporary use or structure shall be compatible with adjacent uses and clearly be of a temporary nature.
- (e) Fee. The Board of Supervisors may waive and/or return the required application fee if the applicant is an Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
- (f) Nonprofit. Only a well-established and Internal Revenue Service-recognized nonprofit organization proposing a temporary use to clearly and primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use is not permitted.
- (g) Special Events. For a special event that will attract significant numbers of the public, the Board of Supervisors may deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.

(5) Additional Regulations.

- (a) Documentation must be provided to the Township that adequate arrangement for temporary sanitary facilities has been made.
  - (b) All uses shall be confined to the dates specified in the permit.
  - (c) Hours of operation shall be confined to those specified in the permit.
  - (d) Access and parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained with a minimum of six inches or as otherwise needed, of bank-run gravel or equal material.
- H. Yard, Lawn, Garage, Tag or Estate Sale. Yard, lawn, garage, tag or estate sales shall not exceed more than three consecutive days and not more than three times per year.
- I. Helistops as an Accessory Use. Helistops as accessory uses, in addition to all other applicable requirements, shall comply with the following standards.

- (1) Allowed only in the A Agricultural District and I Industrial District as a special exception and as an accessory use to a hospital in any district.
- (2) The applicant shall document compliance with all applicable state and federal regulations.
- (3) The runway and/or landing pad shall be a minimum of 250 feet from any property line.

J. Reserved.

K. Satellite Dish Antennae. All private satellite dish antennae shall be considered structures and shall maintain the setbacks required for accessory structures; however, a permit shall not be required for such antennae 30 inches or less in diameter. No building-mounted satellite dish shall extend beyond the perimeter of the building.

L. Tennis Courts. A tennis court accessory to a residential use shall only be located a in a rear or side yard and shall not be closer to a property line than 20 feet. Tennis court fences shall be permitted but shall not be closer than 10 feet to a property line.

M. Nonprofit Flea Markets and Similar Events. Flea markets, craft fairs, bazaars, celebration and similar community events conducted by a service, nonprofit, religious or charitable organization are permitted as accessory uses provided that the same are conducted upon lands owned by such organizations or conducted upon land situated in a commercial district leased to such organization. Any such organization may not conduct a private flea market for more than seven successive days and not more than two such periods in any one calendar year.

N. Wind Turbine Generators, Accessory. An accessory wind turbine generator is a wind energy conversion system that converts wind energy into electricity using 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.

(1) Excess Electricity. Accessory wind turbine generators 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.

(2) Height. The applicant shall demonstrate that the accessory wind turbine generator and support structure is no higher than required by the manufacturer's standards. Any accessory wind turbine generator which exceeds a height of 50 feet as measured from the highest point of the rotor plane or vertical axis shall be considered a special exception. Roof-mounted turbines shall not extend more than 15 feet above the roof.

(3) Setback.

(a) No part of a ground-mounted wind turbine generator, support structure, blades or vertical axis shall be located from any property line and any public road rights-of-way less than 10 feet plus the total height of the wind turbine as measured from the highest point of the generator, rotor plane, or support structure, whichever is higher.

(b) No building-mounted turbine shall extend beyond the perimeter of the building.

(c) Guy wire anchors shall not extend closer than 10 feet to any property line or road-right-of-way.

(4) Uniform Construction Code; Manufacturer's Standards.

(a) 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.

(b) The generator and support structure shall be installed in accord with all Uniform Construction Code and manufacturer requirements.

(c) Prior to the issuance of a Certificate of Zoning Compliance, the applicant shall provide documentation to the satisfaction of the Zoning Officer 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.

(5) Climb Prevention, Locks and Fence.

(a) Wind turbines shall not be climbable up to 15 feet above ground surface.

(b) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent access by non-authorized persons.

(6) Noise and Shadow Flicker.

(a) Audible sound from an accessory wind turbine generator shall not exceed 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 follow current practice generally accepted by the wind power industry.

(b) Shadow flicker on any other parcel shall be minimized.

(7) Color and Lighting; FAA and PA DOT Notice. Accessory wind turbine generators and support structures, including rotors, shall be a non-obtrusive color such as white, off-white, or gray. Wind turbines shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind turbine may be artificially lighted, except as required by FAA requirements.

(8) Site Plan. A plot plan shall be provided to document all required setbacks.

(9) Removal. The wind turbine and support structure shall be immediately removed when it is no longer in service and failure to do so shall constitute a zoning violation.

O. 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.

- (1) Districts; Standards. Accessory solar collectors and associated energy storage facilities are permitted in all districts only in compliance with this §280 and other applicable standards of this ordinance.
- (2) 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.
- (3) Mounting. A solar energy system may be roof mounted or ground mounted.
- (4) Height.
  - (a) 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.
  - (b) Freestanding. A freestanding system shall not exceed the maximum building height for accessory buildings.
- (5) Setback
  - (a) Roof Mounted. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
  - (b) Freestanding. Freestanding solar collectors shall comply with the setbacks specified for accessory structures in the underlying zoning district.
- (6) Power Lines. All power transmission lines from a freestanding solar energy system to any building or other structure shall be located underground.
- (7) Uniform Construction Code; Manufacturer's Standards. The system shall be installed in accord with Uniform Construction Code and manufacturer's standards.
- (8) 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.

## **§29 Off-Street Parking and Loading**

This §29 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 subdivision and land development ordinance shall be governed by the parking and loading area design standards in that ordinance. Following the establishment of any land development and for existing uses, the ongoing operation and maintenance of the off-street parking and loading facilities shall comply with the requirements of this §29 and violations shall be subject to the enforcement provisions of this ordinance.

### **A. Availability and Use of Facilities.**

- (1) Availability. The facilities required herein shall be available throughout the hours of operation of the 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.

- (2) Location of Parking. Required off-street parking spaces shall be on the same lot with the principal use served, except as approved in §29K.
- (3) 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.
- (4) 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).
- (5) 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.
- (6) Driveways, Garages and Carports. Driveways, garages, and carports not in the public right-of-way may be considered parking spaces.

B. Site Plan; Design.

- (1) Site Plan. The project application shall include a site plan that shows the parking, loading, and unloading area, and access design.
- (2) 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 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.
- (3) 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.
- (4) Design. Off-street parking 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 Institute of Transportation Engineers Traffic Engineering Handbook, or other generally accepted methodology approved by the Township. The Applicant shall provide copies of the methodology used for the design. Notwithstanding the above, all parking spaces and the overall design shall be ample in size for the vehicles for which use is intended.

- C. Illumination. All driveways, aisles, maneuvering spaces, vehicular service areas, and spaces between or around buildings, designed for use by more than four cars other than those accessory to a single dwelling, shall be illuminated according to §67.

- D. 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.
- E. Parking between Principal Structure and Road. Parking between the principal structure and the adjoining road is discouraged and lot coverage may be increased by five percentage points if the required off-street parking is located to the rear of the principal building or to the side of the principal building not less than the building is setback from the adjoining road.
- F. Number of Spaces. The number of parking spaces required by this §29F shall be considered the minimum and maximum requirements unless modified in accord with this §29F. Fractional numbers of parking spaces shall be increased to the next whole number. For uses not specifically provided in the Table, the Zoning Officer shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.
- (1) Parking Required for Nonresidential Uses. Off-street parking spaces shall be provided and maintained in accord with the latest edition of Parking Generation published by the Institute of Transportation Engineers. The parking provided for the proposed use shall be based on the most similar use and unit of calculation listed in Parking Generation as determined by the Zoning Officer.
- (a) Land Uses WITH 85th Percentile Data Listed.
- [1] Constructed. The number of paved parking spaces constructed shall conform to the Average Peak Period Demand as noted in the Parking Generation manual.
- [2] Reserved. Space shall be reserved to allow for expansion to the 85th Percentile, as listed in the Parking Generation manual, unless a reduction is approved in accord with §29F(4).
- (b) Land Uses WITHOUT 85th Percentile Data Listed.
- [1] Constructed. The number of paved parking spaces constructed shall be the Average Peak Period Demand or 85 percent of the Peak, whichever is reported in the Parking Generation manual.
- [2] Reserved. Space shall be reserved to allow for expansion to 115 percent of the number of spaces required by §29F(1)(b)[1] unless a reduction is approved in accord with §29F(4).
- (2) Parking Required for Residential Uses. Off-street parking spaces shall be provided and maintained for each dwelling unit as follows:
- (a) Single-family Dwellings. Two per dwelling unit plus one per two bedrooms rounded to the next highest number.
- (b) Two-family Dwellings. Two per dwelling unit plus one per two bedrooms rounded to the next highest number.
- (c) Multi-family Dwellings. Two per dwelling unit located with the unit plus 0.25 space per dwelling unit rounded to the next highest number. No dwelling unit shall be less than 250 feet from a spillover parking area. No spillover parking area shall have less than five spaces.

- (d) Multi-family Senior Citizen and Other Senior Citizen Housing. One per dwelling unit located with the unit plus 0.25 per dwelling unit rounded to the next highest number. No dwelling unit shall be less than 250 feet from a spillover parking area. No spillover parking area shall have less than five spaces.
- (e) Assisted Living Facilities. 0.5 per dwelling unit.
- (3) 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 §29F 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. The developer shall dedicate sufficient and suitable area to future parking to meet the normal standards in this §29F.
- (4) 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 approval to permit such decrease or increase shall be subject to the following:
- (a) 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 Comprehensive Plan.
- (b) 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.
- (c) 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.
- (d) Burden; Conditions.
- [1] 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.
- [2] In no case shall parking be reduced by more than 30 percent nor be increased by more than 20 percent of the minimum parking requirement.
- [3] If the applicant provides more parking spaces than the minimum required, the additional parking spaces shall not result in the removal of specimen trees.

[4] 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.

- (5) 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.
- (6) 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 and for the requirement of a NPDES permit. The stormwater facilities shall be constructed in accord with the approved sequencing design as parking areas are constructed.
- (7) Multiple Uses. 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.
- (8) Handicapped Parking. Parking for the handicapped shall be provided in accord with current Pennsylvania regulations governing accessible and useable buildings and facilities and the spaces shall count as part of the spaces required for the use by this §29.

G. Off-Street Loading and Unloading Areas.

- (1) Required. In connection with any building or structure, which is erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, off-street loading and unloading berths shall be provided as specified in this §29G. For the purposes of this section, the words "loading" and "unloading" are used interchangeably.
- (2) Number. Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use and the maximum sized vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed during off-peak hours for loading and unloading along an alley, rear service lane or parking area. Loading areas shall not be used to satisfy parking requirements.
- (3) Location. All required loading areas shall be located on the same lot as the use to be served. No loading area for vehicles of more than two-ton capacity shall be located closer than 100 feet from any residential district. No loading area shall be located within 50 feet of a property line unless the lot is less than 200 feet wide, in which case such setback may be reduced to not less than 25 feet at the discretion of the Township. No loading facilities shall be constructed within any required setback areas. Loading facilities shall be located on either the side or rear of the building and screened in accord with §60.
- (4) Access. Each required off-street loading area shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements and shall be subject to the approval of the Township. Such access shall have paved surfaces to provide safe and convenient access during all seasons.
- (5) Repair and Service. No storage of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading area.

- (6) Hours of Operation. Where the facility requiring loading and unloading activities is located within 500 feet of a residential use or district, the hours of operation for loading or unloading activities shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.
- (7) Fire Lanes. All buildings shall be accessible to emergency vehicles and shall meet all applicable requirements.
- H. 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, salespeople, and/or the 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:
- (1) 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 comply with the most current Institute of Transportation Engineers design standards for the type and volume of vehicles anticipated.
- (2) 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.
- (3) Highway Occupancy Permit. All new uses shall be required to obtain a highway occupancy permit from the Township or PA DOT. In the case of a change in use or the expansion of an existing use, a highway occupancy permit or a revised highway occupancy permit shall be required if there will be increase in average daily traffic based on the most recent edition of the International Traffic Engineers Traffic Generation Manual. 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.
- (4) 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.
- (5) Curbing. Access drives and landscaping shall be defined with concrete curbing, or such alternate material as may be approved by the Township.
- I. Parking and Loading Area Setbacks.
- (1) Roads and Property Lines. All proposed or required 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 15 feet wide unless a wider buffer is required by another ordinance provision or adjoining uses share parking in accord with §29K.
- (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.

(5) Buildings. Parking spaces serving principal nonresidential buildings and multi-family dwellings shall be located a minimum of five 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.

J. Grading and Drainage.

(1) Grading and Drainage. Parking and loading facilities, including driveways, shall be graded and adequately drained away from building areas, to prevent erosion and to avoid increased or altered flow of stormwater runoff into streets or onto adjacent properties.

(2) Grade. All areas provided for the parking of vehicles shall have a minimum grade of 0.5 percent, and a maximum grade of six percent.

(2) Paving. Except for single-family homes, all portions of required or proposed parking areas, loading areas and access drives (except for landscaped areas) shall be surfaced with a minimum of 2.50 inches of asphalt paving or equivalent as determined by the Board of Supervisors. (See §27F for use of pervious surfaces for compliance with lot coverage limitations.)

K. Shared Parking. In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for shared parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The shared parking area may span the common property line thereby eliminating the setback requirement. The standards in §29F for number of spaces to be provided shall apply to shared parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to 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.)

L. 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.

M. Snow Storage and Removal. All plans for proposed parking areas of 30 or more spaces shall include details for adequate snow storage and removal.

N. Landscaping. All improved off-street parking areas not entirely contained in a garage or building shall comply with the buffering and landscaping requirements of §60 and §61, respectively.

**§30 Parking of Commercial Vehicles in R Residential Districts**

- A. Purpose. To prevent the character of residential areas from being harmed by nuisances, hazards, and visual blight in R Residential Districts.
- B. Commercial Vehicles in R Residential Districts. The following standards shall apply in all R Residential Districts.
- (1) One commercial vehicle may be parked on an improved lot in the R Residential District. Such vehicle shall be permitted only if used by a resident of the property as a means of transportation between their home and work.
  - (2) The engine of a tractor or a tractor-trailer or any refrigeration unit of a vehicle shall not be idled for more than 10 minutes on the property between the hours of 10 p.m. and 6 a.m. or be repaired, except for clearly emergency repairs.
- C. Exceptions. This section does not apply to the following, provided they are in an operational condition:
- (1) Parking of a vehicle that is customarily accessory to a lawful principal nonresidential use.
  - (2) Municipally owned vehicles actively engaged in a municipal operation.
  - (3) Ambulance, fire, and rescue vehicles actively engaged in an emergency response.
  - (4) Buses actively engaged in transporting public or private school children to and from school or transporting persons to or from a place of worship.
  - (5) Recreational vehicles - a maximum of two.
  - (6) Vehicles operated by the U.S. Postal Service or a level of government or a Municipal Authority actively engaged in a municipal operation.
  - (7) Vehicles actively engaged in the construction or repair of buildings, streets, curbs, sidewalks, or utilities in the immediate area.
  - (8) Vehicles actively engaged in making routine household deliveries or rendering routine household services to a property that is adjacent or on the same lot as the vehicle is parked.
  - (9) Equipment and vehicles clearly primarily intended for agricultural use.

**§31 Reserved**

**ARTICLE VI  
RESIDENTIAL DEVELOPMENT**

**Part 1  
Conservation Subdivision Design  
(DEVELOPER'S OPTION)**

**§32 Concept**

A key concept associated with conservation subdivision design is to focus on residential density instead of minimum lot size. In a standard subdivision the land is simply cut into as many lots as possible while meeting the minimum lot size requirement. Under conservation 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.

**§33 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, floodplain, and wetlands.
- B. To conserve areas critical to the visual integrity of the landscape by setting them aside from development.
- C. To conserve scenic views and elements of the landscape, and to minimize perceived density, by minimizing views of new development from public viewing points.
- D. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
- E. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
- F. To provide for a diversity of lot sizes and housing choices at the underlying zoning district density to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
- G. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Township Comprehensive Plan.
- H. To implement adopted land use, transportation, and community policies as identified in the Township 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, floodplain, 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.

### **§34 Districts; Development Options**

- A. Optional in A Districts and R Districts. In all A - Agricultural Districts and R - Residential Districts on tracts of eight acres of gross tract area or larger, conservation subdivision design may be used at the developer's option in accord with this Article VI using Option 1, Option 2, or Option 3. In the alternative a standard subdivision may be developed in accord with the applicable provisions of this ordinance.
- B. Development Options. To achieve the purposes in §33, this §34 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 (Principal Permitted Use) in A - Agricultural Districts and R - Residential Districts.

- (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 §37, with not less than 45 percent 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 §37, with not less than 55 percent 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 §37, with not less than 60 percent of the tract comprised of conservation open space.

- C. Conservation Design Process. All Conservation Subdivision Design Developments shall be designed using the Four-Step Conservation Design Process in accord with the Subdivision and Land Development Ordinance.

### **§35 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 25 percent or more.
  - (4) Streams and water bodies.
- C. Secondary Conservation Areas. The protection of Secondary Conservation Areas shall be addressed through the Four-Step Design Process detailed in the Subdivision and Land Development Ordinance.

**§36 Use Regulations for Options 1, 2 and 3**

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

- A. Single-family detached dwellings.
- B. Two-family dwelling units, single-family attached units/townhouses, quadruplexes, and multi-family dwellings.
- C. Conservation open space with the uses permitted by §40.
- D. No-impact home-based businesses and home occupations in accord with §28C(1).
- E. Accessory uses on the same lot with and in accord with applicable District regulations.

**§37 Maximum Dwelling Units and Minimum Conservation Open Space**

- A. Dwelling Units. The maximum number of dwelling units shall be determined by using the density factor in the Density and Conservation Open Space Table and the Adjusted Tract Area Approach in §37C.
- 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, enough secondary conservation areas that, when added to the primary conservation areas, shall not be less than the minimum required conservation open space.
  - (2) Common Greens. In Option 1, Option 2 and Option 3, part of the required conservation open space may be in the form of common greens as follows:
    - (a) A minimum of two percent of the required conservation open space when the average lot size is 15,000 square feet or more.
    - (b) A minimum of three percent of the required conservation open space when the average lot size is less than 15,000 square feet.
    - (c) A maximum of five percent of the required conservation open space.

C. 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.
- (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 or more resources overlap, only the resource with the highest protection factor shall be used.

<b>CONSTRAINED LAND</b>				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
A	existing public or private road rights-of-way and existing utility or other rights-of-way		X 1.00	=
B	that portion of lands under conservation easement that are restricted from further development		X 1.00	=
C	floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)		X 1.00	
D	100-year floodplain (if not mapped by FEMA area is included in floodway above)		X 0.25	
E	wetlands as determined by a delineation		X 0.90	
F	steep slopes (25% or greater)		X 0.75	=
G	steep slopes (15% up to 25%)		X 0.10	=
H	ponds, lakes and streams to the high water mark		X 0.50	=
I	<b>CONSTRAINED LAND = SUM OF A through H =</b>			

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

<b>ADJUSTED TRACT AREA</b>		
A	gross tract area	_____ acres
B	minus Constrained Land from Constrained Land Table in §37C(2).	- _____ acres
C	equals Adjusted Tract Area	= _____ acres ATA

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

MAXIMUM NUMBER OF DWELLING UNITS		
A	Adjusted Tract Area (from the Adjusted Tract Area Table in §37C(3) converted to square feet	_____ sq ft
B	divided by density factor (from the Density and Conservation Open Space Table)	÷ _____
C	equals maximum number of dwelling units	= _____ dwelling units

DENSITY AND CONSERVATION OPEN SPACE					
OPTION 1 Basic Density and Basic Conservation <u>neutral density</u>		OPTION 2 Increased Density with Increased Conservation 10% density bonus (SF ATA/unit reduced by 10%)		OPTION 3 Greater Density with Greater Conservation 20% density bonus (SF ATA/unit reduced by 20%)	
Density Factor (SF ATA / DU <sup>1</sup> )	Minimum Conservation Open Space Required <sup>2</sup>	Density Factor (SF ATA / DU <sup>1</sup> )	Minimum Conservation Open Space Required <sup>2</sup>	Density Factor (SF ATA / DU <sup>1</sup> )	Minimum Conservation Open Space Required <sup>2</sup>
<b>A - AGRICULTURAL DISTRICT</b>					
<u>All combinations of water supply and sewage disposal</u>					
43,560	45% ATA	34,850	55% ATA	30,490	60% ATA

<sup>1</sup> SF ATA = square feet of Adjusted Tract Area in §37C(3).

<sup>2</sup> Plus Constrained Land calculated in §37C(2). (See Row I of Table.)

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> (SF ATA/unit reduced by 20%)		OPTION 3 Greater Density with Greater Conservation <u>30% density bonus</u> (SF ATA/unit reduced by 30%)	
Density Factor (SF ATA / DU <sup>1</sup> )	Minimum Conservation Open Space Required <sup>2</sup>	Density Factor (SF ATA / DU <sup>1</sup> )	Minimum Conservation Open Space Required <sup>2</sup>	Density Factor (SF ATA / DU <sup>1</sup> )	Minimum Conservation Open Space Required <sup>2</sup>
<b>R – RESIDENTIAL DISTRICT</b>					
<u>Central water supply and central sewage disposal</u>					
10,000	45% ATA	8,000	55% ATA	7,000	60% ATA
<u>Central water supply or central sewage disposal</u>					
15,000	45% ATA	12,000	55% ATA	10,500	60% ATA
<u>On-Lot Water Supply and On-Lot Sewage System</u>					
30,000	45% ATA	24,000	55% ATA	21,000	60% ATA

D. 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 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.

E. Fee for Density Calculation Review. The Board of Supervisors may establish by Resolution of the Board a fee for review of the density calculation submitted by the Applicant.

**§38 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.

<b>DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS Option 1, Option 2 and Option 3</b>				
<b>Type of water supply and sewage disposal ▶▶▶▶</b>	<b>central water and central sewage</b>	<b>on-lot water and central sewage</b>	<b>central water and on-lot sewage</b>	<b>on-lot water and on-lot sewage</b>
Minimum individual lot area	5,500 square feet	21,780 square feet	32,670 square feet	43,560 square feet
Minimum lot width at required setback	40 feet	70 feet	85 feet	100 feet
Minimum street frontage	35 feet	50 feet	50 feet	50 feet
Maximum depth to width ratio	5 to 1			
Flag Lots	permitted per provisions of the Subdivision and Land Development Ordinance			
<b>Setback Regulations</b>				
- minimum front	20 feet	40 feet		
- minimum rear	30 feet 20 feet where the rear setback adjoins conservation open space			
- minimum side	5 feet 30 feet aggregate	15 feet		

B. Maximum Lot Coverage. Maximum ground coverage for single-family dwellings in Options 1 through 3 shall be limited in accord with the following Maximum Lot Coverage Table.

<b>MAXIMUM IMPERVIOUS COVER FOR SINGLE-FAMILY DWELLINGS Option 1, Option 2 and Option 3</b>	
<b>Lot Area</b>	<b>Maximum Impervious Coverage</b>
less than 10,000 SF	50%
10,000 - 19,999 SF	40%
20,000 - 43,560 SF	30%
more than 43,560 SF	reduce limit by 1.5% for each additional acre or fraction thereof but not reduced to less than 5%

C. Dimensional Standards for Two-Family Dwellings, Single-Family Attached Units/Townhouses, Quadrplexes and Multiple-Family. The standards in the Dimensional Standards for Two-Family Dwellings, Single-Family Attached Units/Townhouses, Quadrplexes and Multiple-Family Table shall apply:

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

- D. Central Water Supply and Sewage Disposal. Two-family dwellings, single-family attached/townhouses, quadruplexes and other multiple-family dwellings shall be served by a central water system and a central sewage disposal system.
- E. Dwelling Lots / Conservation Open Space. No part of any dwelling lot shall encroach upon conservation open space.
- F. Setbacks. All new dwelling units shall meet the setback requirements in the following Dwelling Setbacks Table:

<b>DWELLING SETBACKS from:</b>	<b>Single-Family</b>	<b>Two-Family, Townhouses, Quadruplexes</b>	<b>Other Multi-Family</b>
Township or State road rights-of-way	100 feet	150 feet	200 feet
other perimeter boundaries of the development tract	50 feet	100 feet	150 feet
crop land or pastureland not on the development parcel	100 feet	100 feet	100 feet
buildings or barnyards housing livestock not on the development parcel	300 feet	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	150 feet

- G. Building Height. Building height shall comply with the standards for the applicable district in the Schedule of Development Standards (§17).

**§39 Reserved**

**§40 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. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be

permitted but may not consume more than 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 50 percent of the minimum required conservation open space or five acres, whichever is less. The five-acre limit may be increased to 10 acres on development parcels 200 acres or larger.
  - (2) Playing fields and playgrounds shall not be located within 100 feet of the tract boundary or a dwelling unit within the development parcel.
  - (3) Minimum parking facilities for the same, as determined by the Board of Supervisors, may also be permitted. Such lots may be paved with gravel and shall be unlighted, properly drained and provide safe ingress and egress.
- G. Golf Courses. Audubon International Signature Golf Courses and their accessory facilities and parking areas, when permitted by the underlying zoning district, may comprise up to 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; Stormwater. Water supply systems, sewage disposal systems, stormwater management systems and associated easements provided the total area does not exceed 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 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 fields 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 field shall be clearly defined including adequate surety, and an easement for the installation and maintenance of any such system shall be provided.
- (g) Drainage easements for sewer lines may be counted toward the minimum conservation open space requirement.

(3) Stormwater Management Systems. The following stormwater management practices may be counted toward the minimum conservation open space requirement, provided they meet the guidelines in the Pennsylvania Stormwater Best Management Practices Manual:

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

- I. Easements. Easements for drainage, access, sewer or water lines, or other public purposes.
- J. Utility Rights-of-Way. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.
- K. Hunting, Trapping and Fishing. Hunting, trapping, and fishing per applicable state law.

#### **§41 Conservation Open Space Design and Other Standards**

- A. Four-Step Design. Conservation open space in all options shall be identified and laid out in accord with the Four-Step Design Process and conservation open spaces Design Standards in the Subdivision and Land Development Ordinance which begins with the identification of primary and secondary conservation areas.
- B. Comprehensive Plan. Conservation open space shall be laid out in accord with the Township 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 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 20 percent of the Adjusted Tract Area. Not less than 15 percent of the conservation open space shall be free of wetlands, floodway, and slopes over 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;
  - (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 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 understory 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 75 feet.
  - (2) Where the buffer is un-wooded, the Board of Supervisors shall 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.
- (1) The lot layout shall respect Secondary Conservation Areas.
  - (2) No portion of any building lot shall be used for meeting the minimum conservation open space requirement.
  - (3) Building lots shall generally be accessed from interior streets, rather than from roads bordering the tract, unless otherwise permitted as part of the approval under the Subdivision and Land Development Ordinance.
- I. Access. Pedestrian and maintenance access shall be provided to conservation open space in accord with the following requirements:
- (1) No more than 15 lots shall be contiguous to each other without a community access point meeting the following standards:
    - (a) The width of the access strip shall not be less than 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 this ordinance and the Subdivision and Land Development Ordinance.

**§42 Commercial Uses in Developments with 250 or More Dwelling Units**

If a subdivision includes a minimum of 250 dwelling units, then as a conditional use, a maximum of two acres within the subdivision may be used for retail businesses and service establishments meeting the requirements of the C-1 Neighborhood Commercial District. The applicant shall prove to the Board of Supervisors that the commercial development has been designed and located with traffic access that is fully coordinated with the residential development and with adjacent development.

**§43 to §47 Reserved**

**Part 2  
Additional Residential Standards**

**§48 Reserved**

**§49 Two-Family Dwellings**

Where permitted by the Schedule of Uses, two-family dwellings shall comply with the requirements of this §49 and other applicable standards in this ordinance.

- A. Common Property Line. 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 50 percent of the minimum lot size required in the Schedule of Development Standards in Article IV and minimum lot dimensions shall comply with Part 2 of the Schedule of Development Standards in Article IV.
- B. Single Parcel. In cases where the two-family dwelling consists of two dwelling units constructed with one unit located on the second floor above a first floor dwelling unit or is a duplex involving a common (i.e. party) wall, the lot size shall comply with the Schedule of Development Standards in Article IV and minimum lot dimensions shall comply with the Schedule of Development Standards in Article IV. If such a two-family dwelling is proposed on two or more separate lots of record, said lots shall be combined into one lot prior to the issuance of a Zoning Permit.
- C. Conversions. See §51.

**§50 Multi-Family Dwellings**

Multi-family dwellings are permitted in certain districts to provide the opportunity for the development of a variety of housing types in the Township.

- A. Project Design Process and Procedure.
- (1) Subdivision and Land Development. Multi-family projects shall also be subject to the Subdivision and Land Development Ordinance.

(2) Four-Step Design; Density.

- (a) Four-Step Design. All multi-family projects shall be designed using the Four-Step process for Conservation Design Development detailed in the Subdivision and Land Development Ordinance.
- (b) Density. The number of dwelling units permitted shall be determined in accord with the Adjusted Tract Area Approach requirements for Conservation Design Developments in §37C and the density factor in the Multi-Family Dwelling Standards Table.

(3) 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.

(4) Open Space

- (a) Minimum Requirement. The development shall include as conservation open space at least 30 percent of the adjusted tract area plus all the primary conservation areas in §35B.
- (b) Standards. Open space areas shall meet the standards of §40 and §41 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 preserving the open space in accord with the Subdivision and Land Development Ordinance.

<b>MULTI-FAMILY DWELLING STANDARDS</b>				
PROJECT STANDARDS	Quadraplexes	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	2	2	2	2
Density -- number of dwelling units per acre of useable land area (See §37C for Adjusted Tract Area)	10	10	12	12
Maximum number of dwelling units per building	4	6	8	10
Maximum building height (feet)	same as the zoning district			
Maximum lot coverage (percent)	applicable to overall project site, not individual lots - see §50A(4)			

B. 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.

C. Design Criteria. The following design criteria shall apply to multi-family projects:

- (1) Setbacks. No structure in a multi-family dwelling project shall be constructed within 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 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 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.
  - (2) Road Standards. Access roads through the development shall comply with the street requirements of the Subdivision and Land Development Ordinance. Direct access of individual parking spaces to a road shall not be permitted, and any such access drive shall remain private.
  - (3) 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 20 feet.
  - (4) Landscaped Buffers. Buffers shall be provided in accord with the landscaping requirements of the Subdivision and Land Development Ordinance.
  - (5) 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 Subdivision and Land Development Ordinance.
  - (6) Trash Storage. Exterior storage areas for trash and rubbish shall be screened from public view and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall be kept in an orderly and sanitary fashion.
  - (7) Architectural Renderings. Preliminary architectural renderings, models or photos for multi-family dwelling projects shall be provided at the time of submission of the application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, 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.
  - (8) Single-Family Attached/Townhouses: Facade Changes. A minimum of two changes in the front wall plane with a minimum offset of four feet shall be provided for every attached grouping of townhouses in one 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.
- D. 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.
- E. 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 Pennsylvania Uniform Condominium Act or an attorney's opinion that said Law does not apply to the subject project.

- F. Water Supply and Sewage Disposal. All multi-family dwelling projects shall be served by an off-site water supply and an off-site sewage disposal system.
- G. Lighting. Lighting shall be provided enough in number and intensity to provide for the safe movement of vehicles and pedestrians. Lighting shall not reflect toward public streets or cause any annoyance to surrounding properties.

**§51 Multi-Family or Two-Family Conversions**

Any conversion of a building to multi-family or two-family dwelling units 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 density, living space, lot coverage, dimensions of setbacks and other open spaces, off-street parking, and other applicable standards.

**§52 Manufactured Homes (Mobile Homes)**

- A. Manufactured Homes on Individual Lots. A manufactured home placed upon single-family lot outside of a manufactured home park shall meet the following requirements:
- (1) The manufactured home shall comply with all applicable Uniform Construction Code requirements.
  - (2) The manufactured home shall have the wheels, axles and hitches removed prior to placement.
  - (3) The manufactured home shall comply in all respects with the requirements set forth in this ordinance for single-family residences in the various districts.
- B. Manufactured Homes in a Manufactured Home Park. A manufactured home placed in a manufactured home park shall meet the requirements of the Subdivision and Land Development Ordinance.

**§53 Reserved**

**§54 Group Homes**

Group homes shall be permitted in any lawful single-family dwelling unit in accord with the Schedule of Uses, this §54 and other applicable standards of this ordinance.

- A. 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.
- B. Certification. The use shall be licensed or certified under an applicable County, State 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 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.
- C. Registration. The group home shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer. Such information shall be available for public review upon request.

- D. Counseling. Any medical or counseling services provided on the lot shall be limited to residents and a maximum of three nonresidents per day.
- E. Parking. One off-street parking space shall be provided for each employee on duty at any one time, and one off-street parking space for every two residents reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than five spaces shall be buffered from adjacent existing single-family dwellings by a planting screen meeting the requirements of §60 and §61.
- F. 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.
- G. 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 and shall not be permitted on lots of nonconforming size.
- H. Water Supply and Sewage Disposal. Documentation of a water supply and sewage disposal system meeting Township and DEP requirements shall be provided.
- I. Number of Residents. A maximum of eight 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.
- J. Visitors. Employees of the group home shall be prohibited from having visitors on the premises, except for visitation necessary for the operation of the group home and except for emergencies.

#### **§55 Functional Families**

- A. Purpose. This §55 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.
- B. 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 §176D and, among others, the following considerations:
  - (1) Proposed occupants:
    - (a) Share a strong bond or commitment to a single purpose (e.g., religious orders);
    - (b) Are not legally dependent on others not part of the functional family;
    - (c) Can establish legal domicile as defined by Pennsylvania law;
    - (d) Share costs of food, rent or ownership, utilities and other household expenses;
    - (e) Prepare food and eat together regularly;
    - (f) Share in the work to maintain the premises;
    - (g) Legally share in the ownership or possession of the premises; and
    - (h) Share the entire dwelling unit or act as separate roomers.
  - (2) Whether the household has stability akin to a permanent family. The criteria used to make this determination may include, among others, the following:

- (a) The length of stay together among the occupants in the current dwelling unit or other dwelling units;
  - (b) The presence of minor, dependent children regularly residing in the household;
  - (c) Whether the household is a temporary living arrangement or a framework for transient living; and,
  - (d) Whether the composition of the household changes from year to year or within the year.
- (3) Any other factor reasonably related to whether the group of persons is the functional equivalent of a family.
- C. 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.

**§56 Boarding Houses**

A boarding house shall have no more than four rooms of the residence used for rooming or boarding with not more than two people per room. All setback requirements for the district in which the property is located shall be maintained and off-street parking shall be provided in accord with §29. In outward appearance, the boarding house shall be consistent with the character of other residences in the immediate area.

**§57 Reserved**

**ARTICLE VII  
STANDARDS**

**Part 1  
Design Standards**

**§58 Design of Commercial Establishments and Nonresidential Uses.**

- A. Intent. It is the intent of this §58 to provide standards for the design of commercial establishments and nonresidential uses (referred to as *commercial establishments*) to assure the compatibility of the nonresidential development with the surrounding character of the Township. This shall be accomplished by:
- (1) Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site
  - (2) Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
  - (3) 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;
  - (4) Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons.
  - (5) 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;
  - (6) Considering the impact of stormwater, noise, odor, traffic, and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,
  - (7) Being consistent with any design guidelines adopted by the Township.
- B. Land Development. Any proposed nonresidential building shall be considered a "land development" as defined by the Pennsylvania Municipalities Planning Code and the Subdivision and Land Development Ordinance unless excluded by definition. Such buildings shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Township may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Township Ordinances. The following shall be provided:
- (1) Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and zoning and municipal boundary lines within 200 feet of the tract;
  - (2) A traffic and pedestrian flow chart showing circulation patterns from the public right-of-way and within the confines of the land development;
  - (3) Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
  - (4) Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays,



- angle of parking;
- (5) Location, arrangement, and dimensions of truck loading and unloading spaces and docks;
  - (6) Location and dimensions of pedestrian entrances, exits, walks;
  - (7) Location, height, and materials of walls, fences, screen plantings, and other landscaped areas;
  - (8) Preliminary architectural drawings for all buildings;
  - (9) Location, size, height, and orientation of all signs other than signs flat on building facades;
- C. Site Design Process. The applicant shall demonstrate to the Township by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:
- (1) Mapping of environmentally sensitive areas to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance.
  - (2) Locating the building site.
  - (3) Locating required buffers.
  - (4) Laying out street access, parking/loading areas, and other required or proposed improvements.

## Part 2 Performance Standards

### §59 Intent and Applicability and Affidavit

- A. Intent and Applicability. The intent of this Part 2 is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety, and general welfare. No land or building shall be used or occupied in such manner which creates any dangerous, injurious, noxious, or otherwise objectionable condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this ordinance may be undertaken and maintained if it conforms to all applicable requirements of this ordinance, including the standards in this Part 2 which are intended to limit nuisance elements. The following performance standards shall apply to all proposed new or expanded nonresidential uses, and residential uses explicitly referenced by a specific section. The standards in this Part 2 shall not apply to normal agricultural uses unless explicitly referenced by a specific section.
- B. Affidavit.
- (1) With the exception of residential uses, the applicant for a Zoning Permit for any other principal or accessory use shall include with such application an affidavit acknowledging his understanding of the performance standards in this Part 2 and applicable to such use and affirming his agreement to conduct or operate such use at all times in conformance with such standards.
  - (2) The Right to Know Law protects certain information submitted in connection with a zoning permit from public disclosure by the Township. §708(3) of the Right to Know Law, 65 P.S. 67.708(3), exempts, “A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical

security of a building, public utility, resource, infrastructure, facility or information storage system, which may include ... (iii) building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.” Additionally, §708(11) of the Right to Know Law, 65 P.S. 67.708(11), exempts, “A record that constitutes or reveals a trade secret or confidential proprietary information.” An applicant for a zoning permit may designate application material submitted to the Township meeting the exemption criteria of the Right to Know Law as confidential. Such confidential information, including, but not limited to, building plans, infrastructure records, trade secrets, or confidential proprietary information, shall thereafter be protected from public disclosure by the Township to the extent permitted by law.

- (3) Regardless of whether or not a use is required to comply with the procedure specified in this §59B, every use shall comply with all applicable performance standards in this Article VII.

### **§60 Setbacks and Buffers**

Unless otherwise regulated by this ordinance, where a nonresidential use is proposed contiguous to any existing residential dwelling and where a C-1 Neighborhood Commercial, C-2 General Commercial or I Industrial District adjoins any A Agricultural District or R Residential District the minimum size of the abutting setback shall be increased by 50 percent and a landscaped buffer not less than 15 feet in width shall be provided in accord with this §60. Storage of equipment, supplies, products, or any other materials shall not be permitted in any front setback or side setback.

In the case of conditional uses and special exceptions, 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.

- A. 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.
- B. The width of the required buffer, as determined by the Township, shall not be less than 15 feet.
- C. 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 feet in height will be formed within three years of planting. Plants shall be species identified by the Subdivision and Land Development Ordinance.
- D. 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.
- E. 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.
- F. 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. 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.

**§61 Landscaping**

Any proposal which is considered a land development as defined by the Subdivision and Land Development Ordinance shall be governed by the landscaping standards in that ordinance. Following the completion of any land development project, the ongoing maintenance of the landscaping shall comply with the requirements of this §61 and violations shall be subject to the enforcement provisions of this ordinance.

**§62 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 10 percent of the interior retail sales space or 500 square feet.
- B. Conditional Use/Special Exception.
  - (1) Outdoor storage for other uses may be approved or expanded as a conditional use for a use listed as principal permitted use or 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 one hundred (100) feet from any existing residential structure or any R Residential, unless a greater setback is required by the Township.
- D. Storage in Setback and Parking Areas. Storage of equipment, supplies, products or any other materials shall not be permitted in any required setback or parking areas.
- E. Vehicles, Trailers, Containers. Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted in any R Residential District or C-1 Neighborhood Commercial District. In the A Agricultural District, C-2 General Commercial District or I Industrial District, trailers, painted one color without advertising and maintained in good condition, may be used as accessory structures provided all wheels and axles are removed, the trailers are erected and maintained as structures, and are screened from view from adjoining properties in accord with §60. Trailers, painted one color without advertising and maintained in good condition, shall be permitted for storage for a temporary period on the site of an on-going construction project. The placement of said trailers shall be for a specified time as stated in the required permit from the Township, shall meet the setback requirements of this ordinance and shall not be used for the storage of any flammable or hazardous material except in accord with applicable state and federal regulations.

**§63 Fire and Explosion Hazards**

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. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State, and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas, or fencing may be required by the Board of Supervisors or the Zoning Hearing Board.

**§64 Radioactivity or Electric Disturbance**

No activities shall be permitted which emit dangerous radioactivity, electrical disturbance or electromagnetic radiation adversely affecting the operation of any person or any equipment other than that of the creator of such disturbance. All applicable Federal regulations shall apply.

**§65 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 because 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 §65 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 10 dBA above the Ambient Noise Level.

- (b) An increase in excess of 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 §65B(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 accord with §65C for a continuous two-week period no more than two years prior to the start of construction of such project.

Maximum Sound Levels					
Period	Receiving Land Limits (dBA)				
	Existing Dwelling	Zoning District			
		R	A	C-1, C-2	I
Monday-Saturday, 7:00 a.m. - 9:00 p.m.	60	60	60	65	70
Saturday, 9:00 p.m.- Monday, 7:00 a.m. Monday-Friday, 9:00 p.m.-7:00 a.m.	50	50	55	60	70

- (3) Maximum Noise Level. Notwithstanding any of the foregoing provisions of this §65B, 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 period 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 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) If 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 make a reasonable effort to 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, or the Zoning officer’s designee, 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, or the Zoning officer’s designee, 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 15 minutes. If manual measurements are being taken, the measurements shall be recorded every 15 seconds. If an automatic recording device is being used, the recording interval shall be one second, or the closest fixed or variable interval allowed by the meter and recording equipment.

(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 minutes and need not be any longer than 15 minutes.
- (b) If manual measurements are being taken, the measurements shall be recorded every 15 seconds. If an automatic recording device is being used, the recording interval shall be one second, or the closest fixed or variable interval allowed by the meter and recording equipment.
- (c) The equation for deducing the A-weighted Noise Level (Leq) being produced by the Suspect Source (L<sub>s</sub>) shall be as set forth below where L<sub>1</sub> equals the measured average A-weighted Noise Level (Leq) of the background without the Suspect Source in operation and L<sub>2</sub> equals the measured average A-weighted Noise Level (Leq) of the background with the Suspect Source in operation. Basically, L<sub>s</sub> equals L<sub>2</sub> minus L<sub>1</sub> 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 Zoning Officer's designee, (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.

- (1) Compliance with Standards. Applicants for a specific proposed use shall be required to demonstrate that the proposed use will not violate the standards in this §65 by providing reasonable documentary evidence, which may include:
  - (a) 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
  - (b) Environmental noise measurements from similar operations and sites (same number and types of equipment, comparable topography, and prevailing weather conditions).
- (2) Loudspeakers. The applicant shall provide specifications for any proposed exterior loudspeakers and detail how compliance will be attained.
- (3) 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 §65 and/or any zoning approval.



G. Exceptions. The standards in this §65 do not apply to:

- (1) Radiated noise levels for vehicles or other operations subject to state or federal preemption.
- (2) The operation of lawn mowers, leaf blowers, string trimmers, chain saws, and other small yard maintenance equipment between sunrise and sunset.
- (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.
- (6) Discharge of firearms.

**§66     Vibration**

Operating or permitting the operations of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at 50 feet from the source if on a public space or public right-of-way shall be prohibited. For the purposes of this section, *vibration perception threshold* means the minimum ground-or- structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

**§67     Lighting and Glare**

The standards of this §67 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 proposed specifications of the proposed lighting and its arrangement on the site. Any proposal which is considered a land development as defined by the Subdivision and Land Development Ordinance shall be governed by the lighting and glare standards in that ordinance. Following the establishment of any land development, the ongoing operation and maintenance of the lighting facilities shall comply with the requirements of this §67 and violations shall be subject to the enforcement provisions of this 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 §67 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 §67:

- (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) Repairs to existing luminaires not exceeding 25 percent of the number of total installed luminaires.
- (f) Temporary lighting for theatrical, television, performance areas and construction sites.
- (g) Temporary lighting and seasonal decorative lighting provided that individual lamps are less than 10 watts and 70 lumens.
- (h) 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) unless otherwise directed by the Township.

(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. A minimum of 0.5 footcandles is required in these areas.

[2] Luminaires with an aggregate rated lamp output not exceeding five hundred (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 five hundred (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 §67C(2)(b).

(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, also known as 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) Reserved
- (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 extinguished 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 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 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 §67C(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 include glare from digital or other illuminated signs

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

(l) Height. Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted in excess of 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 §67D.

(j) The United States, state and other official flags 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) Soffit 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 snowplows or wide-swinging vehicles, shall be protected by being placed a minimum of five 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 local 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. Lighting shall be by linear fluorescent unless it can be demonstrated to the satisfaction of the Township that such a mounting arrangement is not possible. 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) The illumination of a billboard within 400 feet of a residential use shall not be permitted.
  - (d) Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights, or strobe lighting shall not be permitted.
  - (e) 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 properties. Permission to illuminate such facilities shall be granted only when the Township is satisfied that the health, safety and welfare rights of nearby property owners and the Township as a whole have been properly protected. When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:
- (1) For racetracks and such recreational venues as golf driving ranges and trap-shooting facilities, 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 §67D(6).

- (2) A proposed illuminated recreational facility located within an A Agricultural District or R Residential District or sited on a nonresidential property located within 1,000 feet of a property in an A Agricultural District or R Residential 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) The Township reserves the right to limit the number of illuminated sporting events per week or season.
- (5) 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 §67D(1)
  - (g) Swimming pool aprons .....20 feet
  - (h) Tennis.....20 feet
  - (i) Track.....20 feet
  - (j) All uses not listed .....20 feet

(6) 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 §67E, 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 §67C(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 §67D(6).
- (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. Compliance Monitoring.

- (1) Safety Hazards. If the Zoning Officer determines that a lighting installation creates a safety hazard, an enforcement proceeding shall be initiated.
  - (2) Nuisance Glare and Inadequate Illumination Levels. If the Zoning Officer determines that a lighting installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from the requirements of this ordinance, enforcement proceedings shall be initiated.
- G. Non-Conforming Lighting. A nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this §67 when:
- (1) It is deemed by the Zoning Officer to create a safety hazard;
  - (2) It is replaced, abandoned or relocated;
  - (3) There is a change in use; or
  - (4) Minor corrective action is deemed appropriate by the Zoning Officer to bring the fixture or installation into conformance with the requirements of this ordinance. Minor corrective action shall be defined as having a cost not to exceed twenty-five (25) percent of the cost of the replacement of the fixture or installation.
- H. Definitions. Words and phrases used in this §67 shall have the meanings set forth in this 67H. Words and phrases not defined in this §67 but defined in Article III shall be given the meanings set forth in Article III. 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 ten (10) percent 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.

IESNA - Illuminating Engineering Society of North America.

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

LED - Light Emitting Diode.



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.

#### **§68 Odors**

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

#### **§69 Other Forms of Air Pollution**

No emission of fly ash, dust, fumes, vapors, gases, and other forms of air pollution shall be permitted except in full compliance with PA Department of Environmental Protection requirements.

#### **§70 Surface and Ground Water Protection**

All activities involving the possible contamination or depletion of surface or ground water shall be provided with adequate safety devices to prevent such contamination or depletion. In cases where any earth disturbance will result in the excavation of bedrock, the Township may require the applicant to submit a report from a qualified engineer or geologist detailing the geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned mitigation actions shall be provided by the developer. The Township may require a plan to be submitted for review and approval and may require security for ensuring mitigation actions. 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. No use shall be permitted which would result in the depletion of groundwater supplies. The developer shall provide documentation of compliance with PA DEP, Delaware River Basin Commission, and U.S. Environmental Protection Agency regulations.

#### **§71 Stormwater Management and Soil Erosion Control**

A stormwater management plan and soil erosion control plan shall be required for review and approval. Said plan shall be prepared and implemented pursuant to the standards contained in the Subdivision and Land Development Ordinance and the Township Stormwater Management Ordinance.

#### **§72 Waste Materials**

No liquid, solid, toxic, or hazardous waste shall be stored or disposed of in any commercial, residential, or other area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or stormwater disposal system, stream, open body of water or onto the ground. All waste materials shall be disposed of only in

accord with all applicable state and federal regulations and applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.

**§73 Handicapped Access**

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

**§74 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 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 not be permitted.

**§75 Security**

In cases where deemed necessary by the Township (detention facilities and drug treatment centers, for example), the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall include a description of the specific services to be offered, type of patients and/or residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development, and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

**§76 Water Supply**

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

**§77 Sewage Disposal**

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

**§78 Travel Routes and Traffic Impact Study (TIS)**

- A. Travel Routes. The Applicant shall provide a map showing the public roads proposed to be used to travel to and from the facility and the Township may require the Applicant to provide an evaluation prepared by a registered professional engineer of the condition of any Township road which will be used and the potential damage which may occur from such use. The Township may require a bond to insure the repair of any anticipated road damage.

B. Traffic Impact Study (TIS).

(1) Intent. 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.

(2) TIS Requirement.

(a) Thresholds. A TIS shall be required for all proposals that are projected to generate 150 or more trip-ends per project peak hour or 1,500 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) above the peak hour or daily thresholds.

(b) Other Projects. The Board of Supervisors, Planning Commission, or Zoning Hearing Board may also, based upon the nature of a project and potential impacts on the Township, require the developer to prepare and submit to the Township a TIS for the following types of developments and uses:

- [1] Industrial parks.
- [2] Industrial uses.
- [3] Junkyards.
- [4] Mineral extraction including oil and gas wells.
- [5] Mineral processing.
- [6] Agricultural products processing.
- [7] Solid waste facilities and staging areas.
- [8] Warehouses and trucking terminals.
- [9] Concentrated animal feeding operations.
- [10] Transmission pipelines and hazardous liquid pipelines.
- [11] Pipeline compressor stations, metering stations or operation/maintenance facilities.
- [12] Any nonresidential use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas.
- [13] Any nonresidential use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas.
- [14] Any drive-in use.

The requirements of this §78B may be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Township, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Board of Supervisors, Planning Commission, or Zoning Hearing Board may waive certain components of the TIS should such components be deemed unnecessary for certain uses.

- (3) Professional Requirements. The TIS shall be prepared by a registered professional engineer or transportation planner with verifiable experience in preparing such studies.
- (4) Study Methodology.
- (a) State Roads. In cases where PennDOT requires a TIS 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.
- (5) Recommended Improvements. If the analysis indicates a decrease in level of service for any movements will occur on study area streets, a description of proposed improvements to remedy deficiencies shall be included within the TIS. The following information shall be provided.
- (a) Proposed Recommended Improvements. This section shall describe the location, nature, and extent of proposed improvements to assure sufficient street capacity.
- (b) Volume/Capacity Analysis at Critical Points. An iteration of the volume/capacity analysis shall be described which demonstrates results of making the improvements.
- (c) Level of Service at Critical Points. As a result of the revised volume/capacity analysis presented in §78B(5)(b), levels of service for the street system with the improvements shall be presented.

#### **§79 Waste Containers**

All commercial, residential, and other uses shall provide adequate waste containers to store waste until disposal and to prevent litter.

- A. Screening. All trash dumpsters shall be surrounded by a solid fence or masonry wall to contain all waste material and to screen the dumpster from view from public streets or dwellings on abutting lots.
- B. Setback from Dwellings. Any solid waste container with a capacity of five cubic yards or more shall be kept a minimum of 15 feet from any property line.
- C. Food Sales. Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide at least one outdoor solid waste receptacle for customer use at a convenient location outside of the main exit door of the property. The operator of such use shall be responsible for regular emptying and maintenance of such receptacle.
- D. Enclosed Containers. Solid waste receptacles stored outdoors shall be adequately enclosed and covered to control the attraction of rodent and insects.

#### **§80 Other Regulations**

The Zoning Officer, Planning Commission, Board of Supervisors or the Zoning Hearing Board, as the case may be, shall 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.

### Part 3 Environmental Protection

#### **§81 Environmental Impact Statement**

The intent of this §81 is to provide the identification of environmental and community impacts and means of mitigation of impacts of development projects in the Township. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may, based upon the nature of a project and potential impacts on the Township, require the developer to prepare and submit to the Township an environmental impact statement (EIS) for the following types of developments and uses:

- (1) Industrial parks.
- (2) Industrial uses.
- (3) Junkyards.
- (4) Mineral extraction including oil and gas wells.
- (5) Mineral processing.
- (6) Agricultural products processing.
- (7) Solid waste facilities and staging areas.
- (8) Warehouses and trucking terminals.
- (9) Concentrated animal feeding operations.
- (10) Transmission pipelines and hazardous liquid pipelines.
- (11) Pipeline compressor stations, metering stations or operation/maintenance facilities.
- (12) Any nonresidential use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas.
- (13) Any nonresidential use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas.

The requirements of this §81 may be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Township, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Board of Supervisors, Planning Commission, or Zoning Hearing Board may waive certain components of the EIS should such components be deemed unnecessary for certain uses.

- A. Purpose of EIS. The purpose of this EIS is to disclose the environmental and community 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 and community.
- B. Contents of EIS. An Environmental Impact Statement shall include a description of the proposed use including location relationship to other projects or proposals, with adequate data and detail for the Township to assess the impact. The EIS shall also include a comprehensive description of the existing environment and community and the probable future effects of the proposal. The description shall focus on the elements of the environment and community most likely to be affected as well as potential regional effects and ecological interrelationships.

At a minimum, the EIS shall include an analysis of the items listed below regarding the impact of the

proposed use and the mitigation of any such impacts; and said proposal shall comply with all other standards included in this ordinance and other Township Ordinances:

(1) Soil Types.

- (a) U.S.D.A. Soil Types (show on map).
- (b) Permeability of soil on the site.
- (c) Rate of percolation of water through the soil for each five acres.

(2) Surface Waters.

- (a) Distance of site from nearest surface water and head waters of streams.
- (b) Sources of runoff water.
- (c) Rate of runoff from the site.
- (d) Destination of runoff water and method of controlling downstream effects.
- (e) Chemical additives to runoff water on the site.
- (f) Submission of an erosion and sediment control plan meeting the requirements of the PA DEP and the Carbon County Conservation District.
- (g) Said information shall be set forth in a stormwater management plan meeting the requirements of the Subdivision and Land Development Ordinance.

(3) Ground Cover Including Vegetation and Animal Life.

- (a) Extent of existing impervious ground cover on the site.
- (b) Extent of proposed impervious ground cover on the site.
- (c) Type and extent of existing vegetative cover on the site.
- (d) Extent of proposed vegetative cover on the site.
- (e) Type of animal life and effect on habitat.

(4) Topographic and Geologic.

- (a) Maximum existing elevation of site.
- (b) Minimum existing elevation of site.
- (c) Maximum proposed elevation of site.
- (d) Minimum proposed elevation of site.
- (e) Description of the topography of the site and any special topographic features, and any proposed changes in topography.
- (f) Surface and subsurface geology.

(5) Ground Water.

- (a) Average depth to seasonal high water table.
- (b) Minimum depth to water table on site.
- (c) Maximum depth to water table on site.
- (d) Quality.

(6) Water Supply.

- (a) The source and adequacy of water to be provided to the site.

- (b) The expected water requirements (gallons per day) for the site.
- (c) The uses to which water will be put.

(7) Sewage Disposal.

- (a) Sewage disposal system (description and location on the site, of system).
- (b) Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemicals).
- (c) Expected daily volumes of sewage.
- (d) Affected sewage treatment plant present capacity and authorized capacity.

(8) Solid Waste.

- (a) Estimated quantity of solid waste to be developed on the site during and after construction.
- (b) Method of disposal of solid waste during and after construction.
- (c) Plans for recycling of solid waste during and after construction.

(9) Air Quality and Odor.

- (a) Expected changes in air quality and odor due to activities at the site during and after construction.
- (b) Plans for control of emissions affecting air quality and odor.

(10) Noise.

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

(11) Land and Water Surface Use and Community Character.

- (a) Past and present use of the site with particular attention to storage or disposal of toxic or hazardous waste.
- (b) Adjoining land uses and values and character of the area.
- (c) Type and concentration of existing watercraft uses.

(12) Critical Impact Areas. Any area, condition, or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes greater than 15 percent, highly acid or highly erodible soils, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas.

(13) Historic Resources. Identification of structures or sites of historic significance and probable effect of project.

(14) Transportation Network. Existing network traffic volumes and capacities and need for improvements required by the project. In the case of PennDOT roads, a copy of the traffic study required by PennDOT shall be submitted and in the case of Township roads, the study shall be conducted in accord with PennDOT requirements.

- (15) Law Enforcement. Existing law enforcement capabilities of the Township and State; and assess the impact of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development.
- (16) Community Facilities and Services. Existing community facilities and services and how the proposed use will affect those facilities and services, including projected needs for additional facilities and services.
- (17) 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.

C. Additional Considerations. The following shall also be addressed:

- (1) A description of alternatives to the proposed use.
- (2) A statement of any 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.

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

E. Procedures for Evaluating the Environmental Impact Statement Shall be as Follows.

- (1) Upon receipt of the application, the Township shall forward the EIS to the Township Engineer and any other Agency or firm which the Township may desire for consultation.
- (2) The above-mentioned Agencies shall review the applicant's EIS and shall report its comments to the Planning Commission and Board of Supervisors or Zoning Hearing Board.
- (3) The Planning Commission and/or Board of Supervisors or Zoning Hearing Board may require the opinion of experts in their review of the EIS.
- (4) Copies of the EIS shall be on file and available for inspection in the Township office.
- (5) The Planning Commission shall evaluate the proposed project and the EIS and recommend action on same to the Board of Supervisors or Zoning Hearing Board.

**§82** Special Conservation Standards

All uses permitted by this ordinance shall be subject to the following special conservation performance



standards which shall apply to any lands that are characterized as steep slopes, wetlands, or flood plains, except that these provisions do not apply where the applicant proposes to join two existing parcels into a single parcel, or to subdivide a parcel from one parcel and join that with an adjoining tract of land, and where no new development is proposed on the resulting lots. The procedures and standards are as follows:

A. Steep Slope Areas.

- (1) General Requirements. Steep slopes shall be defined as slopes of 25 percent or more. The Zoning Officer may require the applicant to provide certification from a Qualified Professional of the slope in question. Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed.
- (2) Development on Steep Slopes. Any use or development of such steep slope areas shall be considered a conditional use, and in reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Board of Supervisors and Planning Commission shall be satisfied that the following performance standards have been or will be met:
  - (a) An accurate map prepared by a Qualified Professional has been submitted showing property boundaries, building and drive locations, contours at two foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.
  - (b) A clearing, grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected an erosion control plan and schedule for completion of work.
  - (c) The applicant shall demonstrate that the proposed development cannot be accomplished on areas of the lot where the slope is less than 25 percent.
  - (d) No finished grade where fill is used shall exceed a slope of three feet horizontal to one foot vertical.
  - (e) Where fill is used to later support structures, a minimum compaction of 90 percent of maximum density shall be achieved.
  - (f) Soils characterized by the Natural Resource Conservation Service as highly susceptible to erosion shall be avoided.
  - (g) Roads and utilities shall be installed along existing contours to the greatest extent possible.
  - (h) Any steep slope areas also characterized by seasonal high water tables shall be avoided.
  - (i) 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.
  - (j) In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).

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B. Buffers for Wetlands.

(1) Identification.

- (a) Delineation. If the Township reasonably anticipates that wetlands may be present or may be impacted by the proposed development, the Township may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Protection, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service to be delineated and shown on any application proposing a new use or expanded use of land.
- (b) Applicant Responsibility. The Applicant shall be responsible for said delineation and supply to the Township a written report from the individual, partnership, corporation, or other entity which performed the wetlands delineation fully describing the methodology used. Notwithstanding receipt of such delineation and report, the Township may require the Applicant to submit, at no cost to the Township, an additional wetlands delineation of the site and report as to methodology, from a second source for purposes of verification. In the event of discrepancy between delineations, the Applicant shall obtain a jurisdictional determination.
- (c) Jurisdictional Determination. The Township may also require that the applicant obtain a Jurisdictional Determination from the U.S. Army Corps of Engineers.
- (d) Certification of No Wetlands. If no wetlands are present, the applicant shall provide a certified statement to that effect.

(2) Wetland Buffer Required. A buffer of 50 feet in width, measured perpendicular to and horizontally from the edge of the wetland, shall be maintained from the edge of all wetlands unless otherwise permitted or regulated by PA DEP.

- (a) Unpaved trails and stormwater conveyance facilities required by the Township shall be permitted.
- (b) Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
- (c) Residential accessory structures shall be permitted provided that no more than 35 percent of the buffer area is affected.
- (d) No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.

(3) Minimum Required Lot Size. See the definition of *lot area, required minimum* for the required deduction of delineated wetlands.

(4) Protection. No land shall be disturbed within any required buffer area except in accord with Township requirements and the required buffer around the delineated wetland boundary shall be properly fenced to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). The fence shall be properly installed prior to any site disturbance or issuance of building permits. The fence must be properly maintained until all certificates of use have been issued.

- (5) Common Area. The Township may require that significant designated wetlands be retained in a single ownership common area rather than incorporated as additional area in platted lots to facilitate management for maintenance of environmental quality. Owners of the wetland mitigation areas must be clearly identified on the plan.
- (6) Mitigation Projects. Compensatory mitigation projects required as part of federal or state permits shall be shown on plans. Future lot or common area owners whose property encompasses all or part of a mitigation area shall be notified that the portion of their property which includes the mitigation area may not be altered and is considered a jurisdictional wetland by the federal and state governments.
- (7) State and Federal Regulations. Any approval under this ordinance shall be conditioned upon compliance with federal and state wetland regulations. The Board of Supervisors may refuse to approve a plan for recording or delay the issuance of permits until an applicant documents such compliance.
- (8) 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 or responsibility to the applicant or any other person for compliance with said regulations.

C. Lake and Pond Buffer.

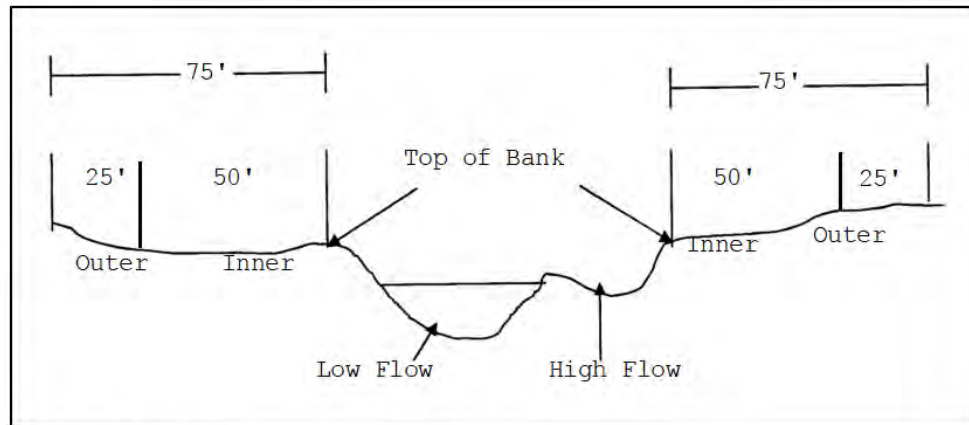
- (1) Lake and Pond Buffer Required. A buffer of 50 feet in width, measured perpendicular to and horizontally from the edge of the water body, shall be maintained from the edge of all lakes and ponds.
  - (a) Unpaved trails and stormwater conveyance facilities required by the Township shall be permitted.
  - (b) Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
  - (c) Residential accessory structures, boat docks and accesses, and tree trimming for lake front views shall be permitted provided that no more than 35 percent of the buffer area is affected.
  - (d) No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
- (2) Minimum Required Lot Size. See the definition of *lot area, required minimum* for the required deduction of lakes and ponds.

D. Stream Buffer.

- (1) Stream Buffer Required. A buffer of 75 feet in width, comprised of a 50-foot inner buffer and a 25-foot outer buffer, shall be maintained along all streams. (See *Stream Buffer Diagram*.)
  - (a) Inner Buffer - Measured perpendicular to and horizontally from the edge of the stream for a distance of 50 feet.

[1] Encroachments and obstructions as defined and approved by DEP, stormwater conveyance facilities required by the Township, and unpaved trails shall be permitted.

- [2] Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
- [3] No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted except as permitted by the Township Floodplain Ordinance.



Stream Buffer Diagram

(b) Outer Buffer - Measured perpendicular to and horizontally from the edge of the inner buffer for a distance of 25 feet.

- [1] Encroachments and obstructions as defined and approved by DEP, stormwater conveyance facilities required by the Township, and unpaved trails shall be permitted.
- [2] In areas of the outer buffer which are not wetlands, vernal pools, or slopes of more than fifteen (15) percent, stormwater management facilities which improve the quality of the stormwater discharge shall be permitted unless prohibited by other Township or state requirements.
- [3] Crop production and non-clear-cut forestry enterprises (e.g., selective regeneration harvest) shall be permitted in accord with this Zoning Ordinance.
- [4] Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
- [5] No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted except as permitted by the Township Floodplain Ordinance.

(2) Minimum Required Lot Size. See the definition of *lot area, required minimum* for the required deduction of streams.

E. Floodplain. Floodplain shall be governed by the Township floodplain regulations.

**§83 - §87 Reserved**

**ARTICLE VIII  
STANDARDS FOR SPECIFIC USES**

In addition to all other applicable standards in this ordinance, the standards in this Article VIII, which may include larger lot sizes, increased setbacks and other standards more restrictive than established by other sections, 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.

**§88     Adult Businesses**

A. 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.

- (1) 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.
- (2) 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.
- (3) 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.
- (4) Unhealthy Conditions. Offering and providing such space encourages such activities which create unhealthy conditions.
- (5) 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.
- (6) Communicable Diseases. At least 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.
- (7) 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.

- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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.

B. Intent. It is the intent of this §88 to:

- (1) 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.
- (2) Zoning District. Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- (3) 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.
- (4) 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.
- (5) Intended Market. Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- (6) PA Code. Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Consolidated Statutes, Title 18 - Crimes and Offenses.

C. Standards. The following standards shall apply to adult businesses:

- (1) Setback. Adult businesses shall not be located less than 750 feet from any:
  - (a) Place of worship.
  - (b) Public or private school or college.
  - (c) Public recreation building or facility.
  - (d) Public library.
  - (e) Public museum.
  - (f) Child day care center.
  - (g) Commercial enterprises catering primarily to persons less than 18 years of age.
  - (h) Gaming establishment.
  - (i) Any A Agricultural or R Residential District.
- (2) Similar Businesses. Adult businesses shall not be located within 750 feet of any other adult business.
- (3) Measurement. The setbacks established in this §88 shall be 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.
- (4) 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 this ordinance, but only in accord with the limitations of this ordinance.
- (5) Limit of One 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 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.
- (6) 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 §88 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except as permitted in §88C(4). 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 other type of adult business.
- (7) 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 §88C(1) is developed within the required setback distance.
- (8) 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.
- (9) 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.

- (10) Signs. Exterior signs shall comply with the provisions of Article XI 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.
- (11) 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.
- (12) 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 three feet from customers.
- (13) Hours of Operation. The use shall not operate between the hours of 2:00 a.m. and 7:00 a.m.
- (14) 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.
- (15) 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.
- (16) 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).
- (17) 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 §88:
  - (a) By a proprietary school, licensed by the State, or an academically accredited college or university;
  - (b) 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;
  - (c) In a structure.
    - [1] 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
    - [2] where, in order to participate in a class, a student must enroll at least three days in advance of the class; and



[3] where no more than one nude model is on the premises at any one time; or

(d) By an organization which qualifies under §501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

**§89 Reserved**

**§90 Airports And Heliports**

The procedures and standards in this §90 shall apply to all existing and proposed airports and heliports:

A. Approval Required. The existence of airport hazard zones limits the uses of surrounding landowners. No airport shall be permitted to make any change which would affect the location of airport surface zones, approach zones, or hazard zones, and no new airport shall be developed unless zoning approval has been granted. The following shall constitute changes at an airport requiring approval prior to the change:

- (1) Any extension of a runway's length or location;
- (2) Any change in the height of a runway;
- (3) The paving of any previously unpaved portions of a runway, taxiway or holding area 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;
- (4) Any change of runway direction or alignment;
- (5) Any change in the status of taxiways or holding areas affecting the location or extent of any airport hazard zones;
- (6) 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.
- (7) 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.

B. Application Contents. The application for conditional use shall contain the following documents and information:

- (1) A full narrative description of the airport and any changes proposed.
- (2) Plans and maps prepared by a registered professional engineer showing the airport and any changes proposed to the airport.
- (3) Plans and maps prepared by a registered professional engineer showing existing and proposed locations of the airport hazard zones.
- (4) Copies of all applications, correspondence, documents, maps or plans submitted to the FAA and the Bureau of Aviation relating to the proposed change or construction, rating change, or other rating, legal or physical change.

- (5) A plan showing how the lands or air rights negatively affected shall be acquired, if necessary.
  - (6) A list of the names and addresses of all landowners negatively affected by the proposed airport or change within a height of 75 feet from the surface of said lands by the change in airport hazard zones.
  - (7) A list of the names and addresses of all landowners adjoining lands owned or leased by the airport owner.
- C. 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.
- D. 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 14 days before the date of the hearing.
- E. Criteria to Review. In acting on a conditional use, the Supervisors shall consider:
- (1) The effect upon reasonable use of properties affected by the proposal.
  - (2) How the applicant plans to acquire any necessary air rights.
  - (3) The character of the flying operations expected to be conducted at the airport;
  - (4) The nature of the terrain within the airport hazard zone area;
  - (5) The character of the community which is affected by the proposal.
  - (6) The effect upon roads, development, transportation routes, and other aspects of the Township's Comprehensive Plan;
  - (7) The provision of hazard lighting and marking;
  - (8) The importance of aircraft safety.
- F. Runway and Landing Pad Setbacks. The edges and ends of any runway and/or helicopter landing pad shall be a minimum of 250 feet from any property line.

#### **§91 Amusement Parks**

The standards in this §91 shall apply to all amusement parks.

- A. Parcel Size. The minimum requirements for the district shall apply.
- B. 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.
- C. Hours of Operation. Hours of operation shall be limited to the period between 9:00 a.m. and 11:00 p.m.

**§92 Animal Husbandry and Crop Production**

- A. State Protected Agricultural Operations. Nothing in this 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.
- B. Animal Husbandry, Commercial.
- (1) Minimum Parcel Size. The minimum parcel size for animal husbandry shall be 10 acres plus the minimum required lot area required for the District if a dwelling is located on the parcel.
  - (2) Setbacks. Any barn or other indoor or outdoor area used for concentrated confinement of animals or manure storage shall comply with the applicable principal and accessory structure setbacks for the district and the PA Nutrient Management Act.
  - (3) Manure. Because the Township is a rural/agricultural area with farms, the spreading of manure as part of an ongoing agricultural operation and not associated with a concentrated animal feeding operation shall not be considered an offensive odor and shall be exempt from §68. Manure shall be managed in accord with a plan required by state and County Conservation District requirements.
- C. Animal Husbandry, Home Use. A reasonable number of livestock and small animals and fowl may be kept on a residential lot without a zoning permit. (See §93 for private horse stables.)
- (1) Reasonable Number. Defined as the number of animals an individual can manage within the restrictions of this ordinance.
  - (2) Confinement/Fences. All animals shall be confined within the owner's property. All fences used to confine animals shall maintain a setback of not less than five feet from all property lines.
  - (3) Nuisance. All animals shall be managed to prevent any nuisance due to odor, noise, dust or other factor on any neighboring property.
  - (4) Hoofed Animals. A minimum of 1.5 acres shall be required for the keeping of one of any of the following animals: cow, bull, steer, goat, sheep, pig or other hoofed animal not customarily considered a pet. An additional one acre shall be required for each animal in addition to the first animal. Special exception approval is required to exceed these numbers.
  - (5) Small Animals and Fowl. A minimum of 1.5 acres shall be required for the keeping of any combination of small animals and fowl totaling twelve individual animals. An additional one acre shall be required for each 12 animals (or part thereof) in addition to the first 12 animals. Special exception approval is required to exceed these numbers.
  - (6) Setbacks. Stables, coops, runways or animal exercise pens shall be located more than 20 feet from lot lines or road right-of-way lines.
  - (7) Manure. Manure shall be managed in accord with a plan required by state and County Conservation District requirements.

(8) Commercial Operations. The keeping of animals or fowl for any commercial purpose shall be defined as *animal husbandry, commercial* and shall meet the requirements of §92B.

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

**§93 Animals, Keeping of**

<b>TABLE 93 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES</b>					
Type of Use	Minimum Lot Size (acres)	Number of Horses per Full Acre	Property Line Setback (ft)	Road* Setback (ft)	Existing Building** Setback (ft)
Private Stables in all Districts	2	1	50	50	100
Commercial Stables / Horses for Hire (where permitted)	5	2	100	75	100
Animal Shelters and Kennels (where permitted)	5	not applicable	100	100	200
*Applies to any public or private road right-of-way.					
**Applies to any existing principal residential or commercial building not located on the project premises.					

A. Animal Shelters and Kennels.

- (1) Parcel Size. A minimum parcel of five acres shall be required.
- (2) Setbacks. Any structure, outdoor kennels, or animal exercise areas used for the keeping of animals shall meet the setbacks on the Lot Size and Setbacks for Kennels and Stables Table above.
- (3) Parking. Adequate off-street parking shall be provided pursuant to this ordinance with one space for each nonresident employee and one space per four animals kept on the premises.
- (4) Noise Barrier. A noise barrier consisting of a solid fence not less than six 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 15 feet and fully encircling all kennel areas or animal exercise areas not enclosed in a building.
- (5) 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 §93A(2) until disposed of and proof of such disposal shall be provided to the Township upon request.
- (6) Nuisances. All animal wastes shall be stored in an area meeting the setbacks in §93A(2) and shall be disposed of properly. The kennel shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

B. Stables, Private. A private stable is permitted as an accessory use to a single-family dwelling in accord with the Schedule of Uses and the following:

- (1) Parcel Size. A minimum parcel of two acres shall be required for a private stable and one dwelling on the

parcel.

- (2) Number of Horses. One horse may be kept on the initial two acres plus one additional horse for each additional full acre.
  - (3) Building Size. The building used to house a horse shall meet the most current Society for the Prevention of Cruelty to Animals standards.
  - (4) Fences. All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means. All such fences shall maintain a setback of not less than five feet from all property lines.
  - (5) Setbacks. Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 93.
  - (6) Existing Structures. On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, where the structure does not meet the required setbacks on Table 93, 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.
  - (7) Nuisances; Manure Management. The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property and the applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Township.
  - (8) Uses Permitted. The following types of uses shall be permitted as part of the operation:
    - (a) Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
    - (b) Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 93.
    - (c) Boarding of horses.
- C. Stables, Commercial. Commercial stables, including horses for hire, shall, in addition to all other applicable requirements of this ordinance, comply with the following:
- (1) Parcel Size. A minimum parcel of five acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other provisions of this ordinance and other applicable standards are met.
  - (2) Number of Horses. The number of horses permitted shall not exceed two horses per every full one acre of land.
  - (3) Building Size. The building used to house the horses shall meet the most current Society for the Prevention of Cruelty to Animals standards.
  - (4) Fences. All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means. All such fences shall maintain a setback of not less than five feet from all property lines.
  - (5) Parking. Adequate off-street parking shall be provided pursuant to this ordinance with one space provided for each non-resident employee and one space per two horses kept on the premises.

- (6) Setbacks. Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 93.
- (7) Nuisances; Manure Management. The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property, and the applicant shall provide a plan for soil erosion and sedimentation control approved by the County Conservation District and manure shall be managed in accord with a plan required by state and County Conservation District requirements.
- (8) Uses Permitted. The following types of uses shall be permitted as part of the commercial stable:
- (a) Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
  - (b) Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 93.
  - (c) Boarding of horses, and necessary buildings and structures.
  - (d) The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
  - (e) Sale of horses other than the horses raised or boarded on the premises.
  - (f) Retail sales of any goods or merchandise which are incidental and accessory to the stable use.
- D. Zoos, Menageries, and Wild and Exotic Animals. No individual other than a registered veterinarian in the course of his/her professional duties, or a licensed falconer who keeps and maintains only his/her own birds, is permitted to maintain, keep or possess within the Township any wild or exotic animal except in an approved menagerie or zoo. Menageries and zoos shall comply with the following requirements:
- (1) A minimum parcel size of five acres shall be required.
  - (2) All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
  - (3) 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.
  - (4) 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.
  - (5) The permit holder shall maintain the premises so as to eliminate offensive odors or excessive noise.
  - (6) The permit holder shall not permit any condition causing disturbance of the peace and quiet of neighbors.
  - (7) Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from the premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
  - (8) The operation shall conform to all applicable local, state and federal laws and regulations.

- (9) Any building, 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 125 feet of any adjoining property line and 100 feet from any public or private road right-of-way.
- (10) The applicant shall provide for adequate disposal of all any waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application.

#### **§94 Archery Ranges -- Outdoor Commercial**

This §94 is intended to provide minimum standards to regulate 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.

- A. Setbacks. All outdoor archery ranges shall be situated not less than 200 feet from any property line and not less than 300 feet from any principal residential or commercial structure. This shall not apply to structures on the same parcel as the shooting range.
- B. Safety Design. All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting and stray arrows and prevent any projectile from leaving the site. The Township may require such additional safety features deemed necessary to meet the intent of this §94. Such features may include, but shall not be limited to, increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.
- C. Hours of Operation. No arrow shall be discharged outdoors between the hours of dusk and dawn. However, the Township may establish more restrictive time limits as a condition of approval.
- D. Fence. Security fencing may be required by the Township of such extent and design to restrict accidental access to any range.
- E. Posting. The perimeter around any outdoor range shall be posted with warning signs to adequately inform anyone entering the area.
- F. NFAA Guidelines, State and Federal Regulations. The applicant shall provide evidence of compliance with any applicable National Field Archery Association guidelines and state and federal regulations.

#### **§95 Bed and Breakfast Inns**

- A. Parking. Adequate off-street parking, paved per §29, shall be provided in accord with this ordinance with the minimum number of parking spaces provided as follows: one space for each rentable room, one space for each nonresident employee, and two spaces for the dwelling unit.
- B. Number of Rooms. Not more than five rentable rooms shall be provided in the establishment.
- C. Supervision. The owner or manager of the bed and breakfast shall reside on the premises.
- D. Nonconforming Lots. Bed and breakfast establishments shall not be permitted on lots which are nonconforming in minimum area.
- E. Food Services. Food service shall only be provided to overnight bed and breakfast guests.

**§96 Reserved****§97 Bulk Fuel Storage Facilities**

The Township shall establish, as part of the conditional use process, such other conditions such as increased setbacks and construction of dikes as necessary to protect the public health safety and welfare.

- A. Parcel Size. Bulk fuel storage facilities shall be located on a tract of land not less than five acres in area.
- B. Setbacks. Storage tanks shall be located not less than 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 200 feet from any property line and not less than 150 feet from any road or street right-of-way line.
- C. Fence. The total tank storage area shall be entirely fenced with an eight-foot high industrial type security fence or have an equivalent protection barrier approved by the Township.

**§98 Camps/Retreats**

Camps/retreats shall be designed in accord with the general, four-step and conservation open space design standards in the Subdivision and Land Development Ordinance and shall comply with the following:

- A. Parcel Size. The minimum parcel size shall be 20 acres.
- B. Definition of Camp/Retreat Lodging Units. *Camp/retreat lodging unit* (herein referred to as *lodging unit*) shall mean a single, habitable unit with facilities used for temporary living, sleeping by one family or group and which may include cooking and eating facilities located in single detached unit or in a multi-unit structure.
- C. Tents and Recreational Vehicles. The use of tents provided by the facility operator for camp/retreat lodging shall be permitted but recreational vehicles shall not be permitted.
- D. Occupancy. Camp/retreat lodging units shall be for transient occupancy (see definition in §12) only. However, one dwelling unit may be provided for a permanent residence for the owner/operator of the facility and one dwelling unit may be provided for a permanent residence for a caretaker.
- E. Density. The maximum number of camp/retreat lodging units, including any owner/operator and caretaker units, shall not exceed one lodging unit per 1.5 acres of adjusted tract area calculated per §37C.
- F. PA UCC. All structures shall meet PA UCC requirements.
- G. Subdivision of Lots. All camp/retreat lodging units and any owner/operator or caretaker dwelling unit shall be located on the overall camp/retreat parcel. The subdivision or any lease constituting a subdivision of any lot or area containing any lodging or owner/operator or caretaker unit associated with the facility shall be subject to the Subdivision and Land Development Ordinance and all other applicable regulations.
- H. Setbacks and Building Separation.
  - (1) No lodging or owner/operator or caretaker dwelling unit or principal or accessory building or structure shall be less 100 feet from any public road and not less than 150 feet from all adjoining property lines.
  - (2) The following standards shall apply:



(a) Building spacing:

- [1] between lodging and/or owner/operator owner/operator or caretaker dwelling units and/or principal structures: not less than 30 feet.
- [2] between accessory structures and lodging and/or owner/operator or caretaker dwelling units and other accessory structures: not less than 12 feet.

(b) Setback of all buildings and accessory structures from internal roads: not less than 35 feet.

I. Facilities.

- (1) Facilities for indoor recreation and learning and for outdoor activities such as hunting, fishing, hiking, bicycling, baseball, zip lines and swimming shall be permitted. Use of recreational facilities shall be limited to the users of the camp/retreat lodging units.
- (2) Any use which is listed as a separate use by the Schedule of Uses in §17 or is proposed for use by other than the users of the camp/retreat lodging units shall require separate zoning approval.

K. Land Development Plan.

- (1) A land development plan meeting the requirements of the Subdivision and Land Development Ordinance shall be required.
- (2) The plan shall show the area where all existing dwelling units and structures are located and the area where additional lodging and and/or owner/operator or caretaker dwelling units are proposed.
- (3) The number of lodging and and/or owner/operator or caretaker dwelling units proposed for the identified area shall be specified, but need not be specifically located on the land development plan.
- (4) The plan shall include all proposed access roads, stormwater facilities, sewage disposal and other improvements.
- (5) The specific location of each lodging and owner/operator or caretaker dwelling unit shall be identified at the time of application for the zoning and building permit for that particular unit.

- K. Internal Roads. Roads serving the camp/retreat and all lodging and owner/operator dwelling or caretaker units shall be constructed to the requirements applicable to private access streets in the Subdivision and Land Development Ordinance, however paving shall not be required and the base course of PennDOT No. 2A Aggregate shall be increased to eight inches.

**§99** Reserved

**§100** Concentrated Animal Feeding Operations (CAFO)

This §100 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 supersede 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.

- A. Compliance. Concentrated animal feeding operations shall, in addition to all other applicable requirements, comply with this §100 .
- B. Definition. Any livestock operation which is defined as a concentrated animal feeding operation by Commonwealth of Pennsylvania regulations shall be considered a concentrated animal feeding operation for regulation by this ordinance.
- C. Standards. The following standards shall be applied to all CAFOs and no 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 ordinance.
- (1) Setbacks. The minimum parcel size shall be 50 acres. CAFO buildings and corrals used for housing or confinement of animals shall not be less than 250 feet from any property line and not less than 500 feet from any existing principal building not located on the land with the CAFO.
  - (2) Nutrient Management. A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
  - (3) Stormwater Management. A stormwater management plan shall be prepared meeting the requirements of the Subdivision and Land Development Ordinance.
  - (4) E & S Plan. A soil erosion and sedimentation control plan shall be prepared meeting the requirements of the County Conservation District.
  - (5) Buffer. A buffer plan shall be prepared in accord with §60 to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property.
  - (6) Solid and Liquid Wastes. 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.
  - (7) Operation and Management. The applicant shall demonstrate that they 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.
  - (8) Odor. 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.
  - (9) Pesticides. The applicant shall document that the use of pesticides will meet state and federal requirements.
  - (10) Floodplain. No CAFO buildings shall be erected in the FEMA-defined one hundred-year floodplain.

**§101 Contractor Yards and Staging Areas for Equipment/Materials**

The intent of this §101 is to provide standards for access to public roads and setbacks for contractor yards and staging areas for equipment/materials.

A. Access to Public Roads.

- (1) Highway Occupancy Permit. Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- (2) Stabilization. The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- (3) Weight Limitations. All operations shall comply with all posted weight limits and road bonding regulations.
- (4) 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. The Applicant shall also comply with the Township road bonding requirements.

B. Setbacks.

- (1) Residential and Nonresidential Buildings. Contractor yards and staging areas for equipment/materials shall not be less than 300 feet from any existing principal residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the facility is located.
- (2) Property Lines. Contractor yards and staging areas for equipment/materials shall not be less than 50 feet from any property line other than a property line along a public road right-of-way.
- (3) Public Roads. Contractor yards shall not be less than 50 feet from any public road right-of-way.
- (4) Streams, Water Bodies and Wetlands. Contractor yards and staging areas for equipment/materials shall not be less than 100 feet from any stream, water body or wetland.
- (5) Slope. Contractor yards and staging areas for equipment/materials shall be located on slopes of less than eight percent. Low spots and poorly drained places shall be avoided.

**§102 Correctional Facilities**

The requirements of this §102 shall apply to correctional facilities.

- A. Parcel Size. In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of 10 acres.
- B. Site Design Standards. The site shall be improved in accordance with the following minimum requirements:
  - (1) The building and all secure areas shall not be less than 200 feet from any property line and the right-of-way line of any abutting public road, and 500 feet from any:
    - (a) residence
    - (b) group care facility
    - (c) commercial enterprises catering primarily to persons under 18 years of age
    - (d) public or semi-public building
    - (e) public park or public recreation facility
    - (f) health facility

- (g) House of worship or related use, or other similar religious facility
- (h) public or private school

(2) A perimeter security fence of a height and type established as a condition of approval may be required.

- C. **Security**. All applications for institutions shall include a plan addressing security needs to protect the health and safety of the public as well as residents of the proposed facility. Such plan shall include a description of the specific services to be offered, types of residents to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required for the proposed facility and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.
- D. **Accessory Uses and Ancillary Activities**. Accessory uses permitted in conjunction with an institution shall include laboratories, offices, snack bars, educational facilities and programs, vocational training facilities and programs, recreational and sports facilities and other accessory uses ordinarily provided in conjunction with such institutions.

### **§103 Reserved**

### **§104 Distribution Centers/Truck Terminals**

The requirements in this §104 shall apply to distribution centers/truck terminals.

- A. **Lot Size and Width**. A minimum size lot of three acres shall be required with a minimum width of 250 feet.
- B. **Setbacks**. all activities including storage or parking of vehicles and materials shall be set back from public roads and all lot lines a minimum of 50 feet.
- C. **Access**. The site shall have direct access to a public arterial or collector road.

### **§105 Explosives and Fireworks Plants or Storage Facilities**

Explosives plants or storage facilities and fireworks plants or storage facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses.

- A. **Setbacks**. Setbacks for the facilities shall comply with state and federal regulations. Ancillary facilities such as offices, employee parking, truck parking and loading and accessory structures and uses shall comply with the buffer requirements in §105B.
- B. **Buffer**.
- (1) **Undisturbed Area**. An undisturbed area of not less than 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) **Landscaping in Buffer**. If any additional landscaping is required as a condition of approval, it shall be

installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide.

- (3) Buffer Design. 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) Maintenance. It shall be the responsibility of the applicant and/or operator and/or property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- C. 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.
- D. 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.
- E. Informational Requirements.
- (1) Application Information. The applicant and/or operator for all facilities shall provide the information required by this §105E, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance with this Ordinance.
  - (2) Hazardous Materials Inventory. An inventory of hazardous materials, a drawn-to-scale site plan of their locations, and a brief explanation of the hazards involved, are submitted for use by public safety officials.
  - (3) DEP Application Information. A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules and Regulations including but not limited to emergency preparedness plan 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 §176D and §603(c)(2) of the Pennsylvania Municipalities Planning Code.
- F. Reporting Requirements. For any facility approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within 15 days of the date of the document or report.

#### **§106 Reserved**

#### **§107 Gaming Establishments**

The requirements in this §107 shall apply to gaming establishments.

- A. Separation. A gaming establishment shall not be permitted within 300 feet of any other separately deeded lot containing a gaming establishment. The distance between any two such facilities shall be measured in a straight line, without regard to intervening structures, from the closest points on each of the exterior lot lines of the separately deeded lots upon which each facility is located.
- B. Setbacks. No gaming establishment shall be located on the same separately deeded lot or within 300 feet of

any separately deeded lot which contains any one or more of the following uses. The distance between any such facility and any listed use shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior lot line of the separately deeded lot on which the facility is located to the closest point of the property line of the listed use.

- (1) Children's camp/retreat
- (2) Child day care facility
- (3) House of worship or related use, or other similar religious facility
- (4) Community center
- (5) Museum
- (6) Parks and playgrounds
- (7) School or any kind of educational institution that provides instructions to minors
- (8) Other lands where minors congregate
- (9) Any residential use.

C. One Facility per Building. No more than one gaming establishment may be located within one building or be located on the same separately deeded lot.

#### **§108 Reserved**

#### **§109 Industrial Wastewater Treatment Facilities**

Industrial wastewater treatment facilities(referred to as *facilities*) shall comply with this §109.

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 §109B.

- (1) Property Lines, Road rights-of-Way. 200 feet to adjoining properties and public road rights-of-way.
- (2) Residential Structures. 300 feet to any existing residential structure not located on the project parcel.
- (3) Water Bodies. 200 feet to any body of water, perennial or intermittent stream, or wetland. This shall not apply to any required discharge structures or facilities at the receiving stream.

B. Buffer.

- (1) Undisturbed Area. An undisturbed area of not less than 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) Landscaping in Buffer. If any additional landscaping is required as a condition of approval, it shall be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide.
- (3) Buffer Design. 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) Maintenance. It shall be the responsibility of the applicant and/or operator and/or property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- C. 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.
  - D. 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.
  - E. Informational Requirements.
    - (1) Application Information. The applicant and/or operator for all facilities shall provide the information required by this §109E, all other application information required by this ordinance, and all other necessary information to enable the Township to determine compliance with this ordinance
    - (2) DEP Application Information. A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection (DEP) Rules and Regulations.
    - (3) Conditions. The findings of the Township based on this information shall serve as a basis for the establishment of conditions.
  - F. Reporting Requirements. For any facility approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within 15 days of the date of the document or report.

## **§110 Reserved**

### **§111 Junk Yards**

This §111 shall apply to junk yards and changes and expansions of nonconforming junk yards.

- A. Property Owner Responsibility. It shall be the ultimate responsibility of the property owner of the premises upon which any junk is situated and the owner of any such junk to comply with this ordinance; and to provide for the removal of such junk and remediation of any environmental problems associated with any junk.
- B. Operating Standards. All junk yards shall be established, maintained, and operated in accord with the following standards:
  - (1) Federal and State Regulations. Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.
  - (2) Fencing. All junk yards shall be completely enclosed by a security fence not less than eight feet in height. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises to be used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion

of land is not being used for the storage of junk.

- (3) Screening . All junk yards shall be screened, to the satisfaction of the Township, from any adjoining or neighboring property, any public road right-of-way, or any other premises; and, natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Township. All screening shall be maintained in such fashion as to continue to provide the required screening.
- (4) Setbacks. The fence enclosing any junk yard and any structures associated with the junk yard shall be located not less than 50 feet from any public road right-of-way and not less than 50 feet from any property.
- (5) Dumping. The area used for a junk yard shall not be used as a dump area for any solid waste as defined by this ordinance.
- (6) Burning. No burning whatsoever shall be permitted on the premises.
- (7) Water Bodies. No junk yard shall be located less than 200 feet from any body of water, stream, wetland or well.
- (8) Hazardous Materials. In cases where the junk yard includes 10 or more junk vehicles or where the Township deems it necessary to meet the intent of this ordinance, and to further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two working days after arrival to the premises and shall be disposed of in a manner meeting all state and federal requirements. Such liquids and materials, while stored on the premises, shall be kept separately in leak-proof containers at a central location on the premises.
- (9) Water Quality. In cases where the junk yard includes 10 or more junk vehicles or where the Township deems it necessary to meet the intent of this ordinance, the owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three months on any stream located on the premises or any stream within five 500 feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Township, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected in accord with DEP requirements.
- (10) Fire Lanes. Fire lanes of a minimum width of 20 feet shall be maintained so that no area of junk shall span a distance of more than 50 feet.
- (11) Hours of Operation. Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. During business hours, an adult attendant shall, at all times, remain on the premises
- (12) Stacking of Junk. Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle



or major part. No junk shall be stacked or piled to a height of greater than six feet.

- (13) Nuisances. All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.
- (14) Waste. No junk yard shall be operated or maintained in violation of any township, state or federal regulations governing the disposal of any solid or liquid waste.
- (15) Fire Resistant Structures. Every structure erected upon the premises and used in connection therewith shall be of fire resistant construction.

**§112 Large-scale Retail/Commercial Land Development.**

(See also §83 of the Subdivision and Land Development Ordinance.)

A. General Provisions.

- (1) Applicability. This §112 applies to all large-scale retail/commercial land developments.
- (2) Intent. This §112 addresses the physical relationship between large-scale retail/commercial land development and adjacent properties, public roads, neighborhoods, and natural features, in order to implement The Township's vision for an attractive, efficient, and livable community as described in the Comprehensive Plan.

The general intent of this §112 is to promote sustainable business development by providing and requiring a unified and organized arrangement of buildings, signs, service and parking areas, together with adequate off-street circulation among neighboring businesses and harmoniously landscaped open space, planned and designed as an integrated unit, and in a manner so as to provide an efficient, safe, convenient and attractive shopping and service areas in an area of the Township accessible to a regional road system.

More specifically, large-scale retail/commercial development shall:

- (a) Create safe, efficient and separate pedestrian and vehicular circulation patterns;
- (b) Protect existing residential areas from incompatible land uses;
- (c) Result in well-planned and well-designed development in scale and character with the setting;
- (d) Minimize the conflict between non-residential and residential uses;
- (e) Manage access along the Township's commercial road frontages;
- (f) Enhance streetscapes along road corridors and monitor and control billboards and other large signs;
- (g) Provide for the extension of existing and future planned pedestrian and bicycle systems through commercial areas in the Township;
- (h) Accommodate planned interconnected Township and regional open space within commercial areas;

(i) Protect large trees and other natural resources in accordance with the conservation design process in the Subdivision and Land Development Ordinance; and,

(j) Protect property values.

(3) Conflict. In the case of conflict between this §112 and the other requirements of this ordinance or the Subdivision and Land Development Ordinance, the more restrictive standard shall apply.

B. Land Development Standards.

(1) Intensity of Development, Area and Bulk Regulations. Intensity of development shall be determined by meeting all standards herein, as well as all requirements of the zoning district in which the tract is located and the applicable requirements of the Subdivision and Land Development Ordinance.

(2) Traffic Design. Large-scale retail/commercial land developments shall comply with the traffic and circulation design standards in the Subdivision and Land Development Ordinance.

(3) Pad Sites as Part of Large-scale Retail/commercial Development. For pad site buildings located within 150 feet of a perimeter road of any classification, parking and aboveground utilities including mechanical equipment and trash collection areas shall be prohibited between the building and the road, but driving aisles shall be permitted between the building and the road.

(4) Common Open Space. Common open space shall be provided in accordance with the recreation land dedication requirements of the Subdivision and Land Development Ordinance.

(a) The common open spaces shall follow the design requirements in the Subdivision and Land Development Ordinance.

(b) In calculating common open space as required by the Subdivision and Land Development Ordinance, the following standards shall apply:

[1] Areas Not Credited. Lands within the following areas shall not be counted towards the required common open space or pedestrian amenities:

[a] Private yards;

[b] Landscaping and screening otherwise required by this ordinance and the Subdivision and Land Development Ordinance;

[c] Public or private roads or rights-of-way;

[d] Parking areas and driveways for dwellings; and

[e] Water quality and stormwater detention ponds.

[2] Dimensional Requirements. Common open space areas shall have a minimum area of 300 square feet and in no case shall the length or width be less than ten feet. Common open space shall not exceed 20,000 square feet except where continuing an adjacent trail, park, or continuation of open space land.

- (5) Reserved.
- (6) Outdoor Display, Storage and Sales Areas. Such areas shall be permitted only where clearly depicted and labeled on the approved land development plan.
- (a) Outdoor Display Areas. All exterior display areas shall be separated by a minimum of ten feet from motor vehicle routes by a physical barrier visible to drivers and pedestrians. A minimum walkway width of ten feet shall be maintained between the display items and any vehicle drives.
- (b) Outdoor Storage Areas. Such areas include exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, and all other exterior stored items. Such outdoor storage uses and areas shall be appropriately screened as required by §60.
- (c) Outdoor Sales Areas
- [1] Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment.
- [2] Outdoor sales areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building.
- [3] If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade.
- (7) Landscaping. Landscaping shall meet the requirements of §60, §61 and the Subdivision and Land Development Ordinance.
- (8) Parking. Parking shall meet the requirements of §29.
- (9) Screening. In addition to the requirements in this §112B(9) and §60, screening shall also meet the requirements of the Subdivision and Land Development Ordinance. In the case of conflict, the more restrictive shall apply.
- (a) Mechanical Equipment
- [1] All ground-mounted and wall-mounted mechanical equipment, and any permitted outdoor storage shall be fully screened from on-site and off-site ground level views, with building materials identical to or of equal quality to those used on the building exterior.
- [2] All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs to not be visible from public streets adjacent to or within 1,000 feet of the subject property. Fences, chain link, wire mesh or wood or similar rooftop screening devices may not be used to meet this requirement.
- (b) Loading Docks. Loading docks shall be screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Landscaping shall meet the requirements of §61 and the Subdivision and Land

Development Ordinance.

- (c) Solid Waste. Dumpsters, refuse containers and other solid waste collection, storage, and conveyance facilities shall be screened in accord with §79.

(10 Pedestrian and Bicycle Facilities. The land development shall provide for safe pedestrian and bicycle access as set forth in the Subdivision and Land Development Ordinance.

C. Signs. All signs shall comply with the regulations in Article XI.

### §113 Reserved

### §114 Mineral Extraction Excluding Oil and Gas Development (See §117 for Oil and Gas Development.)

A. Findings. The primary minerals of importance extant in the Township are sand and gravel, and quarry stone. 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. In addition, the Planning Code now severely limits the range of development and operational standards which can be applied to mineral extraction by local municipalities, with location standards the primary tool available to the Township. PA Municipalities Planning Code §603(l) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas*. The Code, at §603(b), allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act. These Acts regulate such things as setbacks, dust, noise, blasting, water supply effects, and reclamation.

B. Intent. The intent of this §114 is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and to establish the foundation for any conditions required to protect the public health, safety and general welfare.

C. Use Classification; Mineral Processing a Separate Use.

(1) Use Classification. Mineral extraction shall be allowed only in those Districts as listed in the Schedule of Uses.

(2) Mineral Processing (See §115 for requirements.)

(a) Separate and Distinct Use. 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 ordinance.

(b) 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.

D. Standards. In addition to the performance standards in Article VII and all other applicable standards of this

ordinance which are not preempted by state statute, mineral extraction shall comply with the following:

- (1) Parcel Size: The minimum parcel size shall be 10 acres.
  - (2) Setback. A setback of 200 feet shall be maintained between any disturbed area associated with any mineral extraction operation and adjoining properties and public road rights-of-way.
  - (3) Undisturbed Buffer. The required setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other purpose associated with the operation except landscaping and crossing of access roads.
  - (4) 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.
    - (a) 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 25 feet wide.
    - (b) Buffers shall be designed in accord with §60 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 Subdivision and Land Development Ordinance.
    - (c) 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.
  - (5) 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.
  - (6) Conditions of Approval. If the Township determines that the standards in Article VII Part 2 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.
- E. Local, State and Federal Regulations. Mineral extraction operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations. Applicable laws and rules and regulations include, but are not limited to the Noncoal Surface Mining Conservation and Reclamation Act and the Clean Streams Law.
- F. Information Requirements. The applicant shall, at a minimum, provide the information required by this 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.

- (1) DEP Application Information: The applicant shall provide a copy of all applications and information required by the applicable DEP Rules and Regulations. However, applicants proposing mineral extraction operations qualifying as *small noncoal operations* under DEP regulations shall provide all information required by Chapter 77 Noncoal Mining of DEP Rules and Regulations for operations which are not considered *small noncoal operations*.
  - (2) Surface and Ground Water Protection, Traffic Impact Study and Environmental Impact Statement. The Township shall require for *mineral extraction* the applicant to submit details about ground and surface water protection, an Environmental Impact Statement and a Traffic Impact Study.
  - (3) Emergency Response. The Applicant shall develop a Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan for review and comment by the Township.
- G. Reporting Requirements for Mineral Extraction. 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 15 days of the date of the document or report.
- H. Expansion of Nonconforming 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 §114.

### **§115 Mineral Processing**

Mineral processing shall comply with the requirements of this §115.

- A. Location Requirements. Mineral processing operations shall comply with the following location requirements:
- (1) Setbacks. The following setbacks shall be maintained for any mineral processing operation:
    - (a) Property Lines, Road rights-of-Way. 200 feet to adjoining properties and public road rights-of-way.
    - (b) Residential Structures. 300 feet to any existing residential structure not located on the project parcel.
    - (c) Water Bodies. 200 feet to any body of water, perennial or intermittent stream, or wetland.
  - (2) Buffer
    - (a) An undisturbed area of not less than 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
    - (b) 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 20 feet wide.
    - (c) 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.

- (d) 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.
- B. 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.
- C. Information Requirements. The applicant shall provide the information required by this §115C 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. The Applicant shall provide the following:
- (1) Application Information. The information required by this §115, all required application information, and all other necessary information to enable the Township to assess compliance with this ordinance.
  - (2) Additional Information. The Township may require the applicant to submit details about ground and surface water protection and an Environmental Impact Statement.
  - (3) DEP Application Information. A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules (DEP) Rules and Regulations.
  - (4) Emergency Response. The Applicant shall develop a Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan for review and comment by the Township.
- D. 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 15 days of the date of the document or report.

#### **§116 Mobile Food Service Operations and Mobile Sales Operations**

In addition to all other applicable standards of this Ordinance, the requirements of this §116 shall apply to mobile food service operations and mobile sales operations (referred to as *operations*). Such operations conducted as a temporary event by a public use or a semi-public use are permitted in any District as an accessory use and vendors who travel from site to site (e.g., construction sites or manufacturing plants) selling exclusively to customers employed at the visited site are not subject to this §116.

A. Location.

- (1) Districts. Such operations shall only be permitted in the Districts specified in the Schedule of Uses on a separate lot or on a lot with an existing nonresidential use. Such operations are also permitted in any District as an accessory use to a public or semi-public use.
- (2) Size and Number. A minimum parcel size of 10,000 square feet shall be required and one mobile operation shall be permitted on the site. An additional mobile operation for each additional 10,000 square feet of lot area, up to a maximum of three operations per site shall be permitted.
- (3) Setbacks. The District setbacks for principal structures shall be maintained.

- (4) Right-of-Way; Access. The operation shall not be located in any public right-of-way or in any driveway aisles, no parking zones, parking or loading areas, or lanes, or other location which would impede the on-site circulation of motor vehicles.
- (5) Vending Area. The vending area includes the space taken up by a portable stand, vehicle, or trailer; signs; equipment; products; and any tents, tarpaulins, canopies, or awnings.

B. Operating Standards.

- (1) Hours of Operation. 7 a.m. to 10 p.m. on weekdays and 7 a.m. to 11 p.m. on weekends and federal holidays
- (2) Music or Sound. The use of any sound amplification is prohibited regardless of the intended purpose.
- (3) Signs. Only the following signs shall be permitted and no signs in the public right-of-way or balloons, banners, streamers or other similar devices to attract customers shall be permitted.
  - (a) The total area of all signs, including menus, affixed to the mobile operation (truck, stand, trailer) shall not exceed 20 square feet.
  - (b) One A-frame menu board of up to nine square feet shall be permitted to be placed by the operation within the vending area. The sign may be displayed only during hours of operations.
- (4) Parking and Access. A minimum of five parking spaces shall be provided and parking and access shall comply with §29.
- (5) Electric Service Connections. Electric service connection to an on-site approved outlet shall be permitted in accord with applicable codes provided that no wiring or cables are run beyond the vending area or pose any danger to the patrons.
- (6) Water Supply. Connection to a water supply shall be permitted in accord with applicable codes and regulations.
- (7) Sewage Disposal. Sewage disposal shall be provided in accord with Township requirements.
- (8) Trash. Adequate trash receptacles shall be provided and trash shall be disposed of to prevent the dispersal or accumulation.

**§117 Oil and Gas Development**

Oil and gas development shall comply with this §117.

A. Pre-drilling Requirements. Prior to the commencement of drilling:

- (1) The operator shall comply with any applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for development activities. Notwithstanding the foregoing, the operator/applicant shall take all necessary corrective action and measures as directed by the Township to ensure the roadways are repaired within seven days of partial damage or destruction.
- (2) The operator shall provide to the Township's first responders, including fire departments, Fire Commission, Police Department, ambulance, and The Township Emergency Management Officer, a comprehensive hazard analysis report prepared by a qualified professional using generally accepted hazard analysis software as



determined by the Township. The report shall include, but not be limited to, the following:

- (a) The applicable state and federal regulations and how the proposed facility will comply.
  - (b) A description of the facility and community and environmental characteristics of the proposed corridor and areas within 1,000 feet of the centerline of the proposed facility.
  - (c) Unusually Sensitive Areas as identified by the National Pipeline Mapping System (NPMS) Pipeline Information Management and Mapping Application (PIMMA).
  - (d) The frequency of community and environmental hazards associated with the type of facility proposed.
  - (e) The probable consequences of an accidental release for both leaks and ruptures for community and environmental effects.
  - (f) The community and environmental risk of well leakage, an accidental spill, defective casing or cementing, and vandalism creating unknown conditions.
  - (g) Measures for risk mitigation and the likelihood and consequences of community and environmental effects and plans for emergency response.
- (3) The Township shall ascertain whether the Township's emergency responders have secured adequate training to deal with any potential dangerous conditions that may result due to development activities. Emergency responders shall have a minimum of five hours of training per year to meet this standard. Upon request from the Township, the operator will, prior to drilling of its first oil and gas well in the Township, make available with at least 30 days' notice, at its sole cost and expense, one appropriate group training program of a minimum of five hours for first responders. Such training shall be made available by the operator at least annually during the period when the operator anticipates drilling activities in the Township.
- (4) Prior to drilling an oil and gas well or multiple oil and gas wells at a location, the operator shall provide the following information to each resident within 1,000 feet of the planned surface location of the well(s):
- (a) A copy of the well survey plan showing the location(s) of the planned well(s);
  - (b) A general description of the planned operation at the planned well(s) and associated equipment used in the development of the well(s);
  - (c) The contact information for the operator; and
  - (d) The availability of the operator to hold a meeting with such residents to present operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to well site construction.
- (5) Domestic Wells. Prior to operation, the applicant/operator shall be required to conduct, at no cost to affected well owners, a pre-extraction survey of each domestic well situate on each adjoining property and on each property located within 1,000 feet of each site property line.
- (a) The survey will consist of collecting baseline data from well logs, where available, measurement of water level and well depth and standard water quality testing measuring among other factors, including hardness, color, odor, pH, bacteria, nitrates, sulfates, petroleum, and total dissolved solids (tds).

- (b) The survey will be limited to those domestic well owners who provide consent to the survey within 30 days of receiving a certified letter request from the applicant.
  - (c) These tests shall determine the baseline data for comparison with similar data to be monitored during extraction operations.
  - (d) Copies of existing well logs for all wells located within 1,000 feet of the site.
- (6) A well complaint resolution program shall be prepared and submitted to the Township, which specifies the procedures the applicant is committed to follow in resolving any domestic water well complaints. The Township shall review the program and, if necessary, require amendments to the program prior to acceptance.
- (7) At least seven days prior to commencement of drilling, the operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection (DEP).
- (8) The Township fire departments shall be provided a list of all chemical or waste products used or produced by the oil or gas drilling operation.
- (9) The Township shall be provided the name of the person supervising the drilling operation and a phone number where such person can be reached 24 hours a day.
- (10) The applicant shall provide:
- (a) A survey of the drill site with all permanent facilities (tanks or other surface installations) with locations and distances to property lines shall be filed with the application.
  - (b) An environmental impact statement per §81.
  - (c) A traffic impact statement per §78 which also includes description of plans for the transportation of materials and equipment to construct the facility and measures that will be taken to maintain all roads within the Township that are used to transport materials and equipment and to repair any damages to the roads that may occur as a result.
  - (d) Information on the status of road bonding.
  - (e) A security plan per §75.
- (11) The applicant shall provide certification that a bond is held by the PA DEP (Pennsylvania Department of Environmental Protection) to ensure proper plugging when the well is classified as inactive by the PA DEP.
- (12) The applicant shall provide a schedule indicating the following dates:
- (a) Site preparation beginnings and endings.
  - (b) Anticipated drilling activity beginnings and endings.
  - (c) Anticipated completion (perforating) work to begin and end.
  - (d) Anticipated stimulation (fracturing) work to begin and end.
  - (e) Anticipated production work to begin and end.
  - (f) Anticipated plugging date.

(13) In addition to complying with this ordinance and the Subdivision and Land Development Ordinance the operator/applicant shall appear at a public meeting of the Board of Supervisors at least 30 days prior to the commencing of drilling activities to inform the Township of its intention to commence drilling.

B. Site Requirements. During the process of oil and gas development, the following site standards shall be maintained by the operator at all times:

- (1) The minimum parcel size shall be 10 acres.
- (2) Multiple well pad sites on any one property shall be prohibited, unless the underlying geology makes using a single well pad impossible.
- (3) Drilling will be limited to the ground surface area designated by the applicant as part of its application. Any expansion of the ground surface area used and/or devoted towards drilling operations requires further conditional use approval.
- (4) No portion of any drilling device, equipment or facility of any kind, including storage, shall be closer than 1,000 feet to an adjacent property line.
- (5) The operator shall take all necessary safeguards as directed by the Township to ensure the Township roads utilized remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur.
- (6) Any material stored outside an enclosed structure being used as an incidental part of the primary operation shall be screened by opaque ornamental fencing, walls, or evergreen plant material in order to minimize visibility if the storage area is readily visible from adjoining occupied residential properties. Such materials shall not include operable vehicles.
- (7) The operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example: persons waiting for public or school transportation). As directed by the Township, during periods of anticipated heavy or frequent truck traffic associated with development, the operator will provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
- (8) At the operator's expense, annual well testing shall be performed on domestic and monitoring wells in accordance with standards jointly established by the Township's designated expert and the operator's expert, taking into consideration the type and level of extractive activities which have taken place on the site during the preceding year. The results of the testing shall be filed with the Board of Supervisors within 60 days of the date of testing. The parameters must be tested annually, and a comparison made with the baseline water quality data. Additional testing at the operator's expense shall be required by the Township to better assess any potential risks if concerns regarding water quality or quantity are raised by or uncovered in the annual testing.
- (9) No construction activities involving excavation of, alteration to, or repair work on any access road or well site shall be performed during the hours of 11:00 p.m. to 7:00 a.m.
- (10) All operations or activities and action to address noise complaints shall comply with §65. The Township reserves the right to require the temporary or permanent erection and use of reasonable sound barriers.

- (11) Lighting shall comply with §67.
- (12) The access driveway off the public road to the drill site shall be gated at the entrance to prevent illegal access into the drill site. The drill site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the well name and number, name of the operator and the telephone number for a responsible person who may be contacted in case of emergency. It shall be illegal for any person, owner or operator to park or store any vehicle or item of machinery on any street, right-of-way or in any driveway, alley or upon any operation or drilling site which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for the maintenance of the well site or for gathering or transportation of hydrocarbon substances from the site.
- (13) All drilling operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accord with this ordinance and the best accepted practices incident to drilling for oil or gas in urban/suburban and rural areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the drill site to avoid injury to or annoyance of persons living in the vicinity. (See also §66, §68 and §69.)
- (14) All drill site pads and off-site fracture ponds shall be secured with a temporary fence with a secured gate as follows:
  - (a) The fence shall be a minimum of six feet in height, chain link with green fabric mesh.
  - (b) The fencing shall be in place throughout the drill operation and until the fracture pond is removed.
  - (c) The chain link fence shall have a minimum thickness of 11 gauge.
- (15) After any spill, leak or malfunction, the operator shall remove or cause to be removed to the satisfaction of the Township officials and the PA DEP inspectors, all waste materials from any public or private property affected by such spill, leak or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak or malfunction occurs.
- (16) The access road to the well site shall be improved with a dust-free, all-weather surface in such a manner that no water, sediment or debris will be carried onto any public street.
- (17) The public street entrance and the property on which a drill site is located shall at all times be kept free of mud, debris, trash or other waste materials. Use of streets serving exclusively residential neighborhoods is prohibited.
- (18) An off-street area for maintenance vehicles to stand while gaining entrance to the access road shall be provided that does not disrupt the normal flow of traffic on the public street.
- (19) All permanent facilities shall be painted an earth-tone color to blend in with the surrounding area. The Township may require fencing and/or landscaping to buffer the facilities from adjacent properties.
- (20) The facility and/or its operation shall comply with all applicable permits and requirements of the PA DEP, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state, and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters.
- (21) Any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in development shall be equipped with an exhaust muffler or an

exhaust box. The exhaust muffler or exhaust box shall be constructed of noncombustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.

- (22) The operator shall provide and maintain a fund to the Township, the sum of \$5,000, which represents an account from which the Township may draw or be reimbursed for the administrative inspection and engineering costs and fees for review and inspections to ensure compliance with this ordinance. This amount may be adjusted from time to time by resolution of the Board of Supervisors. Any costs over and above the aforesaid initial fund incurred by the Township shall be reimbursed to the Township along with a ten-percent administrative and overhead charge within 30 days of invoicing by the Township. The fund shall require remittances within 10 days of issuance of written notice from the Township to maintain a balance of \$5,000.
- (23) All activities conducted in association with, and as a part of oil and gas wells, shall be in accordance with the Commonwealth of Pennsylvania Oil and Gas Act, as amended, and by any other applicable federal, state, county and Township statutes.

C. Post-Drilling Requirements. After drilling is complete, the operator shall clean the site, complete all restoration activities and repair any damage to public property caused by such operations within 60 days. A detailed reclamation plan shall be provided showing that the entire property will be left in a form for development with uses that are permitted in the district, relating the reuse to existing uses or probable uses for surrounding properties and shall provide:

- (1) Proposed topography at contour intervals to provide adequate grading information, subject to the Township Engineer's recommendation at the pre-application meeting, with five feet being the minimum.
- (2) Schedule of Progressive Rehabilitation.
  - (a) After mining is completed on one specified area, quadrant, or cell, reclamation shall follow progressively in reasonable stages set forth in the plan before mining continues on other areas of the site. Extraction areas which are inactive for over one year must be stabilized and slopes reduced to one vertical foot to seven horizontal feet, if feasible.
  - (b) All rehabilitation activity shall be in compliance with soil erosion and sedimentation requirements of the Environmental Protection Act, MCL 394.9101 et seq., Part 91 as defined.
- (3) Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area, as well as to protect from erosion and siltation.
- (4) Concept Plans.
  - (a) Concept plan(s) for the proposed end use of the site when restored, drawn to scale and prepared by a professional engineer, licensed architect, or licensed landscape architect. The concept shall include:
    - [1] The proposed circulation system, including the location of internal roads and connection to the external road network.
    - [2] Delineation of drainage patterns, identification of lakes, floodplains, and wetlands.

- [3] A description of the provisions for obtaining necessary permits and approvals for the future use(s).
- (b) The use proposed in the concept plan must be acceptable to the Township Board based on the recommendation of the Planning Commission and a review of the zoning district, Township Comprehensive Plan, surrounding land uses, and site characteristics.
- (c) A landfill or other disposal or refuse site will not be considered a suitable or satisfactory use.
- (5) When the proposed future use, as deemed appropriate by the Township Board, includes residential units or other uses requiring the use of septic fields, the applicant shall provide a description of the construction and rehabilitation techniques that will be met, including:
  - (a) A description of methods and materials to be used in restoring the site.
  - (b) The proposed date for completing all extraction operations and handling of all spoils and extraneous materials.
  - (c) The date for completing the final restoration.
  - (d) A list of all seeding and planting materials, which must be of native stock.

#### **§118 Power Plants**

Power plants shall comply with this §118.

##### **A. Purposes.**

- (1) To accommodate the need for such uses while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- (2) To avoid potential damage to adjacent properties through engineering and proper siting of such structures.

##### **B. Standards.**

- (1) **Building; Noise.** All turbines, compressors, engines and any mechanical equipment which requires noise reduction to meet Township standards shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise standards established by §65 or as otherwise established as a condition of approval. In any case, the operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within 300 feet of the building(s). The applicant and or operator shall be responsible for establishing and reporting to the Township the pre-development ambient noise level prior to the issuance of the zoning permit for the station.
- (2) **Setbacks and Buffers.** The following setbacks and buffers shall be applied to any facilities used as part of the electricity generation process:
  - (a) **Setbacks.** The following setbacks shall be maintained:

- [1] **Property Lines, Road Rights-of-Way.** 200 feet to adjoining properties and public road rights-of-way.

[2] Existing Dwellings. 750 feet to any existing dwelling.

[b] Buffer.

[1] An undisturbed area of not less than 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 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 and/or property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

(3) Fencing. A fence may be required around the perimeter of the facility unless the design of the structures adequately provides for safety.

(4) Access; Required Parking. Access to the facility shall be provided by means of a public street or easement to a public street adequate to serve the number and type of vehicles anticipated. The access and parking shall be improved with a dust-free, all weather surface. The number of required parking spaces shall equal the number of people on the largest shift.

(5) 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.

(6) Communications Interference. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the developer.

(7) Historic Structures. The facility shall not be located within 500 feet of any structure listed on any public historic register.

C. Site Plan. A full land development plan shall be required for all such sites, showing all facilities, fencing, buffering, access, and all other items required by this ordinance and by the Subdivision and Land Development Ordinance.

D. Local, State and Federal Regulations. All facilities and 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.

- E. Informational Requirements. The applicant shall provide the information required by this §118E 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. The Applicant shall provide the following:
- (1) Application Information. The information required by this §118, all required application information, and all other necessary information to enable the Township to assess compliance with this ordinance.
  - (2) Additional Information. The Township may require the applicant to submit details about ground and surface water protection, an Environmental Impact Statement, and a Traffic Impact Study.
  - (3) State and Federal Application Information. A copy of all applications and information required by the applicable state and federal agencies.
  - (4) Emergency Response. The Applicant shall submit the name, address and emergency telephone number for the operator of the facility; and shall develop a Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan for review and comment by the Township and the County Emergency Management Agency.
- F. Reporting Requirements. For any facility approved by the Township, the operator shall submit to the Township copies of all state or federal required or issued documents and reports associated with the operation, within 15 days of the date of the document or report.

#### **§119 Racetracks**

In addition to all other applicable standards, the following additional standards shall apply to racetracks:

- A. Setbacks. All areas for the driving, testing and/or maintenance of motor vehicles shall not be less than 500 feet from any property line or public road right-of-way and shall not be less than one mile from any R Residential District. Greater setbacks and buffers may be required in accord with §60 to address community effects.
- B. Animal Racetracks. In addition to the other standards in this §119, the following additional standards shall apply to animal race tracks:
- (1) The race course for any animal racetrack race track shall not be less than 500 feet from any property line or public road right-of-way. Greater setbacks and buffers may be required in accord with §60 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 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 racetrack parcel shall comply with Uniform Construction Code and PA Department of Labor and Industry Standards.
- D. Time Limitations. No motor vehicle race shall be conducted between the hours of 10:00 P.M. and 9:00 A.M. However, the Township may establish more restrictive time limits 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, but in no case shall such outdoor storage exceed 500 square feet in area.
- 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. Fencing and Barriers. Security fencing shall be provided around the facility (excluding parking areas) to prevent intrusion onto the racetrack and related areas. Safety fencing/barriers shall be provided between the racetrack and all areas where spectators, the public or any employee or other person has access.
- J. Safety Plan. A facility safety plan shall be prepared to detail the specific procedures which will be followed to ensure the safety of the public, spectators, employees and participants which shall, at a minimum, address the following:
  - (1) Design standards of all safety fencing/barriers.
  - (2) Procedures for fuel storage, handling and dispensing.
  - (3) Emergency services, including fire and ambulance, which will be available during events.
  - (4) Disaster/emergency response procedures.
  - (5) Crowd management.
- K. Bond/Insurance. Based on the type and size of the racetrack, 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.

#### **§120 Self-Storage Facilities**

Self-storage facilities shall comply with the following standards in this §120.

- A. Bulk Requirements. Minimum lot size, lot width and setbacks, and maximum lot coverage and building height shall conform to district standards.
- B. Setback Areas. There shall be no storage, use or structure within the setback area, with the exception of the access drive(s).
- C. Habitation. No storage unit shall be used for habitation or residential purposes and individual mini-warehouse units shall not be served by a water supply or a sewage disposal system.
- D. Storage Limitations. No storage unit shall be used for any other purpose except storage and shall not be used for any other type of commercial or manufacturing activity. No material, supplies, equipment or goods of any kind shall be stored outside of the warehouse structure, with the exception of the vehicles required for the

operation of the warehouse and boats and recreational vehicles and trailers.

- E. Lighting. All facilities shall be provided with adequate outdoor lighting for security purposes; and such lighting shall be so directed as to prevent glare on adjoining properties
- F. Materials Stored. All self-storage facility proposals shall include detailed information on the nature and quantity of materials to be permitted and prohibited on the premises. Proposed space rental agreements shall be submitted with the application and shall provide specific rules and regulations to insure that the requirements of this §120 are or will be satisfied.

#### **§121 Shooting Ranges, Outdoor Commercial**

This §121 is intended to provide minimum standards to regulate commercial outdoor firearm and archery shooting 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.

- A. Setbacks. All outdoor shooting ranges shall be situated not less than 500 feet from any property line and not less than 1,500 feet from any principal residential or principal nonresidential building existing on the effective date of this §121. This shall not apply to structures on the same parcel as the shooting range.
- B. Safety Design. All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting and stray projectiles and stray arrows, and the Township may require such additional safety features deemed necessary to meet the intent of this §121. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.
- C. 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 §65 unless more restrictive standards are required by the Township as a condition of approval.
- D. 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.
- E. Fence. Security fencing may be required by the Township of such extent and design to restrict accidental access to any range.
- F. Posting. The perimeter around any outdoor range shall be posted with warning signs to adequately inform anyone entering the area.
- G. NRA Guidelines; State and Federal. The applicant shall provide evidence of compliance with any applicable National Rifle Association guidelines and state and federal regulations and best management practices.

#### **§122 Short-Term Rental Units**

- A. Contact Person. The owner of the short-term rental unit shall designate a local contact person to be available to address questions and complaints. The owner may be the contact person.
- B. Meals. Meals shall not be provided to overnight guests of the establishment.
- C. Occupancy. The owner shall limit overnight occupancy of the short-term rental unit to the specific number of occupants designated in the zoning permit.

- (1) Overnight occupancy of a short-term rental unit shall be limited to no more than two persons per bedroom
- (2) The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be 75 percent of the maximum overnight occupancy of the short-term rental unit.
- (3) Overnight occupancy of recreational vehicles, camper trailers and tents, and outdoor overnight sleeping of occupants or quests, are not not permitted.

C. Sewage Disposal and Number of Bedrooms.

- (1) Sewage disposal meeting the requirements of the Township and PA DEP shall be provided.
- (2) If not connected to a central sewage disposal system, the applicant shall provide an evaluation of the system performed by an individual acceptable to the Township Sewage Enforcement Officer including the location, capacity and age of the on-site sewage disposal system and, prior to issuance of a zoning permit, proof that the sewage tank has been pumped within two years prior to the submission of the zoning application.
- (3) An onsite septic system tank must be pumped a minimum of every three years and evidence of the same provided to the Zoning Officer.
- (4) The number of bedrooms permitted for a short-term rental unit shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property.
- (5) Where there is no sewage permit on record, the short-term rental unit shall be limited to three bedrooms unless proof acceptable to the sewage enforcement officer is provided that the septic system is adequate to handle additional flows.
- (6) If a sewage system malfunction occurs, short-term rental unit of the dwelling unit shall be discontinued until the malfunction is corrected in accord with Township and Pennsylvania Department of Environmental Protection requirements.

D. Nonconforming Lots. Short-term rental units shall not be permitted on lots which are nonconforming in minimum area.

E. Parking. Adequate off-street parking shall be provided in accord with §29 and the following:

- (1) The owner shall limit the number of all vehicles of overnight occupants and day guests to the number designated in the zoning permit with the number of all vehicles not to exceed the number of designated on-site parking spaces.
- (2) All parking for overnight guests and day guests shall be designated in the zoning permit and shall be located on the owner's property and not in any private, community or public right-of-way.
- (3) A minimum of one parking space per bedroom shall be provided. The required number of parking spaces may include spaces in a garage which can accommodate vehicles.
- (4) All parking spaces shall be improved to a mud-free condition with paving, stone or similar material and shall count as part of the maximum lot coverage established by the Township Zoning Ordinance.

- (5) Each vehicle parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 20 feet and adequate aisle width shall be provided to facilitate access and use of the spaces.
  - (6) If the short-term rental unit is accessed directly by a Township or State road, all parking spaces shall be accessed from the driveway serving the short-term rental unit and not directly from the Township or State road.
- F. Lighting. Exterior lighting shall be directed away from adjoining properties, shall be pointed/shielded downward to minimize upward glare, and shall comply with the applicable provisions of §67.
- G. PA Uniform Construction Code. All short-term rental units shall comply with PA Uniform Construction Code requirements, as amended.
- H. Posting Permit and Conditions. The owner of the short-term rental unit shall post a copy of the zoning permit and a copy of the conditions set forth in this §122 in a conspicuous place within the short-term rental unit.
- I. Posting on Front Door. Each short-term rental unit shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
- (1) The E-911 address of the property.
  - (2) The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis.
  - (3) The maximum number of occupants permitted to stay in the unit and the maximum number of day guests allowed at any.
  - (4) The maximum number of all vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private, community or public right-of-way.
  - (5) The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access (if any).
  - (6) The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property except from 6:00 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pick-up unless a bear proof container exists for use by the occupants.
  - (7) Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this ordinance.
- J. Information Required. In addition to the other information required by this chapter, the applicant shall include with the application:
- (1) The name, address, telephone number and email address of the owner of the short-term rental unit for which the zoning permit is issued. If the owner does not have a managing agency, agent, or local contact, then owner shall provide a 24-hour telephone number.
  - (2) The name, address, and 24-hour telephone number of the short-term rental unit owner's managing agency, agent, or local contact.

- (3) A photograph of the short-term rental unit taken from the access roadside.
- (4) The marketing entity identification number for the short-term rental unit.
- (5) Floor plans for the short-term rental unit, including total habitable floor space and total number of bedrooms each containing the required minimum of 80 square feet and the maximum number of overnight occupants permitted in each bedroom.
- (6) If the building includes two or more dwelling units, the number of dwelling units and the number of dwelling units being used as a vacation rental unit.
- (7) A site plan of the premises showing and indicating the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
- (8) The location, approximate age, and capacity (if known) of the sewage disposal system. The owner of the property shall supply the Township with an evaluation from a pumper/hauler certifying the sewage disposal system is properly functioning as intended, and proof that the tank was pumped by a pumper/hauler within at least three years prior to the date of the application for a short-term rental unit zoning permit, or a renewal thereof, for review and approval by the sewage enforcement officer.
- (9) Acknowledgment that the owner, agent, and/or local contact have read all regulations pertaining to the operation of the short-term rental unit.
- (10) Acknowledgment that the owner, agent, or local contact will post and maintain the short-term rental unit with the notices required in §122H and I.
- (11) Acknowledgment that the owner, agent, or local contact will post and maintain the 911 emergency address sign in accord with applicable requirements.
- (12) A copy of a current Carbon County Hotel Room Excise Tax Certificate and the current Pennsylvania Sales Tax License.
- (13) Copy of the current recorded deed of the short-term rental unit property to establish ownership.
- (14) Other information the zoning officer deems reasonably necessary to administer this ordinance.

### **§123 Slaughterhouses**

- A. Parcel Size. A minimum parcel of five acres shall be required.
- B. Setbacks.
  - (1) Buildings. The minimum setbacks for all buildings shall be 100 feet from property lines and road rights-of-way.
  - (2) Animals. Structures which are not fully enclosed, corrals and other areas for the outdoor confinement of animals shall not be less than 200 feet from any property line or road right-of-way.
- C. Animal Confinement. All animals shall be confined to the slaughterhouse property at all time by fences or other structures.

- D. Wastes. 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.
- E. Operating Standards. The applicant shall demonstrate that they 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.
- F. Odor. (See also §68.) The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain 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.

#### **§124 Solar Power Generation, Commercial**

- A. Purposes. The purpose of this §124 is to:
- (1) Location and Number. 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
  - (2) Critical Development Areas. Avoid development of land-intensive solar facilities in areas designated for other uses critical to community and economic development.
  - (3) Grid Infrastructure Costs. Minimize utility grid infrastructure development costs by requiring solar facilities to be near substations with the capacity to accommodate the generated electricity
  - (4) Traffic. Reduce traffic impacts by requiring solar facility access to roads with adequate capacity.
- B. Permits; Use Regulations.
- (1) Permits. A permit shall be required for every solar power facility installed in the Township.
  - (2) Associated Use. All other uses ancillary to the facility (including a business office, maintenance depot,, etc.) are prohibited from the facility, unless otherwise permitted in the zoning district in which the 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 facility.
  - (3) 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:
    - (a) 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.
    - (b) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

- (c) 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.

C. Standards and Design.

(1) Parcel Size; Location; Setbacks; Lot Coverage

- (a) The minimum parcel size shall be 10 acres.
- (b) The parcel shall not be more than three miles from a utility substation with the capacity to service the proposed facility.
- (c) The setback for solar collectors, all structures, equipment containers and any associated mechanical facilities shall be 100 feet from property lines.
- (d) The maximum lot coverage shall be 75 percent and the area of the solar collectors shall be included in the calculation of lot coverage.

(2) Height. Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.

(3) 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.

(4) Licenses; Other Regulations. 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.

(5) Required Parking. Adequate parking shall be required for maintenance workers.

(6) 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.

(7) 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.

(8) Historic Structures. A solar power facility shall not be located within 500 feet of any structure listed on any public historic register.

(9) 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.

- (10) Uniform Construction Code. To the extent applicable, the solar power facility shall comply with the Pennsylvania Uniform Construction Code.
  - (11) 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.
  - (12) 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 10 feet from the ground.
  - (13) 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.
  - (14) Transmission and Power Lines. On-site transmission and power lines shall, to the greatest extent possible, be placed underground.
  - (15) Stray Voltage/Electromagnetic Fields (EMF). The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
  - (16) 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.
  - (17) 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.
- D. 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.
- E. Discontinued Use. If any facility ceases to be used, the owner or operator or then owner of the land shall be required to remove the same within 90 days from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties.

#### **§125 Solid Waste**

Solid waste facilities, transfer stations, and staging areas, herein referred to as facilities, shall comply with this §125.

- A. Traffic Study. The applicant shall provide a Traffic Impact Study.
- B. Setbacks. No part of any facility created after the effective date of this ordinance shall be located closer than 300 feet to an existing public right-of-way, property line or stream. The setback areas shall remain unoccupied with no improvements except required fencing and access road(s). A buffer not less than 50 feet in width shall be provided in all setbacks in accord with §60. Additional buffers and setbacks may be required in accord with



this ordinance.

- C. Fencing. All facilities shall be completely enclosed by a chain link fence not less than 10 feet in height. The erection of said fence shall be completed within six months after the effective date of this ordinance for existing facilities and prior to the issuance of a certificate -of-use for a new facility. 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.
- D. 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 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.
- E. 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.
- F. 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.
- G. Water Quality. The owner of any facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted every three months on any stream located on the premises or any stream within 500 feet of any area used for the storage or disposal of solid waste if water drainage from the facility is to said stream. For each testing period two samples shall be collected; one sample shall be taken from the stream at a point upstream of the solid waste disposal facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Township, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the facility shall cease operation until such time as the source of the contamination has been identified and corrected.
- H. 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.
- I. Hours of Operation. Under the authority granted to the Township under State Act 101 of 1988, all such uses shall be permitted to operate only between the hours of 7:00 a.m. to 7:00 p.m. and are not permitted to operate on Sundays, Christmas Eve Day, Christmas Eve, New Year's Day, 4th of July, Labor Day, Memorial 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.
- J. 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

- K. Attendant and Inspections. An attendant shall be present during all periods of operation or dumping. The applicant shall, 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.
- L. State and Federal Regulations and Reporting. The operation and day-to-day maintenance of the facility shall comply with all applicable State and Federal regulations 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. All solid waste transfer facilities (as defined by this ordinance) shall be subject to all requirements of 25 PA Code Chapter 279 (as amended) Transfer Facilities, regardless of whether a permit pursuant to said requirement is required. Where a difference exists between applicable State regulations and Township regulations, it is intended for the purposes of this §125 that the more stringent requirements shall apply. A copy of all written materials and plans that are submitted to DEP by the applicant shall be concurrently submitted to the Zoning Officer.

**(Staging Areas for Equipment/Materials**. See §101.)

**§126 Storage Yards for Forest Products and Minerals**

The intent of this §126 is to provide standards for access to public roads and setbacks for storage yards for forest products and minerals.

- A. Access to Public Roads.
- (1) Highway Occupancy Permit. Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
  - (2) Stabilization. The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
  - (3) Weight Limitations. All operations shall comply with all posted weight limits and road bonding regulations.
  - (4) Use of Public Roads. Felling or skidding on or across any public road shall be prohibited without the express written authorization of the Township or the Pennsylvania Department of Transportation, as applicable.
- B. Setbacks.
- (1) Residential and Nonresidential Buildings. Storage yards shall not be less than 300 feet from any existing residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the landing is located.
  - (2) Property Lines. Storage yards shall not be less than 50 feet from any property line other than a property line along a public road right-of-way.
  - (3) Public Roads. Storage yards shall not be less than 50 feet from any public road right-of-way.

- (4) Streams, Water Bodies and Wetlands. Storage yards shall not be less than 100 feet from any stream, water body or wetland.
- (5) Slope. Storage yards shall be located on slopes less than eight percent. Low spots and poorly drained places shall be avoided.

#### **§127 Swimming Pool, Commercial**

Commercial swimming pools shall comply with the standards in this §127.

- A. Setback. The pool, accessory structures and areas used by bathers shall be not less than 100 feet from any property line and any public road right-of-way.
- B. Buffer. A buffer 50 feet in width located within the required setback shall be provided along all property lines and any public road right-of-way.
- C. Enclosure. A fence, wall or other enclosure meeting the requirements of the Uniform Construction Code shall be provided.
- D. Access. Access to all pools shall be restricted when the pool is not in use.

#### **§128 Transmission Pipelines and Hazardous Liquid Pipelines and Pipeline Compressor Station, Metering Station or Operation/Maintenance Facilities**

- A. Applicability. In addition to all other applicable requirements of this ordinance, the provisions of this §128 shall apply to the siting and construction of any gas transmission line or hazardous liquid pipeline and pipeline compressor station, metering station or operation/maintenance facilities (all of which are herein referred to as pipeline facilities) as defined in §128C.
- B. Public Interest and Intent.
  - (1) Public Interest. The requirements of this §128 are established in recognition of the environmental and community effects associated with pipeline facilities. The effects include, but are not limited to, compatibility with nearby land uses related to noise, odor, lighting, quality of surface waters and groundwater, use and enjoyment and value of adjoining property, and future community development.
  - (2) Intent. This §128 is intended to evaluate the proposed pipeline facilities through the Township and establish setbacks and other siting and operational conditions to minimize environmental and community effects.
- C. Definitions. Words and phrases used in this §128 shall have the meanings set forth in this §128C. Words not defined in this §128C, but defined in Article III, shall have the meanings set forth in Article III. All other words and phrases shall be given their common, ordinary meaning, unless the context requires otherwise.
  - (1) Distribution Pipeline. A natural gas pipeline other than a gathering or transmission line (reference 49 CFR 192.3). A distribution pipeline is generally used to supply natural gas to the consumer and is found in a network of piping located downstream of a natural gas transmission line.
  - (2) Gas. Natural gas, flammable gas, or gas which is toxic or corrosive. (Reference 49 CFR 192.3) Gases are normally compared to air in terms of density. The specific gravity of air is 1.0. Any gas with a specific gravity less than 1.0 (such as natural gas) will rise and usually disperse. Any gas having a specific gravity greater than

- 1.0 will fall and collect near the ground or in low-lying areas such as trenches, vaults, ditches, and bell holes – such occurrences can be hazardous to human health and safety.
- (3) Gas Transmission Pipeline. A pipeline, other than a gathering line, that 1) transports gas from a gathering line or storage facility to a distribution center, storage facility, or large-volume customer that is not downstream from a distribution center; 2) operates at a hoop stress of 20 percent or more of specified minimum yield strength; or, 3) transports gas within a storage field. (Reference 49 CFR 192.3) A gas transmission pipeline includes all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.
  - (4) Hazardous Liquid. Includes petroleum, petroleum products, anhydrous ammonia, and carbon dioxide. (Reference 49 CFR 195.2)
  - (5) Hazardous Liquid Pipeline. All parts of a pipeline facility through which a hazardous liquids move 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.
  - (6) Institutional Use. A nonprofit, religious, or public use, such as a religious building, library; public or private school, hospital, or government-owned or government-operated building, structure, or land used for public purpose.
  - (7) Petroleum Products. Flammable, toxic, or corrosive products obtained from distilling and processing of crude oil, unfinished oils, natural gas liquids, blend stocks and other miscellaneous hydrocarbon compounds.
  - (8) Pipeline. Used broadly, pipeline includes all parts of those physical facilities through which gas, hazardous liquid, or carbon dioxide moves in transportation.
  - (9) Pipeline Compressor Station, Metering Station or Operation/Maintenance Facilities. 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, dehydrate, alter or transform the pipeline product. The facility may contain some type of liquid separator consisting of scrubbers and filters that capture any liquids or other undesirable particles from the pipeline. The definition also includes utility transfer stations which are owned, operated and maintained by the local natural gas utility and mark the point at which it assumes official control of the gas. The definition excludes pipeline valves, metering stations, pig launchers/receivers, and other components which are located within the pipeline right-of-way and do not compress, decompress, process, heat, alter or transform the pipeline product.
  - (10) Pipeline Corridor. The linear area where a transmission pipeline or hazardous liquid pipeline and associated facilities are located, including rights-of-way and easements over and through public or private property.
  - (11) Transmission Pipeline. When not specified includes both hazardous liquid and gas transmission pipelines. Transmission pipelines carry oil, petroleum products, natural gas, natural gas liquids, anhydrous ammonia and carbon dioxide from producing regions of the country to markets.
- D. Hazard Analysis. The Applicant shall submit a comprehensive hazard analysis report prepared by a qualified professional using generally accepted hazard analysis software as determined by the Township. The report shall include, but not be limited to, the following:

- (1) The applicable state and federal regulations and how the proposed pipeline facility will comply.
  - (2) A description of the pipeline facility and community and environmental characteristics of the proposed corridor and areas within 1,000 feet of the centerline of the proposed pipeline facility.
  - (3) Unusually Sensitive Areas as identified by the National Pipeline Mapping System (NPMS) Pipeline Information Management and Mapping Application (PIMMA).
  - (4) The frequency of community and environmental hazards associated with the type of pipeline facility proposed.
  - (5) The probable consequences of an accidental release for both leaks and ruptures for community and environmental effects.
  - (6) The community and environmental risk of an accidental spill.
  - (7) Measures for risk mitigation and the likelihood and consequences of community and environmental effects.
- E. Environmental Impact Statement. The Applicant shall also submit an Environmental Impact Statement as required by §81 which shall incorporate the findings of the Hazard Analysis required by §128D.
- F. Traffic Impact Study. The Applicant shall also submit a Traffic Impact Study using current PennDOT methodology.
- G. Performance Standards. The Applicant shall provide a report detailing how the pipeline facility will comply with all of the performance standards in this §128 and Article VII Part 2, the standards in §176D, and other applicable requirements.
- H. Setbacks from Existing Buildings, Uses and Features. Unless another ordinance provision requires a greater setback or the Zoning Hearing Board determines a greater setback is required to mitigate the community and/or environmental effects of the proposed transmission pipeline, the minimum setbacks in this §128H shall apply to all proposed pipeline facilities and appurtenant structures and operations. The setbacks shall be measured from the centerline of the transmission pipeline and from the nearest edge of any appurtenant structure or facility to any of the following existing buildings, uses and features:
- (1) Property line or public road right-of-way: 100 feet.
  - (2) Dwelling: 300 feet.
  - (3) Property owners' association uses: 300 feet.
  - (4) Commercial, light manufacturing or industrial building: 300 feet.
  - (5) Institutional uses, any use requiring evacuation assistance and places of large public gatherings such as arenas: 500 feet.
- I. Noise. All compressors, engines and any mechanical equipment which requires noise reduction to meet Township standards shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise standards established by §65 or as otherwise established as a condition of approval. In any case, the operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within 300 feet of the compressor station building(s). The applicant and or operator shall be responsible for establishing and reporting to the Township the pre-development ambient noise level prior to the issuance of the zoning permit for the station.

J. Fence and Signs.

- (1) All aboveground facilities shall be completely enclosed by a chain link fence six feet in height with at least one secured entrance gate. All gates shall be locked when the operator or its employees are not on the premises. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly.
- (2) There shall be no advertising of any kind placed on the fence except that the following shall be posted at the entrance gate:
  - (a) Owner/operator name.
  - (b) Name of facility.
  - (c) Township assigned address.
  - (d) Emergency contact name and phone number and alternate.

K. Informational Requirements. The applicant shall provide the information required by §170, this §128 and all other necessary information to enable the Township to assess compliance and 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. The Applicant shall also provide the following:

- (1) Construction Schedule. Anticipated construction start and completion date.
- (2) State and Federal Information. A copy of all applications and information required by the governing state and federal agencies.
- (3) Emergency Response. The Applicant shall develop a Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan for review and comment by the Township.
- (4) Site Plan. A plan of the site meeting the requirements for a major subdivision per the Subdivision and Land Development Ordinance and including the location of all facilities and the lighting plan.
- (5) Site Address. The Township assigned address for the project site.

L. Conditions of Approval. In addition to increased setbacks, the Board of Supervisors shall impose all other reasonable conditions it deems necessary to mitigate community and environmental effects and achieve the purposes of this §128 and this ordinance.

**§129 Vehicle Related Uses**

Vehicle related uses shall comply with the standards in this §129.

A. Car and Truck Wash Facilities. All car and truck wash facilities shall be subject to the following specific regulations and requirements:

- (1) The principal building housing the said facility shall be set back a minimum of 60 feet from the road or street right-of-way line and 30 feet from the side or rear property lines.
- (2) Appropriate facilities for the handling of waste water from the washing activities shall be provided including, the prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during

periods of freezing weather.

- (3) The facility shall have adequate means of ingress and egress to prevent adverse effects to either vehicular or pedestrian traffic. When a wash facility occupies a corner lot, the access driveways shall be located at least 75 feet from the intersections of the front and side street right-of-way lines.
- (4) The site shall be sufficiently large to accommodate vehicles awaiting washing during peak periods, but in no case shall the waiting area for each stall accommodate less than three automobiles.

B. Vehicle or Equipment Repair Operations. All vehicle or equipment repair operations shall be subject to the following specific regulations and requirements:

- (1) 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.
- (2) Only vehicles with current licenses and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored outdoors. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- (3) No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this ordinance.
- (4) All new or used tires shall be stored within a completely enclosed building. New or used parts may be stored outdoors when contained by a solid fence to provide screening, but in no case shall such outdoor storage exceed 250 square feet in area.
- (5) Gasoline pumps and other service appliances may be located in the required front setback, but shall not be situated closer to the road or street right-of-way line than 30 feet or the PennDOT requirement, whichever is greater. Any above ground storage tanks shall not be placed in the front setback area.
- (6) No vehicles shall be stored in any required setback areas.
- (7) Any operation which is primarily intended to serve trucks with three or more axles or tractor-trailer trucks shall have a minimum lot area of two acres.
- (8) All repair, welding, auto body, painting and similar work shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent buildings. All such systems shall meet all required state and federal health and safety standards.

C. Vehicle or Equipment Sales Operations. All vehicle or equipment display and sales 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 requirements:

- (1) All principal and accessory buildings and structures shall be in accord with the setback, building height and lot coverage requirements of the district.
- (2) The outdoor display of new and used automobiles, trucks, motorcycles, mobile homes, recreation vehicles, boats, and travel trailers and other vehicles and equipment shall meet the appropriate front, side and rear

setback requirements for the district.

- (3) Activities which are normally accessory to such sales operations, such as engine tuneup and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in §129B.
- (4) Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a service station stores more than four vehicles per service stall in exterior areas, it shall comply with the junkyard regulations set forth in this ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- (5) No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this ordinance.
- (6) All new or used tires shall be stored within a completely enclosed building. New or used parts may be stored outdoors when contained by a solid fence to provide screening, but in no case shall such outdoor storage exceed 250 square feet in area.
- (7) No vehicles shall be stored in any required setback areas.

### **§130 Water Extraction, Large Scale**

- A. Purpose. The intent of these regulations is to recognize and acknowledge that the primary water resources for land located within the Township are provided by groundwater, spring water, waterbodies and streams, and to create standards and regulations for large scale water extraction which promote and protect safe, reliable and adequate water supplies, and preserve and protect valuable aquifers.
- B. Special Exception. Water extraction, large scale, as defined in §12, including the expansion of any such existing use or operation, may be permitted in the I Industrial District by special exception subject to the provisions of this §130 and all other applicable regulations.
- C. Bulk and Area Regulations. The bulk and area regulations relating to the location of buildings and other structures shall be those of the underlying zoning district unless expressly stated to the contrary in this §130.
- D. Standards of Approval. It shall be the applicant's burden to also demonstrate compliance with the following requirements set forth below:
  - (1) Burden. The applicant shall affirmatively demonstrate that the proposed extraction, including any increase in existing extraction activity from that previously approved, will not materially interfere with the water rights or water supply of others, including, without limitation, reducing the existing rate of flow of wells, capacity for geothermal energy production of surrounding properties, and shall submit to the Township a hydrogeologic impact study prepared by a professional geologist licensed and registered in Pennsylvania, which shall include, but not be limited to the following:
    - (a) Map. A map indicating the location of existing wells within a 0.5-mile radius of the proposed site and identifying all perennial and intermittent streams.
    - (b) Site Plan. A site plan, indicating, without limitation, the access road, parking area, and the location of storage tanks, buildings, well location(s) and signage.



- (c) Report. A written report prepared by a hydrogeologist describing the expected effects of the proposed withdrawal on existing wells and the long-term lowering of groundwater levels
  - (d) Subsurface Conditions. Identification of the subsurface material and conditions existing and anticipated for the site, and the type and number of wells to be established thereon
  - (e) Daily Withdrawal. Identification of the anticipated average daily withdrawal from the site
  - (f) Water Data. Identification of the sources of water for withdrawal, sources of recharge, and the quality of each source
  - (g) Effect on Aquifer. Evidence that the withdrawal under the proposed use, together with other withdrawals, will not exceed the withdrawal limits of the basin, aquifer or aquifer system.
  - (h) Effect on Surface Water. Evidence that the withdrawal under the proposed use will not materially impair or reduce the flow of perennial streams in the area.
  - (i) Water Supply. Evidence that existing groundwater and surface water withdrawals will not be adversely impacted.
  - (j) General Effect. Evidence that the withdrawal under the proposed use will not cause substantial and/or permanent adverse impact to the overlying environment.
  - (k) Certification of Driller. Certification that all wells shall be drilled by a Pennsylvania-licensed well driller and a water well inventory report shall be completed and filed with the Pennsylvania Department of Conservation and Natural Resources.
  - (l) Certification of Casing. Certification that all wells shall have a top casing extended a minimum of one foot above the 100-year-flood elevation, and all wells shall have the casing protruding a minimum of six inches above the immediate grade, and the safeguards to be used to prevent the entrance of surface water into said wells and into the aquifer.
  - (m) Water Level Measurement. Certification that all wells shall be accessible for inspection for water-level measurements.
  - (n) Mitigation Plan. Plan for implementation of a mitigation program to protect existing wells, watercourses and/or aquifers in the event the proposed use significantly affects or interferes with said wells, watercourses and/or aquifers, which may include immediate cessation of water extraction, providing an alternative water supply of adequate quantity and quality to the affected well owner(s), providing financial compensation to the affected well owner(s) sufficient to cover the costs of acquiring and maintaining an alternative water supply of adequate quantity and quality, or such other measures as the Township may approve as just and equitable under the individual circumstances.
- (2) No Delaware River Basin Commission Regulation (DRBC). For any new or increased water extraction or collection activity not regulated by the DRBC, the applicant must also demonstrate that the proposed use shall not:
- (a) Safe Yield. Exceed the safe yield or degrade the water quality of the aquifer;

- (b) Existing Wells. Adversely affect existing wells by diminishing the rate of said flow from that rate which exists prior to the proposed use;
  - (c) Streams. Adversely affect the natural base flow of streams and stream tributaries within the watershed;
  - (d) Riparian Rights. Interfere with the riparian rights of other persons; or
  - (e) Base Flow. Contribute to the lowering of stream flow rates below Natural Q7-10 Base Flow Rate. If at any time the actual stream base flow, at the reference point therefor, equals or is less than the Natural Q7-10 Base Flow, the surface water consumption permitted by any special exception approved hereunder will cease until the actual base flow rate returns to a level above the Natural Q7-10 Base Flow Rate. The Natural Q7-10 Base Flow Rate will be defined through direct long-term measurements of stream base flow at the reference point. Where sufficient historic data is not available, estimates will be made using the best available comparable hydrologic data. The base flow rate shall be monitored and reported to the Township as required by this section. Modifications to the originally calculated Natural Q7-10 Base Flow Rate may occur as additional stream flow data is generated. See below for explanation of Natural Q7-10 Base Flow Rate.
- (3) Isolation Distance. The applicant shall demonstrate that the following isolation distances are maintained from the point of extraction:
- (a) Other commercial extraction facilities: 1,000 feet.
  - (b) Subsurface sewage absorption areas, elevated sand mounds, cesspools, sewage seepage pits: 100 feet.
  - (c) Septic tanks, aerobic tanks, sewage pump tanks and holding tanks: 50 feet.
- (5) Water Quantity. The applicant shall specify the quantity of water to be extracted per day, consistent with applicable state and federal permits and DRBC approvals. Any subsequent proposal to increase the specified quantity of water shall require a modification of any special exception approval by special exception application and public hearing. In the case of a water extraction facility existing at the time of enactment of this article and which is not regulated by the DRBC, such use shall be defined by the amount of maximum extraction stated in any existing state permits applicable to the facility or the average quantity of water extracted per day over the five-year period prior to the enactment of this provision.
- (6) Monitoring and Reporting.
- (a) Monitoring Equipment. The applicant shall provide adequate equipment, monitoring and recording measures, through the use of sealed gauges, to document, among other things, the Natural Q7-10 Base Flow Rate, the amounts of water extracted or collected, the sources of same, and neighboring stream flow conditions, and pollutant levels in order to ensure consistency with any previous approvals granted and with permitting or exemption standards of the DRBC or other agencies having jurisdiction.
  - (b) Bench Mark Data. Prior to commencement of operation of the proposed use, the applicant shall provide bench mark data against which the impact of the water extraction may be compared in the future.
  - (c) Quarterly Reports. The data required hereunder shall be filed with the Township not less than quarterly.
  - (d) Complaint Reports. The applicant shall provide the Township with copies of any complaints received

from Township residents.

- (7) Emergency Contact Information. The applicant shall keep on file with the Township, at all times, up-to-date, twenty-four-hour emergency telephone numbers and contact information for persons with authority over the property and operation of the water extraction facility.
  - (8) Drainage. The applicant shall demonstrate, in accord with all federal, state and local laws, regulations and ordinances, that adequate drainage and detention controls shall be installed in conjunction with any land development of the property to prevent runoff from well drilling, site development, tanker overflow, storage tanks and/or filling areas from draining onto adjoining properties and/or roadways.
  - (9) Hours of Operation. The applicant shall identify the proposed hours of operation and the scope and nature of activity to be conducted during said hours.
  - (10) Cessation of Operations. A plan of how the site shall be made safe once the water extraction operation ceases, including a plan for environmentally restoring the property.
  - (11) Additional Information. The applicant shall provide such other information and documentation as the Township may require.
- E. Delaware River Basin Commission Regulation. The regulation of the proposed extraction and collection activity by the DRBC shall not act to relieve the applicant from compliance with the special exception and other provisions of this chapter not explicitly reserved to the jurisdiction of the DRBC.
- F. Abandonment.
- (1) Abandonment. If any such groundwater, spring or surface water extraction or collection operation or facility discontinues operation for a period of 12 months or more, it shall be considered abandoned, and the owner and/or operator of said facility shall remove all pumps, supply piping, wires and similar equipment or fixtures.
  - (2) Plan. Wells shall be positively identified on a plan filed with the Township before initiating the abandonment techniques.
  - (3) Regulations. Wells shall be abandoned according to local, state and federal regulations. No hole or void shall remain open.

### **§131 Wind Energy Facilities**

The provisions of this §131 shall apply to wind energy facilities.

A. Purposes.

- (1) 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.
- (2) To avoid potential damage to adjacent properties from windmill structure failure and falling ice, through engineering and proper siting of such structures.

B. Permits; Use Regulations.

- (1) Permits. A permit shall be required for every wind energy facility and windmill installed at any location in the Township.
- (2) Associated Use. All other uses ancillary to the wind energy facility (including a business office, maintenance depot,, etc.) are prohibited from the wind energy facility, unless otherwise permitted in the zoning 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.
- (3) Wind Energy Facility as a Second Principal Use. A wind energy facility shall be permitted on a property with an existing use subject to the following land development standards:
  - (a) The minimum lot area, minimum setbacks and maximum height required by this ordinance for the wind energy facility and windmills 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.
  - (b) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
  - (c) 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.

C. Standards.

- (1) Wind Energy Facility Height. The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily. No windmill that is taller than this minimum height shall be approved.
- (2) Parcel Size; Setbacks.
  - (a) Separate Parcel. If the parcel on which the wind energy facility is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. No windmill shall be located closer to any property line than its height plus the normal setback for the district. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of 30 feet.
  - (b) 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 windmill, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of 30 feet from the line of lease, license or easement. In any case, no windmill shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the district.
  - (c) Principal Structures. No windmill shall be located less than 500 feet from any principal residential structure existing prior to the erection of the windmill.
- (3) Wind Energy Facility Support Structure Safety. The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a

Pennsylvania registered professional engineer that a proposed wind energy facility and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. 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.

- (4) Fencing. A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.
- (5) Landscaping. Landscaping may be required to screen as much of the wind energy 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 wind energy 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.
- (6) Licenses; Other Regulations; Insurance. The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the wind energy 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 wind energy facility.
- (7) 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 20 feet in width and shall be improved to a width of at least 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 equal the number of people on the largest shift.
- (8) Color and Lighting; FAA and PA DOT Notice. Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation.
- (9) Communications Interference. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the wind energy facility developer.
- (10) Historic Structures. A wind energy facility shall not be located within 500 feet of any structure listed on any public historic register.
- (11) Discontinued Use. Should any wind energy facility or windmill cease to be used, the owner or operator or then owner of the land on which the wind energy facility or windmill is located, shall be required to remove the same within one year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any windmill, the Township shall require a financial guarantee, in a term, form and amount determined by the Board of Supervisors with the advice of the Township Solicitor, to guarantee the removal of the windmill.

- (12) Site Plan. A full site plan shall be required for all wind energy facility sites, showing the wind energy facility, windmills, building, fencing, buffering, access, and all other items required for special exceptions by this ordinance.
- D. Public Inquiries and Complaints. The 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 facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- E. 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 ordinance. Such towers shall be removed within 18 months of installation.

### **§132 Wireless Communication Facilities (WCF)**

The provisions of this section are intended to be consistent with the rules and regulations of the Federal Communications Commission (FCC) and the Pennsylvania Collocation Act. Any provisions of this §132 that only repeat, summarize or reference provisions of the FCC or PA Collocation Act shall be deemed to be automatically superseded and replaced by any applicable amendments to the rules and regulations of the FCC or PA Collocation Act provisions.

- A. Purposes. By enacting these provisions, the Township intends to:
- (1) Accommodate the need for Wireless Communications Facilities while regulating their location and number to ensure the provision of necessary services;
  - (2) Provide for the managed development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
  - (3) Establish procedures for the design, siting, construction, installation, maintenance and removal of both wireless communications towers and antennas in the Township, including facilities both inside and outside the public rights-of-way;
  - (4) Address new wireless communication technologies, including but not limited to, distributed antenna systems, data collection units, and other wireless communications facilities;
  - (5) Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation;
  - (6) Protect property values; and
  - (7) Promote the health, safety and welfare of the Township's residents.
- B. General Criteria Applicable to All WCFs
- (1) All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, modified, removed and replaced in strict compliance with all current applicable federal and state technical and safety codes.

- (2) Subdivision plan approval may be required when a WCF is located on a leased parcel that is less than the entire property.
- (3) All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications services.
- (4) All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and FCC registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the Township.
- (5) All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the Township. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis.
- (6) All WCFs shall comply with federal and state laws and regulations concerning aviation safety.
- (7) The storage of unused equipment, materials or supplies is prohibited on any WCF site.
- (8) All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.
- (9) An applicant for a WCF shall submit a copy of the license, lease or other form of written agreement/authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property.
- (10) If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the FCC and submit with its application copies of all FCC permits and licenses.
- (11) The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the FCC governing human exposure to electromagnetic emissions.
- (12) The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.
- (13) If use of a WCF is planned to be discontinued, the owner/operator shall provide written notice to the Township its intent to discontinue use and the date when the use shall be discontinued.
- (14) All unused or abandoned WCFs and accessory facilities, or portions thereof, shall be removed within six months of the cessation of operations at the Site unless a time extension is approved by the Township, and any lease of license agreement with the property should so require. If the WCF and/or accessory facility, or applicable portion thereof, is not removed within six months of the cessation of operations at a Site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees. The owner or operator of the WCF shall notify the Zoning Officer in writing after the WCF, or portions thereof, are no longer in active use.

- (15) Vehicular access to a WCF shall not interfere with the parking or vehicular circulations for a principal use if located on the same lot or property as the WCF. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.
  - (16) Where required for access to the WCF, the applicant shall present documentation to the Township that the affected property owner has granted an access easement for the proposed WCF.
  - (17) Accessory utility buildings shall only be permitted with a new Tower-Based WCF and shall have a maximum total floor area of 400 square feet (which may be divided among adjacent buildings serving separate companies), have a maximum height of 10 feet and meet principal building setbacks.
  - (18) If an environmental impact study or environmental assessment is required by federal regulations, a copy shall be submitted to the Zoning Officer at the same time it is submitted to the applicable federal agency.
  - (19) All new WCFs, collocations, modifications, repairs and replacements shall, where applicable, comply with the Township Building Code and obtain a Building Permit from the Township Building Code Official.
- C. New Tower-Based WCF. In addition to the provisions of §132B a new tower-based WCF shall also comply with the following:
- (1) Such Tower-Based WCF, located outside the public right-of-way, shall be set back the following distances from lot lines, whichever is greater:
    - (a) A distance from the lot line of a lot occupied by an existing dwelling (or where a dwelling may be legally constructed) that is greater than the combined total height of the Tower-Based WCF and any associated antenna above the surrounding ground level; or
    - (b) The applicable principal building setback.
  - (2) A new Tower-Based WCF, other than a Tower-Based WCF located within a public right-of-way or on a lot of an emergency services station, shall be set back from all lot lines a minimum distance of the tower height plus the normal required setback.
  - (3) A Tower-Based WCF, located outside the public right-of-way, shall be surrounded by a security fence/gate with a minimum height of eight feet and evergreen plantings or preserved vegetation with an initial minimum height of four feet.
  - (4) The applicant shall provide a written statement sealed by a professional engineer stating that the Tower-Based WCF will meet the structural and wind resistance requirements of the latest published version of the International Building Code, or its successor code.
  - (5) The applicant shall describe in writing the policies that will be used to offer space on the proposed Tower-Based WCF to other communications providers, which shall serve to minimize the total number of towers necessary in the region.
  - (6) An applicant for a new Tower-Based WCF shall provide evidence to the Township that they have investigated collocating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable to achieve the coverage or capacity objectives of the applicant. The reasons shall be provided. At an absolute minimum, placement upon existing or approved towers within a one-mile radius shall be considered, in addition to other reasonable opportunities.



- (7) For a Tower-Based WCF located outside of a public right-of-way, a maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Township that a taller height is absolutely necessary and unavoidable to meet FCC service requirements.
- (8) The Township may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters. Otherwise, towers shall not be artificially lighted beyond what is required by law.
- (9) A new Tower-Based WCF shall only be granted approval only where allowed by the Schedule of Uses if the applicant proves to the satisfaction of the Township that there are no suitable locations for the antenna on existing towers to achieve the coverage or capacity required to meet FCC service requirements.
- (10) A new Tower-Based WCF shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
- (11) A site plan, drawn to scale, shall be submitted with the application showing property boundaries, power location, tower height, guy wires and anchors, existing structures, elevation drawings depicting typical design of proposed structures, parking, fences, landscaping and existing uses on adjacent properties, and listing the name and address of all antenna and equipment suppliers to be located at the site as of the date of the application.
- (12) A copy of the Federal Aviation Administration (FAA) response to the submitted Notice of Proposed Construction or Alteration (FAA Form 7460-1) shall be submitted as part of the application, together with proof of compliance with applicable FAA and Pennsylvania Bureau of Aviation regulations/requirements, as well as any applicable airport zoning regulations.
- (13) Vehicular Access
  - (a) An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all Tower-Based WCFs located outside of the public right-of-way.
  - (b) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
  - (c) Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.
  - (d) Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
  - (e) Any required access easement shall be a minimum of 20 feet in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least 10 feet throughout its entire length.
- (14) If a Tower-Based WCF would be within 150 feet of the center line of a perennial creek, natural gas or propane is recommended for any emergency power source, instead of battery and/or gasoline powered generators.

- (15) A tower/antenna that serves emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.

D. Additional Criteria Applicable to WCFs in the Public Right-Of-Way

- (1) Schedule of Operations. The Township shall determine the time, place and manner of siting, design, construction, maintenance, repair, modification, removal and/or replacement of all WCFs located in the public right-of-way, based on public safety, traffic management, physical burden on the PROW and related considerations, unless the WCF is a public utility. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- (2) Alteration of a WCF. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the public right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:
- (a) The construction, repair, maintenance or installation of any municipal or other public improvement located in the public right-of-way.
  - (b) The operations of the Township or other governmental entity in the public right-of-way.
  - (c) Vacation of a street or road or the release of a utility easement.
  - (d) An emergency as determined by the Township.

No zoning permit is required for such removal, relocation, change or alteration ordered by the Township.

- (3) Visual Obstruction. All WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the public right-of-way as determined by the Township. In no case shall ground-mounted equipment, walls, screening or landscaping be located within 18 inches of the face of the curb, or in an area in which there are no curbs, within three feet of the edge of the shoulder.
- (4) No new WCF, whether a Tower-Based WCF or WCF on Existing Structure, shall have a combined total height of the tower and antenna in excess of 50 feet.
- (5) Any new tower shall be self-supporting and guy wires shall not be permitted.
- (6) In any area where utilities are located underground new towers may only be installed at street intersections.
- (7) The design shall minimize the size of the facilities and spatial effect on the right-of-way and address protection of pedestrian and vehicle safety.
- (8) No Accessory Equipment shall be less than four feet from the edge of the curb or shoulder of any public or private road.

- (9) In addition to the required application and permit fees, each facility in a Township right-of-way is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for the use and occupancy of the right-of-way. Such compensation for right-of-way use shall directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other right-of-way management activities by the Township. The owner of each facility shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual right-of-way management fee for the facility shall be determined by the Township and authorized by resolution of the Board of Supervisors and shall be based on the Township's actual right-of-way management costs as applied to such facility.
- (10) Prior to the issuance of a permit, the owner of each individual facility shall, at its own cost and expense, deliver a restoration deposit in an amount determined by the Township Engineer. The return of the deposit shall be contingent upon the proper restoration of the right-of-way and compliance with the terms and conditions of this chapter. Upon installation of the facility, the applicant shall notify the Township that the site is ready for inspection. The Township Engineer shall inspect the site and, if it is found to be satisfactory, the restoration deposit shall be refunded to the applicant within 30 days. The restoration deposit may be forfeited in whole or in part to the Township if any work is found to be incomplete or not in compliance with all applicable standards.

E. WCF on Existing Structure. A WCF on an Existing Structure shall be permitted by-right in accord with the following additional requirements. \_

- (1) In R Residential Districts, the antenna shall extend a maximum of 20 feet above the existing structure to which it is attached but shall not be attached to any dwelling.
- (2) In A Agricultural, C-1 Neighborhood Commercial, C-2 General Commercial and I Industrial Districts the antennas shall extend a maximum of 40 feet beyond an existing building or structure, provided the antenna is set back a distance equal to its total height above the ground from the lot line of any lot improved with a dwelling. No antenna shall be attached to any dwelling.

F. Collocation, Modification or Replacement

- (1) Applications to collocate a WCF on Eligible Facilities are permitted in all zoning districts, and while no additional zoning approvals are required, any applicable permits from the Building Code Official pursuant to the Township Building Code are required. Such applications will be acted on by the Building Code Official with 60 days of submission of a complete application. The Building Code Official shall notify the applicant in writing of any information that may be required to complete an application within 30 calendar days of the date the application was filed with the Township.
- (2) Notwithstanding the requirements for all Tower-Based WCFs and WCFs on Existing Structures, as set forth in this §132, an application for Replacement or Modification of a previously approved Wireless Communications Facility Support Structure or WCF shall be reviewed for conformance with any applicable Township Building Code requirements, including requirements applicable to the added structural loading of the proposed antennas and Accessory Equipment. The application shall not, however, require new zoning or land use approvals if there is no Substantial Change.
- (3) Replacement of WCFs on an existing WSS or within existing Equipment Compounds may be performed by the applicant without obtaining building or zoning permits from the Township.

- (4) Any Substantial Change to an existing Tower-Based WCF shall be processed, and require the same permits/approvals, as applicable to a new Tower-Based WCF in the zoning district in which the Substantial Change is proposed.
- (5) A tower/antenna that serves emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.

G. Permits; Timing of Action

- (1) Permit Required. Except as otherwise specifically provided, a zoning permit shall be required for every WCF installed at any location, whether in or out of a public right-of-way.
- (2) Timing of Action for WCF Applications. An application shall be deemed complete when all required documents, information and fees are submitted by the applicant to the Township.
  - (a) Processing Period. Unless another date or time period is specified in a written agreement between the Township and an applicant, the period of time for the Township to review and make a final decision whether to approve or disapprove a WCF application is the sum of:
    - [1] the number of days of the presumptively reasonable period of time for the pertinent type of application pursuant to §132G(2)(b), plus
    - [2] the number of days of the tolling period, if any, pursuant to §132G(2)(d).
  - (b) Presumptively Reasonable Periods of Time. The following are the presumptively reasonable periods of time for final action on wireless facility applications seeking authorization for deployments in the categories set forth below: (See also the Table of WCF Processing Periods.)
    - [1] Application to collocate a Small Wireless Facility using an existing structure: 60 days.
    - [2] Application to collocate a facility other than a Small Wireless Facility using an existing structure: 90 days.
    - [3] Application to deploy a Small Wireless Facility using a new structure: 90 days.
    - [4] Application to deploy a facility other than a Small Wireless Facility using a new structure: 150 days.
  - (c) Batching
    - [1] If a single application seeks authorization for multiple deployments, all of which fall within a category set forth in either §132G(2)(b)[1] or §132G(2)(b)[3], then the presumptively reasonable period of time for final action on the application as a whole is equal to that for a single deployment within that category.
    - [2] If a single application seeks authorization for multiple deployments, the components of which are a mix of deployments that fall within §132G(2)(b)[1] and deployments that fall within §132G(2)(b)[3], then the presumptively reasonable period for final action on the application as a whole is 90 days.
  - (d) Tolling Period. Unless a written agreement between the applicant and the siting authority provides otherwise, the tolling period for an application (if any) is as set forth in the following Table of WCF Processing Periods.

<b>TABLE OF WCF PROCESSING PERIODS</b>			
		<b>Municipality shall approve or deny the application unless a shorter time period is applicable under PA MPC</b>	<b>Municipality shall notify the applicant in writing of any information that may be required to complete application.</b>
<b>A</b>	<b>Collocate SWF on Existing Structure</b>	Within 60 days* of submission of application	Within 10 calendar days of the date the application was filed with the Municipality.
<b>B</b>	<b>Collocate WCF (other than a SWF) on Existing Structures</b>	Within 90 days* of submission of application	Within 30 calendar days of the date the application was filed with the Municipality.
<b>C</b>	<b>SWF using a new structure</b>	Within 60 days* of submission of application	Within 10 calendar days of the date the application was filed with the Municipality.
<b>D</b>	<b>New Tower-Based WCFs (other than a SWF)</b>	Within 150 days* of submission of application	Within 30 calendar days of the date the application was filed with the Municipality.
<b>E</b>	<b>Eligible Facilities Request**</b>	Within 60 days* of submission of application	Within 30 calendar days of the date the application was filed with the Municipality.
*The time period may be tolled by mutual agreement or in cases where the Township notifies the applicant in a timely manner that the application is incomplete. For the applicable tolling periods in the event an applicant is timely notified the application is incomplete, see §132G(2)(d) above.			
** The Township shall only require the applicant to provide documentation that is reasonably related to determining whether the request is for an Eligible Facility			

[1] For an initial application to deploy Small Wireless Facilities, if the Township authority notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the processing period date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the siting authority to render the application complete.

[2] For all other initial applications, the tolling period shall be the number of days from:

- [a] the day after the date when the Township notifies the applicant in writing that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation, until
- [b] the date when the applicant submits all the documents and information identified by the siting authority to render the application complete,
- [c] but only if that notice is provided to the applicant on or before the 30th day after the date when the application was submitted.

[3] For resubmitted applications following a notice of material incompleteness, the tolling period shall be the number of days from:

- [a] the day after the date when the Township notifies the applicant in writing that the applicant’s supplemental submission was not sufficient to render the application complete and clearly and specifically identifies the missing documents or information that need to be submitted based on the Township’s original request under §132G(2)(d)(i) or §132G(2)(d)(ii), until

- [b] the date when the applicant submits all the documents and information identified by the siting authority to render the application complete,
- [c] but only if the notice pursuant to this §132G(2)(d)(iii) is provided to the applicant on or before the 10th day after the date when the applicant makes a supplemental submission in response to the Township's request under §132G(2)(d)(i) or §132G(2)(d)(ii).

H. Definitions. The following definitions shall apply to this §132. Words not defined in this §132H shall be given the meanings set forth in §12. All other words and phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

Accessory Equipment - Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless communications facility support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar equipment.

Associated Antenna Equipment – Equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the wireless communications facility antenna, and, when collocated on a structure, is mounted or installed at the same time as such wireless communications facility antenna.

Base Station - A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a wireless communications facility support structure, or any equipment associated with a wireless communications facility support structure.

Distributed Antenna System (DAS) - A small network of the wireless communications facility antennas that are connected to a common source that provides coverage in a building or a small geographic area.

Eligible Facilities Request - Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

Equipment Compound - An area surrounding or adjacent to a wireless communications facility support structure within which base stations, power supplies or accessory equipment are located.

FCC – Federal Communications Commission.

Modification - The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless communications facility support structure.

Monopole - A tower which consists of a single pole structure without any guy wires, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

Public Right-of-Way - The surface of and space above and below any real property in the Township in which the federal government, Commonwealth, Township or a municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways,

avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, Township or a municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the public right(s)-of-way.

Replacement - The replacement of existing wireless communications facilities on an existing wireless communications facility support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless communications facility support structure.

Site - For towers other than towers in the public rights-of-way, the current boundaries of the licensed, leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible wireless communications support structures, further restricted to that area in proximity to the wireless communications support structure and to other transmission equipment already deployed on the ground.

Small Wireless Facility (SWF) - A wireless communications facility that meets each of the following requirements:

- A. The facilities –
  - (1) are mounted on structures 50 feet or less in height including their antennas, or
  - (2) are mounted on structures no more than 10 percent taller than other adjacent structures, or
  - (3) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
- B. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume.
- C. All other accessory equipment associated with the structure, including associated antenna equipment and any pre-existing accessory equipment on the structure, is no more than 28 cubic feet in volume.
- D. The facilities do not require antenna structure registration under U.S. Code Title 47, Chapter 1, Subchapter A, Part 17.
- E. The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified by the Federal Communications Commission.

Stealth Technology - State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications support structures, antennas and other facilities which blend the proposed WCF into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, light poles, utility poles or flag poles.

Substantial Change or Substantially Change – A modification that either (i) increases the height of the wireless communications facility support structure by more than 10 percent, or by the height of one additional antenna array

with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; (ii) increases the dimensions of the existing approved equipment compound; fails to comply with any applicable conditions of approval applied to the initial existing wireless communications facilities, base stations or wireless communications facility support structure; (iii) exceeds the applicable wind loading and structural loading requirements for the wireless communications facility support structure; or (iv) any further increase in the height of a wireless communications facility support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array in accordance with the provisions of the WBCA.

Tower - Any structure that exceeds 10 feet in height and is built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services (i.e. Wi-Fi) and fixed wireless services (i.e. point to point microwave transmission) such as microwave backhaul, and the associated site. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure designed and constructed for a sole or primary purpose other than supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, shall not be considered a tower.

Transmission Equipment - Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.

Tower-based Wireless Communications Facilities (Tower-Based WCF) - Wireless communications facilities that include the installation of a new tower to support the transmission equipment. A WCF that requires the replacement of an existing structure (i.e. building, water tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure) to support the weight of a WCF is not considered a new Tower-Based WCF.

Wireless Communications Facility (WCF) – Any network components and/or equipment, including, but not limited to, antennas, transmitters, receivers, base stations, cabling and accessory equipment, which is intended for commercial or governmental use in transmitting or receiving wireless signals for television, radio, telephone or other electronic communications, including internal or agency communications, whether in a public or private road right-of-way or not in a public or private road right-of-way. The term does not include the Wireless Communications Facility Support Structure/Tower.

The definition does not include the following which are not appropriate subjects of this Chapter:

- 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.

WBCA - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 *et. seq.*)

Wireless Communications Facility on Existing Structure - Wireless communications facilities located on existing structures such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

Wireless Communications Facility Antenna (Antenna) – One or more rods, panels, discs or similar devices used for the transmission or reception of wireless signals, which may include omnidirectional antennas (rod), directional antennas (panel) and parabolic antennas (disc). The *antenna* does not include *the wireless communications facility support structure or tower* as defined herein.

Wireless Communications Facility Support Structure - A free standing structure, such as a self-supporting monopole or tower, electrical transmission tower, water tower or other structure that is not a Wireless Communications Facility, including but not limited to, any type of pole, telescoping mast, tower, tripod, building or any other structure which is constructed, or utilized, to support a wireless communications antenna array.

Wireless Communications Facility Support Structure Height – The vertical distance measured from the base of the Wireless Communications Facility Support Structure/Tower at grade to the highest point of that support structure/tower. If the support structure/tower is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

Wireless Communications Facility, Collocation - The placement or installation of new wireless communication facilities on previously approved and constructed wireless communications facility support structures/towers, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure that can support the placement or installation of wireless telecommunications facilities if approved by the Township. The term includes the placement, replacement or modification of accessory equipment within a previously approved equipment compound.

Wireless Communications Facility, Modification - The improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless communications facility support structure/tower or the improvement, upgrade or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless communications facility support structure/tower.

Wireless Signals – Transmissions through the airwaves, including, but not limited to, infrared line of sight, cellular, personal communication service, microwave, satellite or radio signals.

**ARTICLE IX  
NONCONFORMITIES**

**§133 Purpose, Applicability, Registration, and Continuation and Change**

A. Purpose.

- (1) To recognize that if, prior to the adoption of this ordinance, as amended, property was used for a then lawful purpose or in a then lawful manner which this 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.
- (2) To limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or extension of nonconforming uses and/or structures may not be contrary to the public interest or the general purpose of this ordinance.
- (3) 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 nonconforming use. The following are regulations which shall apply.

B. Applicability. The provisions and protections of this Article IX shall apply only to those nonconforming lots, structures and uses which legally preexisted the applicable provisions of this ordinance, as amended, or which are recognized by §135. 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.

C. Evidence of Nonconformity. It shall be the responsibility of the party asserting a nonconformity to provide the evidence that the nonconformity is legal.

D. Continuation and Change (also known as a *nonconforming lot of record*). A lawful nonconforming lot, structure or use as defined by this ordinance may be continued and may be sold and be continued by new owners. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this Article.

**§134 Definitions**

A. Nonconforming Lot. A lot the area or dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

B. Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this ordinance or amendment or prior to the application of such 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 or Expansion. As applied to a nonconforming structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- 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 such 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 on the Schedule of Uses.
- G. Nonconforming Use, Extension. The expansion of a nonconforming use throughout the structure which the said use partially occupies; or the expansion of a nonconforming use onto property not already occupied by the said use.
- H. Nonconforming Use, Reestablishment. The reopening or reinstatement of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this ordinance.

### **§135 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 regulations 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.

### **§136 Reserved**

### **§137 Maintenance; Condemned Structures**

- A. Maintenance. Normal maintenance and repair, such as painting, replacement of siding, and similar activities is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the building or area, or a change of nonconforming, or otherwise create more incompatibility with the surrounding permitted uses. Such maintenance and repair activities shall, however, shall comply with all other applicable standards and permit requirements of this ordinance.
- B. Condemned Structures. A nonconforming structure which has been legally condemned shall not be rebuilt or used except in accordance with the provisions of this ordinance.

### **§138 Changes of Nonconforming Uses**

- A. Special Exceptions. All changes of nonconforming uses shall be considered special exceptions subject to the specific procedures and review criteria contained in §176D and the review factors in §144.

- (1) More Restrictive Classification. A nonconforming use may only be changed to a use of equal or less nonconformity (i.e. more restrictive classification) as determined by the Zoning Hearing Board in accord with classification of the uses in the Schedule of Uses.
- (2) General Standard. The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative affects on the community and the long term application of this ordinance to eliminate incompatible uses from specific zoning districts. (For example, a change from a nonconforming retail store in an R Residential District to a bank may be permitted; however, a change to a manufacturing use would not be permitted.)

**B. Conforming Changes and Conversions.**

- (1) Change. A change in a nonconforming use to a conforming use shall not be considered a special exception unless the proposed use is classified as a special exception by the Schedule of Uses. 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.
- (2) Conversion. The conversion of a nonconforming use to a nonconforming use of like classification shall not be considered a special exception. For example, a nonconforming retail establishment selling groceries proposed for conversion to a shoe store would not be considered a change in nonconforming use.

**§139 Extension of Nonconforming Uses**

- A. Special Exceptions. All extensions of nonconforming uses into more area of a structure or onto more area of property shall be considered special exceptions subject to the specific procedures and review criteria contained in §176D and the review factors in §144.
- B. Extension onto Other Properties; New Structures. Extensions 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 record at the time of the adoption of this ordinance. For any nonconforming uses not involving a nonconforming structure, no new structures shall be permitted as part of an extension.
- C. Extension Limitation. An extension of land or structure utilized for the nonconforming use shall be limited to a total increase not to exceed 25 percent of land and 50 percent of structure (by addition to the structure or within the existing structure) beyond what existed at the time the use became nonconforming. All such extensions 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 addition or extension.
- D. Prohibited Extensions. Should the use proposed for extension be one which is specifically prohibited as a new use in the Township or is a use judged by the Township to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this ordinance, the requested extension shall be denied. The Zoning Hearing Board shall consider past operating performance in making its decision.

**§140 Restoration of Structure or Use**

- A. Restoration Prohibited. A nonconforming building, structure or use which has been damaged or destroyed by

fire, accident, explosion, windstorm, flood or other similar cause may be repaired or reconstructed and used as existed before the time of damage or destruction, provided such repair or reconstruction is initiated within one year of the date of such damage.

#### **§141 Abandonment and Reestablishment of Nonconformities**

- A. Abandonment. Unless extended in accord with §141B, if a nonconforming use of structure or land ceases operations, is discontinued, is vacated or is otherwise abandoned for a period of one 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.
- B. Extension. The Zoning Hearing Board may, as a special exception and if deemed appropriate by the Zoning Hearing Board in accord with the standards in §179D, grant a one-time extension of not more than one year for the re-establishment of the use of a nonconforming structure or a one-time extension of not more than 90 days for the re-establishment of the nonconforming use of land. Said extension shall only be considered by the Zoning Hearing Board upon written application for same submitted by the property owner.

#### **§142 Alterations and Expansions of Nonconforming Structures**

- A. Alterations. The alteration or expansion of nonconforming structures shall be permitted only in accord with this §142.
- B. Procedure - Permits. All applicable permits for the alteration or expansion of a nonconforming structure shall be required. Such alteration or expansion shall be considered a special exception if the alteration or expansion involves a change or extension of a nonconforming use as regulated by §138 and §139, respectively.
- C. 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.

#### **§143 Use of Nonconforming Lots of Record**

- A. Single-family Dwelling. In any district where single-family residences are permitted, a single-family dwelling and accessory buildings and uses may be erected as a principal permitted use on any lawfully existing nonconforming lot of record in compliance with the setback, lot coverage and other applicable standards.
- B. Nonresidential Uses. A nonresidential use accessory buildings and uses may be developed on any lawfully existing nonconforming lot where permitted by the Schedule of Uses provided:
- (1) Standards. All setbacks normally required in the district are maintained and all other applicable standards in this ordinance are satisfied.
  - (2) Lot Size Requirement. This ordinance does not require a lot size for the specific use which is greater than the lot size for the district.

#### **§144 Review Factors**

In addition to all other applicable requirements, the Zoning Hearing Board shall consider any nonconformity special exception application in terms of the effect on the following factors:

**A. Nuisance Considerations.**

- (1) Traffic generation.
- (2) Noise, dust, fumes, gases, odor, glare, vibration, fire and explosion hazards and other nuisances.
- (3) Amount and nature of outdoor storage.
- (4) Hours of operation.
- (5) Compatibility with the character of the surrounding neighborhood.
- (6) Potential of the expansion to reduce existing congestion and alleviate parking shortages by improved site design, addition of parking and improved loading areas.
- (7) Other issues deemed relevant by the Zoning Hearing Board.

**B. Specific Considerations.**

- (1) Neighborhood Character. The proposed change will be less objectionable in external effects than the previous nonconforming use and will be more consistent physically with its surroundings and neighborhood.
- (2) Storage of Materials. There shall be no increase in the amount of materials, supplies and/or products that are stored outside a nonconforming facility excepting those types of uses outlined in §144B(3).
- (3) Screening. Where the nonconforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a sawmill, farm machinery sales operation or similar operation), the use may only be expanded if a solid fence of wood and/or buffer, not less than six feet in height, is present on all sides of the immediate area in use. Stored material shall not exceed the height of the screening material and nine feet at the maximum. Setbacks and buffers shall be provided in accord with §60.
- (4) Setbacks. No addition, change or expansion of a nonconforming use shall further violate setback and/or height regulations of the district in which it is located
- (5) Parking and Access. In no case will a change, addition or expansion of a nonconforming use be allowed which would result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this ordinance. The Township may require vegetative screening of the parking area from nearby residential areas in accord with §60.
- (6) Average Daily Traffic. The applicant shall show how the proposed change will affect Average Daily Traffic (ADT) pursuant to the standards set forth in the most current Trip Generation Manual published by the Institute of Transportation Engineers, or its successor. If ADT will increase the applicant shall document to the satisfaction of the Zoning Hearing Board how any community impacts will be addressed.

**§145 Survey**

- A. Required by Township. A survey prepared by a Professional Land Surveyor may also be required by the Township in any case as necessary to determine compliance with the provisions of this Article IX.
- B. Survey Information. In addition to the information required in §145A, the survey shall show all details required to determine compliance, including, but not limited to, existing and proposed improvements, existing and proposed building height, existing and proposed lot coverage, minimum required setback lines, nonconforming setback lines, nonconforming setback areas, and existing and proposed nonconforming footprint areas.

**§146 Reserved**

**ARTICLE X  
RESERVED**

**ARTICLE XI**  
**SIGNS**

**§154 General**

- A. Purpose. The Purpose of this Article is to establish standards for the regulation of signs to accomplish the goals and objectives of the Central Carbon County Regional Comprehensive Plan (as may be amended), to safeguard the public interest, and to:
- (1) preserve the beauty and the unique character of the Township and thereby enhance tourism and business;
  - (2) establish reasonable time, place, and manner for the exercise of free speech, without regulating content;
  - (3) protect property values and ensure compatibility with the character of neighboring uses;
  - (4) protect the general public from damage and injury which may be caused by the faulty construction or deterioration of signs due to lack of maintenance of signs;
  - (5) protect pedestrians and motorists from damage or injury caused by, or partially attributable to the distractions and obstructions caused by improperly situated signs;
  - (6) promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic;
  - (7) assure that signs are clear and provide the essential identity or direction to facilities in the community; and,
  - (8) enable the fair and consistent enforcement of the sign restrictions throughout the Township.
- B. Applicability and 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 Article. The effect of this Article as more specifically set forth herein is to:
- (1) 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 Article;
  - (2) 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 Article, but without a requirement for permits;
  - (3) provide for temporary signs without commercial messages in limited circumstances in the public right-of-way; and,
  - (4) prohibit all signs not expressly permitted by this Article.
- C. Requirement of Conformity. No sign, for which a permit is issued after the effective date of this Article, may be placed or maintained in the Township except as provided herein. All signs maintained contrary to the provisions of this Article are declared to be nuisances, and as such may be abated as provided by law. (See §166 for nonconforming signs.)



- D. **Severability.** This article and the various components, sections, subsections, sentences, and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this article to be unconstitutional or invalid, such ruling shall not affect any other provision of this article not specifically included in said ruling.
- E. **Recommended Types of Signs.** It is recommended that signs be:
- (1) Wood or simulated wood relief. (See §157J.)
  - (2) Designed as an integral architectural element of the building and component of the site.
  - (3) Comprised of restrained colors, materials, and lighting and compatible with the building and site, and rural character of the Township.

### §155 Definitions and Interpretation

Words and phrases used in this Article XI shall have the meanings set forth in this §155. Words and phrases not defined in this §155 but defined in Article III shall be given the meanings set forth in that Article. 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 Article. The diagrams are for illustrative purposes only and shall not be interpreted as having any effect on the meaning of the associated term.

**A-Frame or Sandwich Board Sign:** A movable sign consisting of two faces, connected, and hinged at the top.

**Abandoned Sign:** See §167A.

**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 accord with the provisions of this Article.

**Area of Sign:** See §157B(2).

**Attraction Board:** See *changeable panel sign*.

**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.

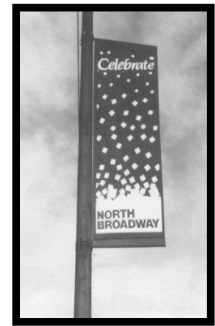


Awning Sign

**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.

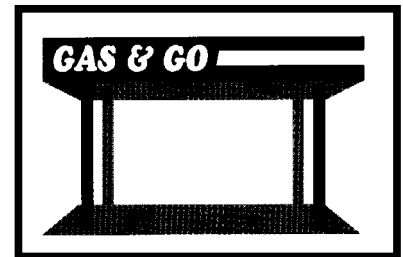


Civic Event Banner



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.



Canopy Sign on Freestanding Canopy

**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.

**Changeable Panel Sign:** A sign designed to allow its informational content to be changed or altered.



Changeable Panel Sign

**Commercial Message:** Any sign wording, logo, or other representations that, directly or indirectly, names, advertises, or calls attention to a nonresidential establishment, product, service, or other commercial activity.

**Directional Sign:** An on-site sign, providing no advertising of any kind except the nonresidential establishment name and logo, 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.



Development Sign



Directory Sign

**Directory Sign:** A sign which provides a listing of the names of nonresidential establishments, activities, addresses, locations, uses or places within a building or complex of buildings for the purposes of giving directions, instruction, or facility information and which may contain the name and logo of an establishment but no advertising copy.

**Double-Faced Sign:** A sign with two faces, essentially back to back.

**Easel Sign:** A self-supporting, movable sign consisting of one face with supporting legs or a supporting frame, or a sign displayed on an easel.



Directional Sign

**Electronic Message Sign:** Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic

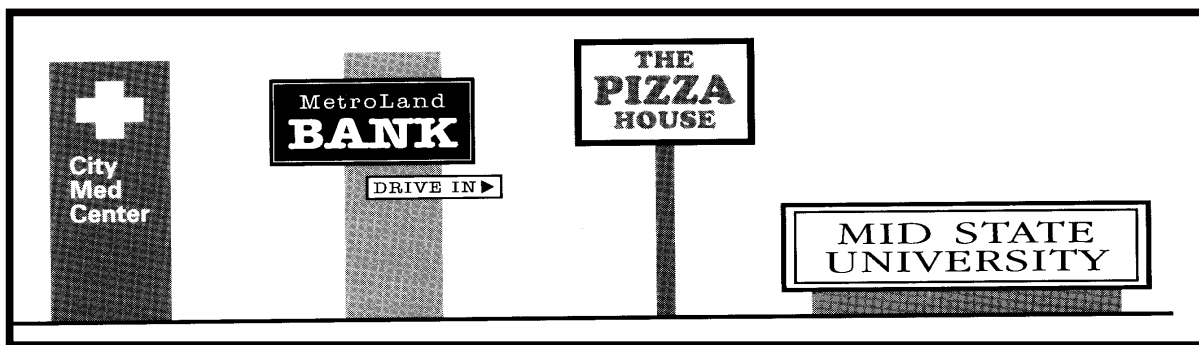
displays, and other similar media.

**Emergency Signs:** Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

**Facade:** Any exterior wall of a building exposed to public view; and any structure or part of a structure attached to, or otherwise mounted parallel to, an exterior wall or other vertical part of the structure.

**Flag:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity which is mounted on a pole, cable, or rope at one end.

**Freestanding Sign:** A sign supported permanently upon the ground by poles or braces and that is not attached to any building.



MONUMENT PYLON POLE GROUND  
Common Freestanding Sign Types

**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 nonresidential establishment, store, shopping center or office, or the announcement, introduction or promotion of an established nonresidential establishment changing ownership. A nonresidential establishment qualifies for a grand opening sign when it has been closed to the public for a period of at least 30 days.

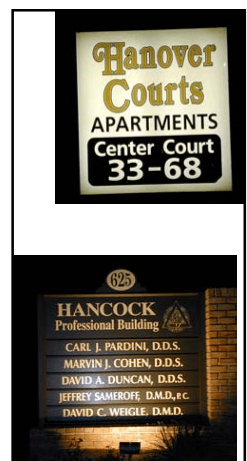
**Ground Level:** The finished grade of the adjacent street curb or where there is no street curb, six inches above street grade. Ground level shall be the existing natural grade.

**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:** See §157B(3).

**Illegal Sign:** Any sign erected without first obtaining an approved sign permit, other than non-conforming signs, and which does not meet the requirements of this Article.

**Illuminated Sign:** A sign with an artificial light source incorporated internally or externally for illuminating the sign.



Internal and External Illumination

**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.

**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.



Incidental Sign or Instructional 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.

**LED:** Light emitting diode.

**Logo:** A graphic symbol representing an activity, use or nonresidential establishment. 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.

**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/m<sup>2</sup>).

**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.



Marquee Sign

**Monument Sign:** A free-standing cabinet or panel sign mounted on, or within a base (above grade), which is detached from any building.

**Multiple Occupant Commercial Building:** A commercial development in which there exists two or more separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple occupant commercial use of a single structure.

**Nameplate:** A small sign which identifies a resident’s or home’s name and address or the name of a farm, ranch or commercial stable. Such signs may be shingle, building wall or archway-mounted signs.

**NIT:** A unit of measure of luminance. See *luminance*.

**Nonconforming Sign:** Any sign which is not allowed under this Article, but which, when first constructed before

this Article was in effect and for which a sign permit was issued, was legally allowed.

**Nonresidential Use:** For the purposes of this Article, nonresidential use shall mean any approved nonresidential use including, but not limited to, 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.

**Nonresidential Use Name:** The name by which a nonresidential use is commonly recognized and used by the applicant. Slogans or product information shall not be considered as the nonresidential use name.

**Owner:** A person recorded as such on official records. For this Article, 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.

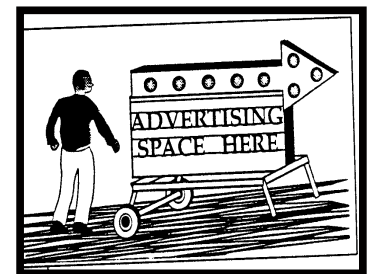
**Parapet:** That portion of a building exterior wall projecting above the plate line of the building.

**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 this Article.

**Plate Line:** The point at which any part of the main roof structure first touches or bears upon an external wall.

**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 nonresidential establishment.



Portable Sign

**Projecting Sign:** Any sign affixed to a building wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**Public Property:** Unless otherwise expressly provided, public property means any and all real or personal property over which the Township or other governmental entity has or may exercise control, whether or not the government owns the property in fee, including, sidewalks, rights-of-ways and improved or unimproved land of any kind and all property appurtenant to it.

**Real Estate Sign:** A temporary sign posted on property which is for rent, lease, or sale.

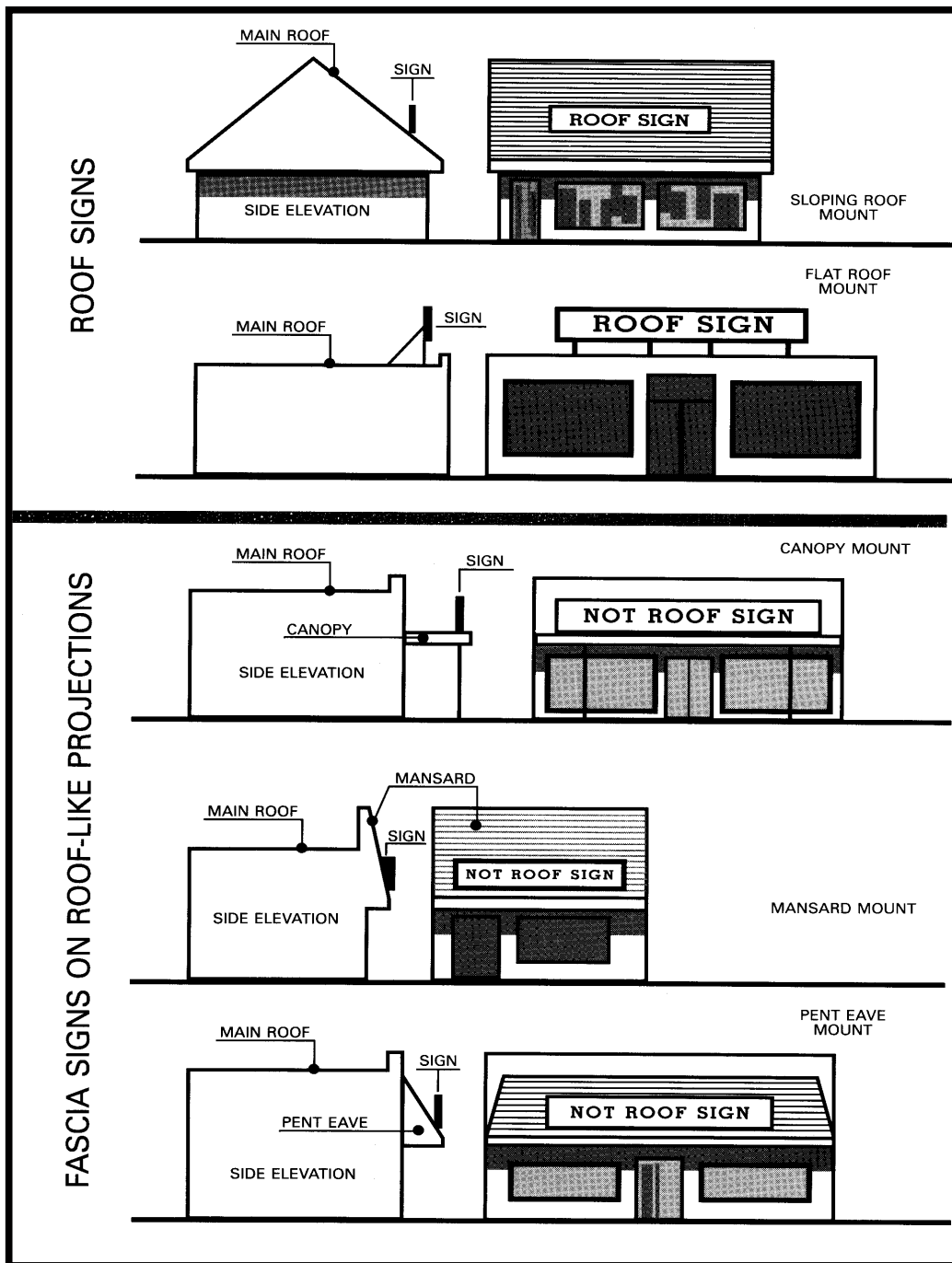
**Right-of-Way:** No commercial sign shall be erected to project beyond a property line, over a public sidewalk or over or within a public right-of-way.



Projecting Sign

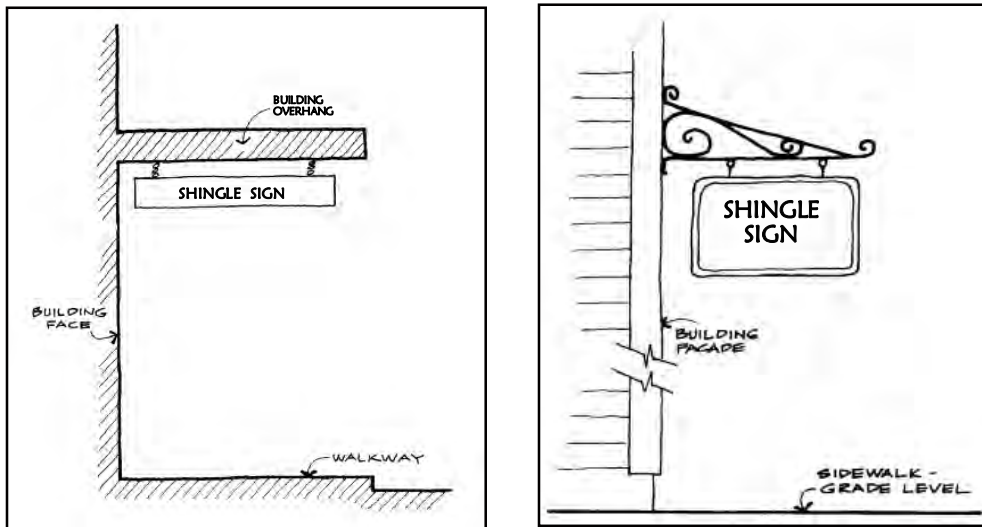
**Roof Line.** The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**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 roof signs. See the following illustration for example of roof signs, and comparison of differences between roof and fascia signs.



Comparison – Roof and Fascia Signs

**Shingle Sign:** A sign suspended from a roof overhang of a covered porch, walkway, or horizontal plane surface.



**Sign:** Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Carbon County, the Township, or official historic plaques of any governmental jurisdiction or agency.



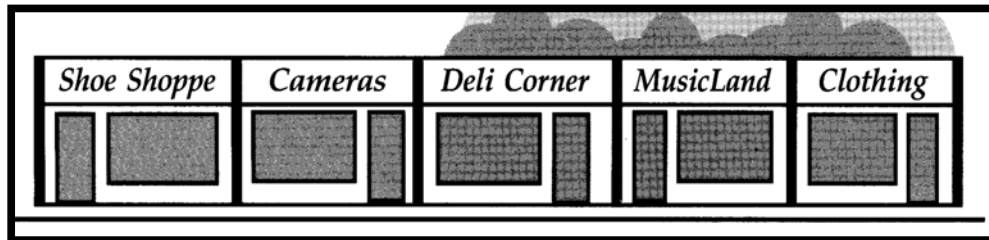
Sign Comparison

**Snipe Sign:** A sign, which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences or to other objects, the advertising matter appearing on which is not applicable to the present use of the premises upon which such sign is located.

**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.

**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.



Wall Signs

**Window Sign:** Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a windowpane which is intended to be read from the exterior of the building.

### **§156 Procedures**

The procedures included in this §156 shall apply to all signs requiring permits.

- A. **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 Article. However, a permit shall not be required for the following signs and actions, provided however, that such signs shall be subject to all applicable provisions of this Article.
- (1) Incidental signs as specified in §158.
  - (2) Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.
- B. **Permit Application.** Applications for sign permits shall be submitted to the Zoning Officer in accord with §170 and shall, at a minimum, contain or have attached thereto the information listed in this section.
- (1) Name, address, and telephone number of the applicant.
  - (2) Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
  - (3) Name of person, firm, corporation, or association erecting the sign.
  - (4) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
  - (5) A scale drawing of such sign indicating the dimensions, the materials to be used, the type and intensity of any illumination, the timing of any electronic message, and the method of construction and attachment.



- (6) An elevation of such sign indicating the overall dimensions, the square footage, and height of top and bottom of sign above grade.
  - (7) A scale drawing indicating the location and position of such sign in relation to nearby buildings, structures, and lot lines.
  - (8) Calculation of the total sign square footage permitted.
  - (9) Copies of any other permits required and issued for said sign, including PennDOT and the Uniform Construction Code.
  - (10) Additional information as may be required by the Zoning Officer.
- C. Issuance of Permits. Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If the proposed sign complies with all the requirements of this Article and other applicable ordinances and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign.
- D. Permit Fees.
- (1) In accord with the Township fee schedule, the applicant shall tender a fee at the time of making application for a sign permit. Permit fees are not refundable.
  - (2) The owner of a legal nonconforming sign, which has been removed or brought into conformance with the terms of this Article shall not be required to pay a fee to obtain a permit for the conforming sign.

### **§157 General Requirements**

- A. Prohibited Signs. All signs not expressly permitted under this Article are prohibited. Such prohibited signs include, but are not limited to, the following:
- (1) "A" Frame or Sandwich Board Signs. "A" frame or sandwich board and sidewalk, or curb signs except in accord with §164G.
  - (2) Light Strings, Banners, Pennants, and Balloons. Strings of lights not permanently mounted to a rigid background (except those which are incidental under §158) banners, pennants, streamers, balloons, and other inflatable figures, except as a temporary sign as provided for in §159.
  - (3) Large Balloons. Balloons of greater than 25 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes.
  - (4) 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 §164C, 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 Article.
  - (5) Mirrors. Signs which use a mirror or similar device to attract attention by reflecting images or otherwise reflecting light.

- (6) Portable and Wheeled Signs. Portable and wheeled signs.
  - (7) Projecting Signs. Signs which are attached or otherwise affixed to a building and project more than 15 inches beyond the wall surface of such building to which the sign is attached or otherwise affixed thereto unless the sign is a shingle sign in compliance with §164F.
  - (8) 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, 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. (See also §158L.)
  - (9) Signs on Utility Poles or Trees. Signs which are attached or otherwise affixed to utility poles, or trees or other vegetation except for no trespassing signs and other noncommercial signs on the property of the person posting the sign.
  - (10) 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.
  - (11) Emissions. Signs which emit any sound, odor, or visible matter such as smoke.
  - (12) Misinformation. Signs which contain information that states that a lot may be used for a purpose not permitted under this ordinance.
  - (13) Obscene or Pornographic. Signs or displays visible from a lot line that include words or images which are obscene or pornographic.
  - (14) Snipe Signs. Snipe signs. (See definition on Page XI-8.)
  - (15) Noise. Signs which emit sound as part of the advertising, or which emit objectionable or excessive noise created by electric current or air movement shall not be permitted.
- B. Construction Requirements. All signs permitted by this Article shall be constructed in accord with all construction code requirements and the provisions of this §157B.
- (1) Sign Faces. All signs may be multi-faced.
  - (2) Computation of Sign Area.
    - (a) The area of a sign shall include all lettering, wording, and accompanying designs and symbols, together with related background areas on which they are displayed and any surrounding border or frame.
    - (b) Supporting members of a sign shall be excluded from the area calculation.
    - (c) The area of irregular shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
    - (d) Where the sign consists of individual letters or symbols attached directly on a building or window

the sign area shall be the smallest rectangle that includes all letters and symbols. Any illuminated background shall be considered part of the sign and included in the area calculation.

- (e) The maximum area of a sign shall apply individually to each side of a sign, provided that only one side of a sign is readable from any location.
- (3) Computation of Sign Height.
- (a) 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.
  - (b) 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 locating the sign.
  - (c) In cases where 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 district lot, whichever is lower.
- (4) Uniform Construction Code. All signs and other advertising structures shall comply with the requirements of the Uniform Construction Code.
- (5) Attachment of Signs to Fire Escapes. No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department.
- (6) Clear View. No sign shall violate the clear view requirements of §27C or otherwise be erected in such manner as would constitute a public hazard.
- (7) Public Right-Of-Way; Setbacks. No part of any sign may be erected or maintained in the public right-of-way other than official traffic signs.
- (8) Obstruction to Ingress/Egress. 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.
- (9) Obstruction to Ventilation. No sign shall be erected, constructed, or maintained so as to interfere with any building opening required for ventilation.
- (10) 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 feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.

- (11) 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.
- (12) Obstruction to Warning or Instructional Sign. No sign shall be erected, constructed, or maintained which interferes with any existing warning or instructional sign.
- (13) Traffic/Pedestrian Hazards. No sign shall be erected in such a way as to interfere with or to confuse traffic or pedestrians, to present any traffic or pedestrian hazard, or to obstruct the vision of motorists or pedestrians. All signs shall comply with the clear sight triangle requirements of this ordinance.
- (14) Protection of the Public. The temporary occupancy of a sidewalk, street, or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.
- (15) 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.
- (16) Wall Signs.
  - (a) Wall signs 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 inches from the wall, nor above or beyond the top and ends of the wall.
  - (b) The face of a wall sign shall not project more than 15 inches from the outside of the building's wall surface.
  - (c) No part of a wall sign shall extend above the roof eave unless it is erected on a parapet wall or fascia that extends above the roofline of a flat roof on at least three sides of a building.

C. Maintenance.

- (1) Maintenance. The owner of any sign and associated landscaping shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean and sanitary condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- (2) Sign Owner's Responsibility. The sign owner shall be responsible for the maintenance of the sign. If the sign ownership should transfer, the new owner shall be responsible for the maintenance of the sign.

D. Illumination. All signs permitted by this Article may be illuminated in accord with the provisions of §67 and the following:

- (1) Type of Illumination. Illumination may be by internal, internal/indirect or by indirect means.
- (2) Flashing. Flashing signs are prohibited in accord with §157A(4). (See §164C for permitted electronic signs.)

- (3) Glare. All signs shall be so designed located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property. No lighting from any sign shall be of such intensity to cause the distraction of drivers, create a nuisance on surrounding properties, or otherwise create a safety hazard.
- E. Signs on Roof. No sign attached to a building shall be placed on nor shall extend above any part of the building roof. (See the definition of *roof sign* in §155.)
- F. Awning and Canopy Signs.
- (1) Buildings. Signs affixed to the surface of an awning or canopy on a building are permitted provided that the sign does not extend vertically or horizontally beyond the limits of such awning or canopy. In addition:
- (a) Awning and canopy signs shall only display the nonresidential establishment name, logo, address and name of the proprietor or property owner. Letters or numerals shall not exceed a height of twelve inches and shall be located only on the front and side vertical faces, except as provided for in this section. The minimum clearance above any walkway shall not be less than 8.5 feet.
  - (b) Letters and numerals shall be permitted on the sloped surface of an awning, provided that the nonresidential establishment served by the awning sign does not use a wall sign(s) and provided further that the letters and numerals on the sloped surface of an awning shall not exceed a height of 40 inches and shall not exceed more than 25 percent of the sloped surface.
  - (c) No awning or canopy sign shall extend into a required side or rear setback.
  - (d) The maximum height of an awning or canopy shall be limited to the height of the rooftop or parapet wall of the building.
  - (e) A name sign not exceeding two square feet located immediately in front of the entrance to an establishment may be suspended from an awning or canopy provided that the name sign is at least 8.5 feet above the sidewalk.
- (2) Fuel Service Canopy Signs. Service island canopy signs over fuel service islands indicating the brand, manufacturer and/or logo, shall be subject to the following:
- (a) Service island canopy signs shall be attached to the face of the canopy and shall not extend beyond the edges of the canopy.
  - (b) There shall not be more than one service island canopy sign on each face of the canopy.
  - (c) The gross surface of a service island canopy sign shall not exceed fifty percent of the surface area of the canopy face to which it is attached.
- G. Window Signs. Window signs for commercial, manufacturing, industrial, public, and semi-public uses, referred to as *nonresidential establishment* in this section, shall be permitted subject to the following:
- (1) Location. Signs on or inside the windows of a nonresidential establishment are permitted and no permit is required.

(2) Illumination. Window signs may be internally illuminated but shall not flash or otherwise meet the definition of an electronic sign.

H. Nonresidential Establishment Sign Message Content.

(1) Unless otherwise permitted by this article for off-premises and directional signs, the nonresidential establishment sign message shall be limited to the identification of the use and a graphic symbol or any combination thereof, and advertising products or services available on the premises.

(2) Message Substitution. A noncommercial message may be substituted for a nonresidential establishment sign message on any sign permitted by this article.

I. Freestanding Sign Landscaping. All freestanding nonresidential establishment identification and nonresidential establishment and residential subdivision identification signs shall be placed in a landscaped area of not less than one square foot of landscaping for one square foot of sign area, but in no case less than 50 square feet. Sign landscaping shall be part of the required project landscaping plan and shall be maintained in accord with §61.

J. Wood Relief Sign Area Bonus.

(1) Sign Area. The following signs shall be eligible for a 20 percent increase in size over the maximum allowed sign area only if the sign complies with the requirements of this §157J in addition to all other applicable requirements. [Example: 40 sf + (40 sf)(20%) = 40 sf + 8 sf = 48 sf]

(a) Residential and nonresidential development road entrance signs (§161).

(b) Nonresidential use signs in A and R Districts (§163).

(c) Individual nonresidential establishment identification signs (§164A).

(d) Shopping center, mall, and multiple occupant nonresidential establishment identification signs (§164B).

(2) Wood or Simulated Wood. The sign shall be wood or simulated wood relief only. The carved pattern is raised and seems to rise out of the underlying material.

(3) Architectural Element The sign shall be designed as an integral architectural element of the building and component of the site.

(4) Restrained and Compatible. Sign colors, materials, and lighting shall be restrained and compatible with the building and site.

**§158 Incidental Signs Requiring no Permit**

The following signs are considered incidental signs on all properties and do not require a permit.

A. Directional or Instructional Signs. On-site signs, not exceeding four feet in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public, providing that such signs contain no advertising of any kind. Such signs include those identifying rest rooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility, but not including those signs incidental to parking areas. (See §158I for parking area signs.) Advertising material of any kind is strictly prohibited on directional and instructional signs.

- B. Noncommercial Signs. Flags, emblems, and insignia of political, religious, educational, or fraternal organizations providing that such flags, emblems, and insignia are displayed for non-commercial purpose.
- C. 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.
- D. 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.
- E. 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.
- F. Memorial Signs. Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events which are non-commercial in nature.
- G. Name and Address Plates. Wall signs, one per street frontage and not exceeding two square feet, indicating the name of the occupant, the address of the premises, and identification of any legal use or operation which may exist at the premises.
- H. No Trespassing 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).
- I. Parking Lot Directional and Instructional Permanent Signs.
- (a) Permanent Directional Signs. Permanent signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four square feet. Parking lot directional signs shall not project higher than five feet in height, as measured from the established grade of the parking area to which such signs are accessory.
- (b) Permanent Instructional Signs. Permanent signs designating the conditions of use or identity of parking areas and not exceeding eight square feet nor exceeding an aggregate surface area of 16 square feet. Parking lot instructional signs shall not project higher than 10 feet for wall signs and seven feet for ground signs, as measured from the established grade of the parking area(s) to which such signs are accessory.
- J. 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 32 square feet of aggregate surface area. Sponsors advertising on score boards may not exceed 25 percent of the surface area of the score board. The signs shall be erected to be primarily visible from the interior of the athletic field with no intent to advertise to passing traffic.
- K. Public Notices. Official notices posted by public officers or employees in the performance of the officer's or

employee's duties

- L. 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 use or activity located on the same or other property. [See also §157A(8).]
- M. Symbols or Insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two square feet, and not exceeding four square feet in aggregate area.
- N. 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 square feet not exceeding an aggregate surface area of eight square feet on each machine.
- O. Warning Signs. Signs warning the public of the existence of danger but containing no advertising material; to be removed within three 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.
- P. Tourist Signs. Tourist orientation directional signs when erected in accord with a permit issued by PennDOT.
- Q. Historic Signs. Signs which memorialize an important historic place, event or person and is specifically authorized by the Township or a county, state, or federal agency.

#### **§159 Temporary Signs**

Temporary signs may be erected and maintained in accord with the provisions of this §159.

- A. Permit Not Required. A permit shall not be required. Nevertheless, failure to comply with the requirements for temporary signs is a violation of this chapter subject to enforcement action. (Anyone proposing to erect a temporary sign should contact the zoning officer.)
- B. Sign Types. Temporary signs shall be limited to non-projecting wall signs or freestanding signs associated with:
  - (1) An approved use being developed, constructed, repaired, or remodeled.
  - (2) An approved use identifying or announcing a campaign or drive, or event, or a special, unique, or limited service, product, or sale.
  - (3) The sale, lease, or rent of the premises upon which such sign is located.
- C. Number. There shall not be more than three temporary signs per lot but not more than one temporary sign per contractor or activity.
- D. Maximum Area.



- (1) Residential property: 16 square feet each side.
- (2) Nonresidential property: 32 square feet each side.

E. Location. Temporary signs:

- (1) shall be located only upon the premises to which the sign message applies.
- (2) may be located in any required setback but shall not extend over any lot line.
- (3) shall not be located within any public road right-of-way or within 15 feet of any point of vehicular access to a public street.

F. Height. Temporary signs shall not project higher than 15 feet.

G. Duration of Sign Placement. Temporary signs may be erected and maintained for a period not earlier than 30 days prior to the commencement of the temporary activity on the premises and the sign shall be removed immediately upon completion of the activity.

H. Sign Message. The sign message shall relate only to the activity on the subject parcel.

I. Clear Sight; Hazards. No sign shall violate the clear sight requirements of §27C or otherwise be erected in such manner as would constitute a public hazard.

**§160 Multi-Family Building Signs.**

Name and address signs of buildings containing six 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 name and address sign for each building except that where a building abuts two or more streets, one additional sign oriented to each abutting street shall be permitted.
- C. Area. Building name and address signs shall not exceed four square feet.
- D. Location. Building name and address signs shall not be located within 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 15 feet for wall signs and five feet for ground signs.

**§161 Development Road Entrance Signs.**

A. Applicability. Development road entrance signs shall be permitted for:

- (1) Residential developments with two or more buildings with a total of five 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.

- (2) Nonresidential developments with two or more commercial, manufacturing, industrial, public, or semi-public buildings (referred to as *nonresidential use* in this section) indicating only the name of the development and occupants.

(1) Type. The development road entrance signs shall be ground signs.

(2) Number. There shall not be more than two development road entrance signs for each point of vehicular access to a development.

(3) Area.

(1) Residential development road entrance sign area shall not exceed 32 square feet each side.

(2) Nonresidential use subdivision road entrance signs shall not exceed 64 square feet on each side. In addition, a nonresidential development identification sign may include, affixed directly to it, a directory identifying each nonresidential use in the subdivision. The gross surface area of a directory sign shall not exceed 10 square feet for each sign side for each nonresidential use.

(4) Location. Development road entrance signs may be located in any required setback but shall not extend over any lot line or within 15 feet of any point of vehicular access from a public roadway.

(5) Height. Development road entrance signs shall not project higher than 15 feet.

(6) Sign Faces. Development road entrance signs may be double-faced only when one such sign is used at a road entrance.

**§162 Home Occupation and Cottage Industry Signs.**

See §28C(1)(j) and §28C(2)(g) respectively.

**§163 Nonresidential Uses in A and R Districts**

Principal nonresidential uses located in A Agricultural and R Residential Districts are permitted to have one freestanding and one wall sign in accord with the following regulations:

A. Area and Height.

- (1) The maximum area and height of freestanding signs shall be 32 square feet and 15 feet, respectively.
- (2) The maximum area of wall signs shall be 24 square feet.

B. Number.

- (1) The maximum number of freestanding signs shall be one per lot. On a corner lot the sign shall be placed on the street of highest classification.
- (2) The maximum number of wall signs shall be one per principal building.

**§164 C-1, C-2 and I Districts**

For all commercial, manufacturing, industrial, public, and semi-public uses (referred to as *nonresidential establishment* in this section) in the C-1 Neighborhood Commercial, C-2 General Commercial and I Industrial

Districts the following signs are permitted and then only if accessory to a permitted use, and such signs shall be subject to the requirements of this §164 and any other applicable provisions in this Article:

A. Individual Nonresidential Establishment Identification Signs. The provisions of this §164 shall apply where an individual nonresidential establishment is located on the lot. The following signs are permitted provided all regulations are met:

(1) Total Square Footage Permitted.

(a) C-1 Districts. In C-1 Neighborhood Commercial Districts the total aggregate sign area of signs permitted by this §164A shall not exceed 32 square feet. (For two-sided freestanding signs only one side is counted toward total square footage.)

(b) C-2 and I Districts. In C-2 General Commercial and I Industrial Districts the total aggregate sign area of signs permitted by this §164A shall not exceed two square feet for each linear foot of horizontal front facade length of principal buildings but not exceeding 160 square feet. (For two-sided freestanding signs only one side is counted toward total square footage.)

(2) Number Permitted.

(a) Only one freestanding nonresidential establishment identification sign shall be permitted per lot, except on corner lots where one may be permitted on each street frontage.

(b) One wall sign may be located on each wall of the principal building.

(c) Retail fuel sales signs are exempt from the total sign square footage limitation but shall comply with §164D.

(3) Permitted Signs by Type.

(a) Freestanding Signs in C-1 Districts. In C-1 Neighborhood Commercial Districts the maximum area of a freestanding sign shall be 32 square feet and the maximum height shall be 30 feet.

(b) Wall Signs in C-1 Districts. In C-1 Neighborhood Commercial Districts the area of a wall sign shall not exceed 25 percent of the area of the building face to which it is attached, with a maximum of 32 square feet.

(c) Freestanding Signs in C-2 and I Districts. In C-2 General Commercial and I Industrial Districts the maximum area of a freestanding sign shall be 64 square feet and the maximum height shall be 30 feet.

(d) Wall Signs in C-2 and I Districts. In C-2 General Commercial and I Industrial Districts the area of a wall sign shall not exceed 25 percent of the area of the building face to which it is attached, with a maximum of 32 square feet.

B. Shopping Center, Mall and Multiple Occupant Nonresidential Establishment Identification Signs. The following provisions shall apply to developments, whether planned and developed on one lot or multiple lots as a group, in which two or more nonresidential establishments (commercial, manufacturing, industrial, public, or semi-public uses) are housed in one or more principal structures.

(1) Freestanding Signs.

- (a) Number and Area. The maximum number and area of freestanding signs shall be one per street frontage of no more than 150 square feet.
- (b) Content. The freestanding development identification sign shall not contain the name of any individual nonresidential establishment occupant of the premises unless such tenant or occupant occupies 30 percent or more of the total development. Each freestanding development identification sign may include, affixed directly to it, a directory indicating only the names of the nonresidential establishment occupants of the development which are not listed on the main sign face. The gross surface area of a directory sign shall not exceed 10 square feet for each exposed face for each occupant in the development.
- (c) Height. The main identification signs shall not exceed 32 feet in height.

(2) Individual Occupant Wall Signs. (See §164F for shingle signs.)

- (a) Number. There shall be not more than one wall sign for each principal nonresidential establishment occupant except that where a principal occupant abuts two or more streets, one additional such sign oriented to each abutting street shall be permitted.
- (b) Area. The surface area of a wall sign shall not exceed 35 square feet.
- (c) 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.
- (d) Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.

C. Electronic Message Signs. In addition to all other applicable regulations, the following regulations shall apply to all electronic message signs. In the case of conflict, the more restrictive standard shall apply.

(1) Location, Number Size and Height.

- (a) Location. Electronic message signs shall be located only on parcels in the C-1 Neighborhood Commercial District and the C-2 General Commercial District.
- (b) Number. Each development parcel shall be limited to one electronic message sign which is used in lieu of another permitted sign. In the case of a shopping center, mall or multiple occupant nonresidential establishment comprised of several parcels, one electronic message sign shall be permitted for the entire development.
- (c) Height. The electronic message sign shall not exceed the permitted height of the sign it replaces.

(2) Nonconforming Sign Conversion.

- (a) Any nonconforming sign which is converted to an electronic message sign shall be made conforming to the requirements of this article.
- (b) A sign which is nonconforming as to zoning district location shall not be converted to an electronic

message sign.

(3) Message Display.

- (a) Hold Time. Any portion of the message shall have a minimum duration (hold time) of five seconds and shall be a static display. Messages shall completely change to the next message within one second.
- (b) Motion. The images and messages displayed shall be complete in themselves without continuation in content to the next image or message or to any other sign. The image shall be static, with no animation, streaming video, flashing, scrolling, fading, or other illusions of motion.
- (c) Malfunction. All signs shall be equipped with a properly functioning default mechanism that will stop the sign in one position and lock the luminance level to the nighttime setting should a malfunction occur.
- (d) Projection. Images or messages projected onto buildings or other objects shall be prohibited.
- (e) Brightness. (See also §67 for lighting and glare.)

- [1] No sign may 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.
- [2] Signs shall have a maximum brightness of no more than 0.3 footcandles above ambient light levels as measured at 150 feet from the sign.
- [3] All signs shall be equipped with both a dimmer control and a photocell that automatically adjusts the display’s brightness according to natural ambient light conditions. The sign shall also be equipped with an automatic malfunction shut off switch.
- [4] Signs shall comply with light trespass regulations set forth in §67.
- [5] Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the sign is equipped to comply with this §164C.

D. Retail Fuel Sales.

- (1) Permitted Sign. Retail fuel sales establishments shall, in addition to the other permitted signs, be permitted one sign with up to four fuel prices attached to the nonresidential establishment identification sign. 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 nonresidential establishment sign. The prices shall be stationary but may be electronically controlled in accord with §164C.

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

- (2) Height. The sign shall be installed below the nonresidential establishment identification sign.

- E. Changeable Panel Signs. One changeable panel sign per lot may be incorporated into a permitted freestanding sign, monument sign or wall sign to identify special, unique, limited activities, services, products, or sale of limited duration occurring on the premises on which the changeable panel sign is located. The changeable panel sign shall be counted in the sign area of the sign in which it is incorporated.
- F. Shingle Signs. In addition to the other signs permitted by this ordinance, each establishment with a separate entrance to the outside shall be permitted a shingle sign in accord with this §164F.
- (1) A shingle sign shall not exceed six square feet and the area of the shingle sign shall count toward the total square footage permitted for individual nonresidential establishment identification signs by §164A(1) and toward the wall sign permitted for individual occupant occupants by §164B(2)(b).
  - (2) Shingle signs shall be limited to two sign faces installed perpendicular to the building facade.
  - (3) No portion of a shingle sign shall be less than eight feet above any pedestrian walkway or the grade below the sign.
  - (4) No portion of a shingle sign shall project above the top of an eave or parapet.
  - (5) Shingle signs suspended from the underside of a building overhang shall be centered under the overhang and shall not project beyond the overhang.
  - (6) A shingle sign shall maintain a ten-foot separation from another shingle sign.
  - (7) Shingle signs shall be located at the nonresidential establishment entrance.
  - (8) Shingle signs shall not be more than six inches or less than one inch thick.
- G. A-Frame or Sandwich Board Signs. A-frame or sandwich board signs shall be permitted for retail/service/wholesale commercial establishments subject to the following:
- (1) Each nonresidential establishment shall be limited to one A-frame or sandwich board sign.
  - (2) The sign shall be comprised of two boards of durable material with no attachments.
  - (3) The sign shall not exceed eight square feet for each exposed face and shall not exceed 30 inches in width or four feet in height.
  - (4) The sign shall not be illuminated.
  - (5) The sign shall be displayed only during the hours when the establishment is open for nonresidential establishment and shall include advertising pertaining only to the establishment of location.
  - (6) The sign shall not be placed in such manner as to impede pedestrian or vehicle traffic or the opening of vehicle doors.
  - (7) The sign shall be sufficiently secured or weighted to resist overturning.
  - (8) The sign shall not be displayed at any time when snow has accumulated on or has not been completely removed from the sidewalk in front of the premises where the sign is permitted.

- H. Nonresidential Establishment Directional Signs. The intent of this section is to allow commercial, manufacturing, industrial, public, and semi-public uses, referred to as *nonresidential establishment* in this section, located in the Township and which do not front on State Route 209 and State Route 248 to erect signs directing the public to the *nonresidential establishment*.
- (1) Location/Number. One such sign shall be permitted at each location of direction change and there shall not be more than a total of two directional signs for each parcel of land eligible for such signs. In the case of multi-nonresidential establishments on the same parcel, each nonresidential establishment shall not be eligible for signs; instead, the directional signs shall refer to the parcel as a whole.
  - (2) Area. The surface area of each sign shall not exceed six square feet for each exposed face.
  - (3) Height. A directional sign shall not project higher than 10 feet, as measured from the average grade at the base of the sign or the grade of the nearest adjacent roadway, whichever is lower.
  - (4) Sign Information. The information on the sign shall be limited to the nonresidential establishment name, logo, telephone number and directional information.
  - (5) Property Owner Permission. The person making application for the erection of a nonresidential establishment directional sign shall provide a written statement of permission signed by the owner of the property upon which the sign is proposed.
  - (6) Permit. A permit shall be required for the placement of the directional signs and shall establish the number and location of all the signs.

**§165 Off-Premises Advertising Signs and Billboards**

Off-premises advertising signs and billboards (referred to as *advertising sign*) are permitted only in C-2 General Commercial Districts subject to the following:

- A. Spacing. The minimum distance required between any advertising signs shall be 500 feet.
- B. Right-of-Way. Advertising signs shall not encroach on any road the right-of-way.
- C. Residential Setback. All advertising signs shall be located a minimum distance of 100 feet from any residential building.
- D. Size. The maximum area of any advertising sign shall be 240 square feet.
- E. Height. No portion of the advertising sign shall be more than 15 feet from the ground.
- F. Intersection Setback. All off-site advertising signs shall be located no closer than one 100 feet from any public road intersection.
- G. Landscaping. Advertising signs shall be exempt from the landscaping requirements of §157I.
- H. Electronic Signs. An off-premises advertising sign or billboard may be an electronic sign in compliance with §164C. [See §164C(2) for permitted and prohibited conversions to electronic signs.]

**§166 Nonconforming Signs**

- A. Legal, Nonconforming Signs. Any sign lawfully existing or under construction on the effective date of this ordinance, which does not conform to one or more of the provisions of this ordinance, may be continued in operation and maintained as a legal nonconforming use.
- B. Maintenance and Repair.
- (1) Area. The total area of any nonconforming sign shall not be increased.
  - (2) Removal and Reconstruction. The removal and reconstruction of a nonconforming sign shall only be permitted in accord with the requirements of Article IX applicable to other nonconforming structures.
  - (3) Damage or Destruction. A nonconforming sign which is damaged or destroyed may be rebuilt in a nonconforming fashion only in accord with Article IX applicable to other nonconforming structures.
  - (4) Improvements and Maintenance. Nonconforming signs may be repainted, repaired, or modernized, provided such improvements do not increase the dimensions, height or position of the existing nonconforming sign or change the sign, message or nonresidential establishment being advertised.
  - (5) Conversion to Electronic Message Sign. See §1164C(2).

**§167 Removal of Certain Signs**

- A. Abandoned Signs.
- (1) Removal. Any sign, whether existing on or erected after the effective date of this ordinance, which advertises a nonresidential establishment 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 presumed to be abandoned and shall be removed within one year from the cessation of such nonresidential establishment 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.
  - (2) Enforcement. Enforcement of a violation of §167A shall be in accord with §184.
- B. Nuisance Signs.
- (1) Violation. The maintenance of any sign which is unsafe or insecure, or is a public nuisance, shall be considered a violation of this Article.
  - (2) Enforcement. Enforcement of a violation identified in §167B(1) shall be in accord with §184.
  - (3) 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.
  - (4) Property Owner Permission Required. No person shall post or locate any information, personal, temporary, political, special event, or development sign upon public or private property, tree, utility pole, traffic control device or sign, road sign, street sign, or upon any other existing sign, without the permission of the owner of the same.



- (5) Removal. Any such sign not removed within the time required by this Ordinance is deemed to be abandoned and may be removed and disposed of by the Township and the owner of such sign shall be liable for cost incurred by the Township in taking such remedial action.
- C. Illegal Signs. If the Zoning Officer finds that any sign is displayed in violation of this ordinance, he/she shall proceed with an enforcement action in accord with §184.

**ARTICLE XII  
ADMINISTRATION**

**§168 Applicability**

- 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. Authorization. This ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania municipalities Planning code, as amended.
- C. Regulated Activities. Any of the following activities or any other activity or matter regulated by this ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this ordinance:
- (1) Erection, construction, movement, 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; and/or,
  - (3) Creation of a lot or alteration of lot lines.
- C. Repairs and Maintenance. (Note: A Uniform Construction Code permit may be required in cases where a zoning permit is not required.) Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit provided such activity does not involve 1) a change in use; 2) an expansion, construction or placement of a structure; 3) an increase in the number of dwelling units or boarding house units; and/or any other activity regulated by this ordinance.

**§169 General Procedure for Permits**

- A. Principal Permitted Use. Within 45 days of receiving a proper and complete application for a principal permitted use (permitted by right), the Zoning Officer shall either:
- (1) Issue the permit under this ordinance; or,
  - (2) Refuse the permit, indicating at least one applicable reason in writing to the applicant or his/her representative.
- B. Reviews. Certain activities require review and/or approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission. In such case, the Zoning Officer shall not issue a Zoning Permit until such required review or approval occurs.
- C. Appeal. See §173B(2).
- D. 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 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 30 day appeal period shall be at the risk of the applicant.

### **§170 Permits and Certificates**

A. Applicability. See §168.

B. Types of Uses.

- (1) Principal Permitted Uses (Permitted by Right Uses). If a use is listed as a principal permitted use by this ordinance and meets the requirements of this ordinance, the Zoning Officer shall issue a permit in response to a complete application.
- (2) Special Exception Use or Application Requiring a Variance. A permit under this ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing.
- (3) 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, after the Planning Commission has been given an opportunity to review the application.

C. Applications.

- (1) Applications. Any request for a decision, interpretation or variance 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 a responsible Township official notes the date of the official receipt on the application
- (2) Number of Copies. Unless waived by the Zoning Officer, eight copies of a site plan shall be submitted if an application requires action by the Zoning Hearing Board or Board of Supervisors, and two copies shall be submitted if action by the Zoning Hearing Board or Board of Supervisors is not required.
- (3) Information Required. Any application to the Zoning Officer, Zoning Hearing Board, Planning Commission or Board of Supervisors shall include the following information.

In the case of an application involving the construction of any new structure or any addition to an existing structure, all of the information required in this §170C shall be provided by the applicant. However, the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may determine, as part of the review process, that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.

In the case of an application which does not involve the construction of any new structure or any addition to an existing structure, a narrative providing details of the project shall be provided as required by this section. However, a plot plan, as required by §170C(3)(f) shall not generally be required unless the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, deems such plot plan necessary to evaluate and make a decision on the application. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, shall determine, as part

of the review process, the type of information and level of detail of the plot plan if such plot plan is required.

In any case, 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.

- (a) Names and address of the applicant, or appellant; and the name and address of the owner of the affected property.
- (b) 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.
- (c) A description of any proposed non-residential 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.
- (d) If a principal non-residential use is proposed within close proximity to dwellings, a description of hours of operation and proposed methods of storing garbage outdoors on-site.
- (e) A listing of any specific sections of this ordinances being appealed, with the reasons for any appeal.
- (f) A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
  - [1] Name of the development
  - [2] Name and address of land owner and/or land developer. (if corporation give name of officers.)
  - [3] Location map
  - [4] North arrow, true or magnetic
  - [5] Graphic scale
  - [6] Written scale
  - [7] Date plot plan was completed
  - [8] Names of adjacent property owners and tax map numbers, including across adjacent roads
  - [9] Proposed and existing street and lot layout including street names and right-of-way widths
  - [10] Existing and proposed man-made and/or natural features
    - [a] Water courses, lakes and wetlands (with names)
    - [b] Significant rock outcrops, ledges and stone fields
    - [c] Buildings, structures, signs and required setbacks
    - [d] Approximate location of tree masses
    - [e] Utility lines, wells and sewage system(s)
    - [f] Entrances, exits, access roads and parking areas including the number of spaces
    - [g] Drainage and storm water management facilities
    - [h] Plans for any required buffer plantings
    - [i] Any and all other significant features
- (g) Location of permanent and seasonal high water table soils and 100 year flood zones.
- (h) Tract boundaries accurately labeled. The Zoning Officer, in his discretion, may require a survey prepared by a Pennsylvania Registered Land Surveyor for any application.

- (i) 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.
  - (j) Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
  - (k) A statement of the type of water supply and sewage disposal proposed.
  - (l) The present zoning district and applicable lot size, setback, lot coverage, building height and other requirements.
- (4) Other Laws. The Zoning Officer may withhold issuance of a permit under this ordinance if there is clear knowledge by the Zoning officer that such a use would violate another Township, State or Federal law or regulation.
- (5) 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.)
- (6) 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 Carbon County Planning Commission, the County Conservation District or Township Engineer) for review and comment.
- (7) Subdivision Approval. Applications for uses which also necessitate approvals under the Subdivision and Land Development Ordinance shall be processed in the manner provided for plat approval under that ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision and Land Development Ordinance.

D. Issuance of Permit.

- (1) At least two copies of any permit required under this ordinance shall be made.
- (2) One copy of any such permit shall be retained in Township files and one copy shall be retained by the applicant. A copy of any such permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request.
- (3) The Zoning Officer shall issue or deny a permit for a principal permitted use within a maximum of 45 days after a complete, duly filed application and fees are submitted.
- (4) 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 for such work, nor shall such persons conduct such work after notice that a zoning permit has been revoked.

E. 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. The Zoning Officer shall revoke a permit or approval issued under the provisions of this ordinance in case of:

- (1) 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 municipal employee in the carrying out of his/her duties); or

- (2) Upon violation of any condition lawfully imposed upon a special exception, variance or conditional use; or,
- (3) 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; or
- (4) For any other just cause set forth in this ordinance.

F. Changes to Approved Plans.

- (1) After the issuance of a permit and/or approval under this ordinance, no changes shall be made to the project without approval of Zoning Officer, Zoning Hearing Board or Board of Supervisors, as applicable.
- (2) Changes to an approval by the Zoning Hearing Board as a special exception use or by the Board of Supervisors as a conditional 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.
- (3) A copy of such adjustment or correction shall be provided in writing to the Planning Commission, the Board of Supervisors or the Zoning Hearing Board if the change concerns a plan approved by such bodies.

G. Certificate of Use.

- (1) A Certificate of Use shall be required by the Township upon a change of use or completion of work authorized by a permit or approval under this ordinance. It shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until such Certificate has been issued. A new Certificate of Use shall be required if a change in use of the property is proposed, and then such Certificate shall be issued only after all required approvals are obtained.
- (2) An application for such Certificate shall be made on an official Township form. If such use is in conformance with Township ordinances and approvals, such Certificate should be issued in duplicate within 14 days of a properly submitted and duly filed application. A minimum of one copy shall be retained in Township records.
- (3) The Zoning Officer shall inspect such structure or land related to an application for such Certificate. If the Zoning Officer determines, to the best of his/her current knowledge, that such work conforms with this ordinance and applicable Township codes, approvals and permits, then the Certificate of Use shall be issued.
- (4) The applicant shall show a valid Certificate of Use to the Zoning Officer upon request.

H. Minimum Residential Lot Requirements. Any lot or parcel of land proposed for residential use, either permanent, seasonal, part time or recreational by means of a permanent or movable housing structure or recreational vehicle shall be improved to certain minimum requirements prior to issuance of a residential occupancy permit. The minimum required improvements shall include:

- (1) A safe potable water supply and delivery system.

- (2) A sewage disposal System which meets all state and township requirements.
- (3) Required off-street parking spaces.
- (4) Power supply facilities approved by the local utility company.

I. Expiration of Permits and Approvals.

- (1) Zoning Permits. When authorized by the issuance of a zoning permit, any permitted building construction shall be initiated within one year of the permit issuance date and be completed within two years of the permit issuance date. The zoning permit shall automatically expire for failure to comply with the required initiation and completion periods
- (2) Conditional Use Approval or Special Exception Approval. See §176E.

**§171 Fees**

- A. Application Fees. As authorized by §617.2(e) and §908(1.1) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this ordinance. Permits, certificates, conditional use permits, special exception permits and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.
- B. Stenographer Fees. The appearance fee for a stenographer shall be shared equally by the applicant and the Township. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person appealing the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

**§172 Zoning Officer**

- A. Appointment. The Zoning Officer(s) shall be appointed by the Board of Supervisors. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices not in conflict with the State Planning Code.
- B. Duties and Powers. The Zoning Officer shall:
  - (1) Administer this ordinance.
  - (2) Provide information to applicants regarding required procedures.
  - (3) Receive and examine all applications required under the terms of this ordinance, and issue or refuse permits within this ordinance.
  - (4) Receive written complaints of violation of this ordinance, and issue a written notice of violation to any person violating any provision of this ordinance.
  - (5) Keep records of applications, permits, certificates, written decisions and interpretations issued, of variances and special exception granted by the Zoning Hearing Board, of conditional uses approved by the Board of Supervisors, of complaints received, of inspections made, of reports rendered, and of notice or orders issued.

- (6) Make all required inspections and perform all other duties as called for in this ordinance.
  - (7) Not have the power to permit any activity which does not conform to this ordinance, or all other ordinances of the Township known to the Zoning Officer.
- C. Qualifications. Pursuant to §614 of the PA Municipalities Planning Code, the following minimum qualifications shall apply to any Zoning Officer(s) appointed to serve the Township after the adoption of this ordinance, unless such mandatory qualifications are waived by motion of the Board of Supervisors.
- (1) The person shall demonstrate a working knowledge of zoning.
  - (2) The person shall have one of the following combinations of education and experience:
    - (a) A high school diploma or equivalent and a minimum of four years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
    - (b) A high school diploma or equivalent and two additional years of continuing education, such as an Associate Degree (such continuing education preferably should be in a field such as law enforcement, community planning and/or public administration) and a minimum of two years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
    - (c) A college or university Bachelor's degree in a field related to zoning (such as law enforcement, community planning and/or government administration) and a minimum of eight months responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances.
  - (3) The person shall be familiar with Constitutional issues concerning search and seizure and with the process of filing actions with the District Magisterial Judge.
  - (4) The person shall exhibit an ability to thoroughly evaluate site plans and building plans.
  - (5) The person shall demonstrate excellent oral and written communication skills.
  - (6) The person shall be familiar with the PA Municipalities Planning Code.
- D. Reporting Violations. Police officers, firefighters, construction inspectors, other Township staff and Township officials and the general public may report possible zoning violations to the Zoning Officer for his/her determination.

### **§173 Zoning Hearing Board**

#### **A. Appointment and Qualifications**

- (1) Appointment. The Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members and alternate members with such powers and authority, and which shall conduct all proceedings as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended.



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- (2) Recommended Qualifications. Each Zoning Hearing Board member should:
    - (a) Demonstrate a working knowledge of zoning prior to appointment.
    - (b) Become familiar with the PA Municipalities Planning Code.
  - (3) Vacancies. The Zoning Hearing 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.
  - (4) Removal of Members. See §905 of the PA Municipalities Planning Code.
  - (5) Organization.
    - (a) Officers. The Zoning Hearing Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
    - (b) Quorum. For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Zoning Hearing Board, except that the Zoning Hearing Board may appoint a hearing officer in accord with the PA MPC to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided by the PA. Municipalities Planning Code. The quorum may be met by alternate members, serving as permitted by the PA Municipalities Planning Code.
    - (c) Rules. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law.
- B. Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- (1) Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to §609.1 (Curative Amendments) and §916.1(a) (2) (Ordinance Validity) of the Pennsylvania Municipalities Planning Code.
  - (2) 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.
  - (3) Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
  - (4) Applications for variances from the terms of this ordinance or flood hazard ordinance or such provisions within a land use ordinance pursuant to §910.2 of the Pennsylvania Municipalities Planning Code.
  - (5) Applications for special exceptions under this ordinance or flood hazard ordinance or such provisions within a land use ordinance pursuant to §912.1 of the Pennsylvania Municipalities Planning Code and the requirements of this ordinance
  - (6) Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code

- (7) Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development applications

The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.

#### **§174 Zoning Hearing Board -- Hearings and Decisions**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with §908 of the Pennsylvania Municipalities Planning Code, as amended, and the provisions of this §174. 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. (For the purposes of this §174 *Board* shall mean *Board or Hearing Officer*, if a hearing officer is appointed.)

A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

- (1) Advertisement. Public notice shall be published, as defined by §107 of the PA. Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature and property address of the matter to be considered.
- (2) Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. Such notice shall state the time and place of the hearing and a general description of the request.
- (3) Persons Given Notices. All notice under this §174A are intended to be received or posted at least five days prior to the hearing date.
  - (a) Written notice shall be mailed or personally delivered to the Applicant or his/her representative listed on an official application form.
  - (b) Notice may be delivered or mailed to the Chairperson of the Planning Commission or Township Secretary, and the last known address of owners of record of property abutting or directly across the street from the boundaries of the subject property. The applicant shall provide the Township with a list of such property-owners. Failure of the Township to notify all such persons shall not invalidate any action by the Board.
  - (c) Also, such notice shall be mailed or delivered to the address of any other person or group (including civic or community organizations) who has made a written timely request (including an address) for such notice.
- (4) Adjacent Municipalities. In any matter which relates to a lot which lies within 250 feet of the boundary of another municipality, and where the Zoning Officer determines the proposed activity may have significant impact on that municipality, the Township staff may transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on such matter prior to the hearing date. Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing. Failure of

the Township to notify such municipality shall not invalidate any action by the Board.

- (5) Fees. The Board of Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this ordinance and b) those persons requesting any notice not required by this ordinance.
- B. Parties in Hearings. The Zoning Hearing Board shall have the authority, if it chooses to exercise it, to determine who has standing on each case before the Board. Note: Standing generally means a party being sufficiently affected or threatened by affects of controversy to obtain judicial resolution of that controversy.
- (1) The parties to a hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board and any other person including civic or community organizations permitted to appear before the Board.
- (2) The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- (3) The Board shall determine that a person or business does not have standing if the Board finds that such person or business is apparently motivated primarily by an attempt to inhibit competition in an area of business, and that such person or business would not otherwise be threatened with substantive harm from the application.
- C. Oaths and Subpoenas. The Chairperson of the Board or Hearing Officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.
- D. Representation by Counsel. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.
- E. Evidence and Record. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the Hearing Officer, as applicable, shall keep a record of the proceedings as required by State law.
- F. Communications Outside of Hearings.
- (1) The Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
- (2) The Board shall not take notice of any communications, reports, staff memoranda, or other materials directly affecting a proposed application unless the parties are afforded an opportunity to examine and contest the material so noticed or unless such materials are already a matter of public record. This restriction shall not apply to advice from the Board's solicitor.
- G. Advisory Review. The Zoning Hearing Board may request that the Planning Commission, County Conservation District or Township Engineer provide an advisory review on any matter before the Board.
- H. Hearings and Decision. The Zoning Hearing Board shall conduct hearings and make decisions in accord with §908

of the Pennsylvania Municipalities Planning Code, as amended.

I. Solicitor Conflict.

- (1) The Zoning Hearing Board Solicitor shall not represent private clients in cases before the Zoning Hearing Board.
- (2) If a conflict of interest exists for the Zoning Hearing Board Solicitor on a particular application, the Zoning Hearing Board Solicitor shall notify the Chairperson of the Board at least seven days before the scheduled hearing date.
- (3) The Zoning Hearing Board may appoint an Alternate Solicitor to the Zoning Hearing Board to serve as needed for a specific application or for a term of office.

**§175** Variances

The Board shall hear requests for variances filed with the Board in writing by any landowner or any tenant with the permission of such landowner.

A. Standards. The Board may grant a variance only within the limitations of the Municipalities Planning Code. The applicant shall have the burden of proof to show compliance with such standards. As of 1993, the Municipalities Planning Code provided that **all** of the following findings must be made, where relevant in a particular case:

- (1) 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; and,
- (2) 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 a variance is therefore necessary to enable the reasonable use of the property; and,
- (3) Such unnecessary hardship has not been created by the appellant; and,
- (4) 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, not be detrimental to the public welfare; and,
- (5) 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.

B. Reserved

C. Variance Conditions. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and this ordinance, and to protect the public health, safety and welfare.

**§176 Conditional Uses and Special Exceptions**

- A. Applications. Applications for conditional uses and special exceptions shall, at a minimum, include the information required in §176F. The Township Planning Commission, Board of Supervisors, or the Zoning Hearing Board shall require any other information deemed necessary for the review of the proposal.
- B. Conditional Uses. Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this ordinance and in §176D and any other applicable standards in this ordinance.
- (1) Expansions. Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure shall not be considered a conditional use.
- (2) Procedure.
- (a) Submission. The applicant shall submit the application as follows:
- [1] Eight complete copies of any required plan with the information required by §176F shall be submitted to the Zoning Officer and the time for the Board of Supervisors to conduct the required public hearing shall not begin to run until a complete application has been accepted by the Zoning Officer.
- [2] The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this ordinance.
- (b) Distribution. The Zoning Officer shall distribute copies of the site plan to the Planning Commission and the Board of Supervisors. A minimum of one copy shall be retained in the Township files. The Township Fire Company should be given an opportunity for a review, if deemed appropriate by the Planning Commission.
- (c) Zoning Officer Review. The Zoning Officer shall report in writing or in person to the Planning Commission or the Board of Supervisors stating whether the proposal complies with this ordinance. The Zoning Officer may request a review by the Township Engineer
- (d) Planning Commission Review.
- [1] The Planning Commission shall be provided with an opportunity to review any proposed conditional use at a regular meeting prior to a decision by the Board of Supervisors. The Commission, at its option, may provide a written advisory review.
- [2] If such review is not received within the time limit within which the Board must issue a decision, or within 30 days of such application being sent to the Planning Commission, then the Board may make a decision without having received comments from the Planning Commission.
- (e) Agency/Organization Review. The Zoning Officer, Planning Commission and/or the Board of Supervisors may refer the application to any other agency or organization deemed appropriate for review and comment.
- (f) Board of Supervisors Action. The Board of Supervisors shall conduct hearings and make decisions in

accordance with §908 and §913.2 of the Pennsylvania Municipalities Planning Code, as amended. In granting a conditional use, the 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 PA Municipalities Planning Code and this ordinance, and to protect the public health, safety and welfare.

- C. Special Exceptions. Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this ordinance and in §176D.
- (1) Expansions. Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure shall not be considered a conditional use.
- (2) Procedure.
- (a) Eight complete copies of any required plan with the information required by §176F shall be submitted to the Zoning Officer and the time for the Zoning Hearing Board to conduct the required public hearing shall not begin to run until a complete application has been accepted by the Zoning Officer.
- (b) All plans shall contain the information required in §176F.
- (c) Township Procedures.
- [1] The Zoning Officer shall forward the application to the Zoning Hearing Board, the Planning Commission and the Zoning Hearing Board solicitor. A minimum of one copy shall be retained in the Township files.
- [2] The Zoning Officer shall, prior to the next Zoning Hearing Board meeting where the application will be discussed, review the Plan to determine compliance with this ordinance and report these findings to the Zoning Hearing Board. The Zoning Officer may request a review by the Township Engineer.
- (d) Planning Commission Review of Special Exception Uses.
- [1] The Planning Commission shall be provided with an opportunity to review any proposed special exception use at a regular meeting prior to a decision by the Zoning Hearing Board. The Commission, at its option, may provide a written advisory review.
- [2] If such review is not received within the time limit within which the Board must issue a decision, or within 30 days of such application being sent to the Planning Commission, then the Board may make a decision without having received comments from the Planning Commission.
- (e) Agency/Organization Review. The Zoning Hearing Board may refer the application to any other agency or organization deemed appropriate for review and comment.
- (f) Zoning Hearing Board Action on Special Exception Uses.
- [1] The Zoning Hearing Board shall hear and decide such request for a special exception use under the procedures in §174.
- [2] 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 PA Municipalities Planning Code and this ordinance, and to protect the public health, safety and welfare.

D. Standards and Criteria. The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this ordinance and other ordinances of the Township. In addition to the applicable general provisions of this ordinance and to the standards provided in this ordinance for specific conditional uses and special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions.

- (1) The proposed use shall be in harmony with purposes, goals, objectives and standards of the Township Comprehensive Plan, this ordinance and all other ordinances of the Township.
- (2) The proposal 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.
- (3) 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
- (4) 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, or 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.
- (5) In reviewing an application, the following additional factors shall be considered:
  - (a) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
  - (b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
  - (c) Location, arrangement, appearance and sufficiency of off-street parking and loading.
  - (d) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
  - (e) Adequacy of storm water and drainage facilities.
  - (f) Adequacy of water supply and sewage disposal facilities.

- (g) 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.
  - (h) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
  - (i) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (6) No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any 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 effected, all conditions and safeguards deemed necessary by the Board to protect the general health, safety and welfare and implement the purposes of this ordinance and the Pennsylvania Municipalities Planning Code shall be imposed as conditions of approval in accord with §912.1 or §913.2 of the Pennsylvania Municipalities Planning Code, as the case may be. Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, 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.
- (7) 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 health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.
- E. Limitation of Approval. Any conditional use approval granted by the Township Supervisors and any special exception approval granted by the Zoning Hearing Board shall expire one year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, the said approval, and any permit issued subsequent thereto, shall be deemed null and void and the developer shall be required to submit another application for the same. The Board of Supervisors or Zoning Hearing Board as the case may be, however, may grant an extension of the time limitations, for good cause.
- F. Information Required. The applicant shall supply the information required by §170C and 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 health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

**§177 Reserved**

**§178 Mediation**

Parties to proceedings authorized by this ordinance and the Pennsylvania Municipalities Planning Code may use the Mediation Option as authorized by and in accord with §908.1 of said Code.

**§179 Time Limits for Appeals**

The time limitations for appeals shall be as follows:



- A. Zoning Hearing Board -- County Court. No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the officially issued decision by the Zoning Officer, or appeal with the County Court of Common Pleas later than 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 PA Municipalities Planning Code.
- B. Temporary Permits. This 30-day time limit for appeal shall not apply to the revocation of a permit under §170E.

**§180 Appeals to Court and Other Administrative Proceedings**

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.

**§181 Public Utility Exemptions**

See §619 of the PA Municipalities Planning Code.

**§182 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.

**§183 Amendments**

The Board of Supervisors may amend this ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code.

**§184 Violations**

- A. Compliance. Failure to comply with any provision of this ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this ordinance.
- B. Complaints. Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall record receipt of the said complaint and investigate and report thereon.
- C. Enforcement Notice. When written notice of a violation of any of the provisions of this ordinance has been sent in the manner prescribed by §616.1 of the Pennsylvania Municipalities Planning Code and set forth in this §184C, such violation shall be discontinued or corrected as set forth in said notice.
- (1) 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 this §184C.
  - (2) 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.

- (3) An enforcement notice shall state at least the following:
- (a) The name of the owner of record and any other person against whom the municipality intends to take action.
  - (b) The location of the property in violation.
  - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this ordinance.
  - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - (e) 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.
  - (f) 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.
  - (g) In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
  - (h) 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 subsequent appeal, rules in the appealing party's favor.

**§185 Penalties and Remedies**

- A. Causes of Action. In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 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.
- B. Enforcement Remedies.
- (1) Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500.00 (state law) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Magisterial Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Magisterial Judge determining that there has been

a violation further determines that there was a good faith basis for the person, partnership or corporation violating this ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Magisterial Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this ordinance shall be paid over to the Township.

- (2) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (3) Nothing contained in this §185 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 §185.

**§186 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.

**§187 - §188 Reserved**

**ARTICLE XIII  
ADOPTION**

This Ordinance ordained and enacted this \_\_\_\_\_ Day of \_\_\_\_\_, 2023, by the Board of Supervisors of Franklin Township, Carbon County, Pennsylvania, to be effective immediately.

\_\_\_\_\_  
Fred Kemmerer, Jr., Chairman

\_\_\_\_\_  
Robin D. Cressley, Vice-Chairman

\_\_\_\_\_  
Jason Frey, Supervisor

ATTEST:

\_\_\_\_\_  
Brenda E. Cressley, Secretary - Treasurer